

WELCOME FROM JUDGE DANIEL

Welcome to the Burlington Municipal Court website. I hope that you will find the information to be useful.

Burlington Municipal Court has jurisdiction in all matters involving violations of the City of Burlington ordinances. An ordinance violation is classified as a civil offense, not a criminal offense.

Every person accused of an ordinance violation has certain legal rights and responsibilities. You are entitled to be represented by an attorney, although the court does not appoint an attorney for you and the City of Burlington does not pay your attorney fees and expenses.

If you are found guilty in municipal court, the court typically imposes a money forfeiture. You are expected to pay the forfeiture when you make your initial appearance in court. However, if you need more time, the court will grant you up to 60 days to pay.

I work to provide an environment that is fair to both the defendant and the prosecution. Hopefully, your experience in court will be a positive one.

INITIAL APPEARANCE: ADULTS AND JUVENILES

An initial appearance for adults and juveniles charged with violating a City of Burlington ordinance generally is held the second and fourth Wednesday nights of each month, commencing at 5:30 p.m. Your citation will indicate the specific date.

When your name is called, you should approach the bench. The Officer will read to you the pertinent parts of the citation, such as the charge, date of the alleged violation, and other key information. Then, you will be asked to enter a plea of not guilty, no contest, or guilty. You can request a continuance of your court appearance, if you need additional time to consult an attorney or someone else whose advice you rely upon.

If you enter a not guilty plea, the next stage of the legal process is a Pre-Trial Conference. Please see the [Pre-Trial Conferences page](#) on the Municipal Court website. If you wish to enter a not guilty plea without appearing in Court for your initial appearance, you must mail, fax, or email your not guilty plea to the Court prior to the scheduled date. If you enter a not guilty plea by mail, fax, or email, provide your name, current mailing address, current telephone number, and the citation number.

If you plead either no contest or guilty, the Judge will find you guilty and impose a sentence. Usually, the sentence will be imposed the same night as the initial appearance. However, sometimes the Judge will schedule a sentencing hearing for a separate date. A plea of no contest means you are telling the Court that you are not admitting you are guilty but there is enough evidence to find you guilty. A plea of guilty means you are telling the Court that you are guilty as charged. If you are found guilty after entering a no contest plea, that finding cannot be used against you as an admission of guilt if you appear in any other court action.

Oftentimes, someone prefers to enter a no contest plea or a guilty plea and then make a statement to the Court about his/her version of what happened on the date in question. The Judge will listen to such statements before any sentence is imposed.

If you fail to appear in Court for your initial appearance, and you have not entered a written plea of not guilty, previously paid the deposit amount of your citation, or obtained a continuance for another date, the Court will enter a default judgment against you. You will receive a notice of default judgment in the mail.

If you fail to comply with the sentence imposed by the Court, a non-compliance hearing/indigency hearing will be scheduled. You will have an opportunity to explain your failure to comply with the Court's order. Failure to comply with a Court order may lead to a suspension of your driver's license or a commitment to the Racine County Jail.

You may have an attorney assist you, but you will have to provide your own attorney. The Court will not appoint an attorney for you.

INITIAL APPEARANCE: JUVENILES

Initial appearances for juveniles charged with violating a City of Burlington ordinance generally are held on the second and fourth Wednesday nights of each month, commencing after the adult initial appearances. The citation will indicate the specific date. All juvenile proceedings are confidential. Typically, only the juvenile and his/her parents are permitted in the courtroom.

RESCHEDULE INITIAL APPEARANCE COURT DATE

If you are unable to attend your initial appearance court date, you must contact the Court prior to the date and time of your scheduled appearance. You can call: (262) 342-1129. Or, you can visit the Municipal Court Office at: 300 N. Pine Street, Burlington, WI 53105. It is not acceptable to write a letter prior to calling or visiting.

The Court will reschedule your initial court appearance to the next regularly scheduled court date. Usually, that means you will receive a two-week continuance. It is not possible to receive more than one continuance of your initial court date.

It is not necessary to attend your initial court appearance, if you intend to enter a not guilty plea. If you wish to plead not guilty, you can call, visit, email or write to the court indicating you wish to enter a not guilty plea. If you call or visit, a letter must be sent to the Court confirming your not guilty plea.

PRE-TRIAL CONFERENCES

If you plead not guilty, you will be given a date and time for a Pre-Trial Conference. Such conferences generally are held between 3:00 and 6:30 p.m. on Wednesday nights when the Court is in session for initial appearances. However, it also may be possible for you to discuss your case on the telephone with the City Attorney.

