

CITY OF PORTAGE

Joint Municipal Court Procedure



Serving City of Portage and Village of Endeavor

Karl Kindschi
Municipal Judge

Dawn Wilcox
Court Clerk

Municipal Court Office, City Hall
115 W. Pleasant Street
Portage, WI 53901
(608) 742-2258

RELIEF FROM JUDGMENT

1. Either party has a right to appeal a municipal court decision to the Columbia County Circuit Court, or may have a new trial in the Circuit Court. A plea of no contest or guilty, or a default judgment may not be appealed.

If you decide to appeal, you must do so by filing a written Notice of Appeal with the Municipal Court within twenty (20) days of the date of your conviction (judgment).

At the same time, you must remit appellate fees payable to “Clerk of Courts Columbia County”. New trials in the Circuit Court are tried without a jury, unless you request a jury trial in your Notice of Appeal. Upon payment of the appellate fee, jury fee, and the amount of your penalty, you will then receive a six person jury trial in the Circuit Court.

2. You may have a right to file a Motion to Re-open a judgment, within six (6) months of the judgment only for good cause, and the payment of the reopening fee may be ordered. Motions to re-open are heard on trial court dates, when the City Attorney is present.

FAILURE TO PAY FORFEITURE

There may be serious consequences if you fail to follow the Court’s orders to pay the forfeiture. The Court may commit a person to jail; or, the Court may order a suspension of your driver’s license (privileges) for a maximum of one (1) year, or until the forfeiture is paid. The Court may send you notice requiring your appearance at a Good Cause Hearing. Inform the Court, in writing, if you change your address, or if it is not the address on your citation.

SUSPENSION OR REVOCATION OF DRIVER’S LICENSE

If your driving privileges are suspended or revoked for any reason, you must pay a fee and reinstate your driving privileges at the Department of Transportation.

PROBATIONARY LICENSES

If you hold a probationary license, the points will be double the standard number of points assigned to your violation, on the second and subsequent moving conviction.

OCCUPATIONAL LICENSES

You may be eligible to file a Petition with the Department of Transportation for an Occupational License. Petitions are available from the Department of Transportation, not from the Court.

IN CONCLUSION

Whether you are found not guilty, or guilty, the Court would like to impress upon you the necessity of all of us to voluntarily observe all laws. Each of us desire to make our roads safer places to drive, and our community a better place to live and work. Thank you very much.

BY THE COURT:

Karl Kindschi
Municipal Judge
City of Portage

INITIAL APPEARANCE

This may be your first visit to this Court, and it is our desire that you be fully advised of your rights and the Court's procedures. The Initial Appearance session of the Court is primarily for the purpose of taking your plea to the alleged violation of the law.

1. When your name is called, come forward promptly to a position in front of the bench, facing the Judge.
2. The Court will inform you of the exact charge against you; the range of possible penalties including points that may be imposed in traffic cases; and will request that you enter a plea of not guilty, guilty, or no contest.
3. If this is your initial, scheduled appearance date, you have a right to request a continuance, which continuance can be used to consult with your attorney.

If you would like to do virtual court, you will need to contact the court one week prior to your initial appearance with your plea. Virtual court is offered to anyone pleading guilty or no contest.

GENERAL RULES

I offer this brochure of rules and procedures to help you understand how the Court functions.

The Court has jurisdiction over traffic and non-traffic ordinance violations in the City of Portage. If you desire an attorney, you must retain one at your own expense. This Court will not be able to provide you with an attorney. An attorney can explain your rights, and assist you. We urge you to retain your own attorney.

This is a Court of Law. **Please turn off and store all cell phones.** We request that people remove their hats out of respect for the Court. Please be quiet, and remove loud children or crying babies.

Notify the Court and Department of Motor Vehicles, in writing, of any change of address.

ENTERING A PLEA

1. If you enter a plea of **GUILTY**, you are admitting that you committed the offense, and if the arrest report contains the necessary elements, you will be found guilty and a penalty will be imposed.
2. If you enter a plea of **NO CONTEST**, you are neither pleading guilty nor not guilty, but merely want to have the matter resolved and pay the penalty. The effect of this plea is that you will be found guilty, but you will not be admitting your civil liability for use in other litigation, which should be expected where personal injury or property is involved.
3. If you are convicted – you will be given an opportunity, if you wish, to make a statement, before the Court examines your conviction record and sets the penalties.
4. Should you need time to pay the penalty – if you cannot pay in full today – the Court may grant you a reasonable time to pay. If you fail to pay, the Court will set an alternative penalty of imprisonment in jail; or, suspend your driving privileges (license).
5. If you enter a plea of **NOT GUILTY**, you deny committing the offense, and the matter will be adjourned to a later court date for either a Pre-Trial or a Court Trial.

PRE-TRIALS

If you plead not guilty, you may request that a Pre-Trial be conducted, at a later court date, so that you can discuss possible settlement with the Prosecutor. You are not required to have a Pre-Trial, but if you request a Pre-Trial, your personal appearance is mandatory. The judge does not participate in the Pre-Trial hearings, nor does he have to accept any negotiated or amended charge.

FAILURE TO APPEAR

If you fail to appear at your scheduled Pre-Trial, or the Court Trial, the Court will either issue a warrant for your immediate arrest, or enter a Default Judgment against you.

JURY TRIALS

Only if you have been charged with the offense of Operating a Motor Vehicle While Under the Influence of an Intoxicant, you are entitled to a JURY TRIAL on a plea of not guilty. You must file a written request for a 6 person jury trial within ten (10) days of your initial appearance and post the jury fee. Failure to comply with the above will result in a trial to this court.

TRIAL

All Trials, except non-traffic juvenile cases, are public Trials. You have the right to retain your own attorney, and to subpoena witnesses. You are presumed innocent and will be convicted only if evidence is clear, convincing, and satisfactory that you committed the violation with which you have been charged. All witnesses must testify in person, and under oath.

The prosecution will produce its witnesses to testify as to the facts and circumstances surrounding your alleged violation. You or your lawyer will be permitted to cross-examine each witness that testifies.

When the prosecution has completed its case, you and your witnesses will be given the opportunity to testify, and you will be subject to cross-examination by the prosecutor.

The Rules of Civil Procedure and evidence will be followed.

After all of the evidence has been presented, the prosecution and the defense will be given an opportunity to summarize, by brief argument, their respective cases to the Court. Thereafter, the Court will decide, based upon the testimony, the evidence, and the law, whether to find you guilty, or not guilty.

If the court finds you not guilty, you will be discharged and the Complaint against you will be dismissed. If you are found guilty, the extent of the penalty is dependent upon the circumstances surrounding the violation and your past record.

You are required by law to notify the court in writing within 5 days of a change of address during the pendency of this case.