At the Pre-Trial Conference, you and the City Attorney will discuss the case and your respective positions. If the two of you reach an agreement on how to resolve your case, that is called a plea agreement. All plea agreements are prepared in writing. Both you and the City Attorney will receive a copy of the plea agreement. If no agreement is reached, a trial is scheduled.

The Judge reviews all plea agreements and either approves or rejects the plea agreement. Those plea agreements which are rejected either are renegotiated or the case is scheduled for trial.

TRIALS

All trials are held in the municipal courtroom, Police Building - 224 E. Jefferson Street, Burlington, WI 53105. Generally, trials are held on second and fourth Wednesday nights of each month. Trials are recorded by audio tape.

You can represent yourself, or you can have an attorney appear with you and handle the presentation of your case. If you hire an attorney, you must pay for the attorney yourself.

You can testify yourself and you can present other witnesses. If you need assistance in issuing a subpoena to compel a witness to appear at the trial, you should call the Court (262-342-1129). You will have to personally serve the subpoenas on the witnesses. Please allow at least two weeks before the trial to obtain and serve the subpoenas. There is no charge for obtaining subpoenas, but if you lose at trial you may be required to pay witness fees plus their mileage.

If you wish to offer documents as part of the presentation of your case, you certainly can do so. Please bring copies for the City Attorney and the Court.

The City of Burlington will present its case first. The City, through the City Attorney, must try to prove you are guilty of violating the ordinance indicated on the citation issued to you. The burden of proof that the City must meet is called clear, satisfactory and convincing evidence.

You have the opportunity to question all witnesses you call during the presentation of your case. That is called direct examination. Also, you can question all witnesses that the City presents as part of its case. That is called cross-examination. Closing arguments are permitted as well.

Usually, the Judge will render a decision the same night that the trial is held. Occasionally, the Judge will take the case under advisement and issue a written decision within 30 days of the trial date.

If the Judge determines the City failed to meet its burden of proof, the case will be dismissed. However, if the Judge determines the City satisfied its burden of proof, you will be found guilty. Then, the Judge will impose a sentence. Typically, the sentence will include a forfeiture of some amount. However, there may be other components of the sentence depending on the nature of your specific case, including such things as suspension of your driver's license and restitution for damage to property.

It will be helpful if you think about your case prior to the trial date. You may want to make a list of questions you would like to ask witnesses. The judge will have no information about your case except what is presented at trial.

NON-COMPLIANCE AND INDIGENCY HEARINGS

If you fail to pay a forfeiture ordered by the Court or fail to comply with any other part of the Court Order, a non-compliance hearing will be scheduled. Generally, such hearings are held on a Tuesday of each month, commencing at 9:30 a.m.

At the non-compliance hearing, you will be expected to explain to the Judge why you have not complied with the Court Order. The Judge may modify the Order, permit an installment payment plan for the balance owed, or indicate that a commitment to jail or a driver's license suspension will occur.

If you fail to appear for the hearing, the Court will execute a commitment to jail or impose a driver's license suspension. A commitment to jail means you will be ordered to spend one day in jail for each \$50 that remains unpaid on the forfeiture ordered by the Court. A driver's license will be suspended for a period of two years.

If you are indigent, you should be prepared to explain the facts of your situation to the Judge at an indigency hearing. The Judge will make a finding as to whether you should be considered indigent by the Court.

PARKING CITATIONS:

If you wish to contest a parking citation, you can appear in Court just as you would for any other alleged violation of a City ordinance. The Court procedures utilized for parking cases are the same procedures used for any other case involving an alleged violation of a city ordinance.

RE-OPEN HEARINGS

You can file a motion to reopen your case. The motion simply can be a letter from you to the Court or you can complete the form that appears on the Municipal Court website (please see the link on the Court's home page). (Copy attached at the end of this document.)

A \$50.00 filing fee must accompany the motion. Both the fee and motion must be filed with the Burlington Municipal Court, 300 N. Pine Street, Burlington, WI 53105.

A hearing will be scheduled on your motion to reopen. Such hearings typically are held every other Wednesday night before trials at 6:30 p.m. A hearing notice will be sent to your last known address.

At the motion hearing, you should be prepared to explain why the Court should reopen your case. The Judge will make a ruling on your motion at the end of the hearing. If your motion is granted, a not guilty plea will be entered on your behalf and your case will be scheduled for trial. If your motion is denied, the original finding of guilty and the original sentence remain as previously determined.

APPEAL TO CIRCUIT COURT

If you are found guilty in Burlington Municipal Court, you can appeal that decision to Racine County Circuit Court. You must file a notice of appeal and pay the filing fee within 20 days of the municipal court decision.

You can request that the circuit court take your appeal in one of three ways. You can request that the circuit court review the transcript of the municipal court trial and make a decision based on that review. Also, you can request a trial before the circuit court judge. Or, you can request a trial by jury in circuit court for an OWI offense only.

The appeal form may be obtained from the Racine County Circuit Court. You can call the Court at: 262-636-3112. Or, you can write to: Clerk of Circuit Court, Racine County Circuit Court, 730 Wisconsin Avenue, Racine, WI 53403-1238.

Once an appeal is filed in circuit court, the municipal court judgment and sentence are stayed, or stopped. No action is taken to enforce the judgment and sentence pending the appeal.

DISABILITY INFORMATION

Burlington Municipal Court is committed to ensuring that people with disabilities are provided an opportunity to appear at Court and present their case to the Judge. If you need an accommodation by the Court, please call, write or email the Court prior to the date of your court appearance.

You can call: (262) 342-1129 . Or, you can write to: City of Burlington Municipal Court, 300 N. Pine Street, Burlington, WI 53105. The email address is: courtclerk@burlington-wi.gov.

The Court also welcomes your suggestions on how the Court can accommodate people with disabilities.

RULES OF DECORUM FOR COURT

1. Court may be formally opened each session upon which court business is transacted, either by the bailiff or clerk, unless the judge directs otherwise.
2. As the judge enters the courtroom, the bailiff or clerk may require all present to arise and stand. When the judge has ascended the bench, the bailiff or clerk may say: "Hear Ye! Hear Ye! The Municipal Court for the City of Burlington is now open, silence is commanded." Thereupon all shall be seated and the business ensues.
3. In recessing, the judge may announce: "The court is now in recess. Trial shall resume at _____ o'clock."
4. The national flag shall be displayed close to the bench on a stand to the right of the judge.
5. Lawyers shall not lean upon the bench nor engage the court in a manner depreciative of the dignity of the proceedings as viewed by the public.
6. Unless otherwise permitted by the court, lawyers shall examine witnesses from a standing or seated position at counsel table except when handling exhibits. If a lectern is provided by the court, examination may be either from said position at counsel table or from the lectern. A lawyer shall not crowd a witness in examination.
7. Lawyers, during trial, shall not exhibit familiarity with witnesses or opposing counsel, and generally, use of first names shall be avoided.
8. All lawyers and court officers shall wear appropriate attire while in attendance upon the court.
9. Witnesses shall be examined with courtesy and respect, and their good faith presumed until the contrary appears.
10. The administration of oaths to witnesses should be an impressive ceremony and not a mere formality.
11. The judge shall wear a robe while presiding on the bench.
12. All court proceedings shall be free from interruption by the sounding of electronic devices such as portable telephones, pagers, beepers, and electronic watches. All persons present at a court proceeding who possess such a device shall deactivate the device to ensure that no audio signal will sound. If the device cannot be deactivated in this manner, then the device shall not be brought into the room where the court proceeding is being conducted. Law enforcement officers providing security to a court proceeding shall be exempt from this requirement.

**STATE OF WISCONSIN - MUNICIPAL COURT
RACINE COUNTY - CITY OF BURLINGTON**

City of Burlington

vs.

MOTION TO REOPEN

_____,
Defendant.

The Defendant, _____, hereby requests a reopening of the following citatio(s):

The reason for requesting a reopening is: _____

I understand that:

1. I will have to pay a non-refundable \$50 fee at the time of filing this motion to reopen.
2. I will have to prove there are valid reasons for a reopening.

Date

Defendant (print name)

Home Telephone

Defendant (sign name)

Business Telephone

Street Address

City/State/Zip Code

INSTALLMENT PAYMENT PLAN AGREEMENT

Name: _____

Address: _____

City, State, Zip Code: _____

Employer: _____

I work _____ hours per week. I am paid \$_____ per hour.

Other income: Social Security/Government Aid \$ _____ /month
Family \$ _____ /month
Other _____ \$ _____ /month

I have _____ children living with me **OR** I pay \$_____ /month child support.

My share of the rent/mortgage is: \$_____

I agree to pay 25% of the total fine(s) on _____

I agree to an installment payment plan of \$_____ every month starting on _____

I swear under penalty of perjury that the above is true and accurate.

Signature

Date

COURT OFFICE USE ONLY

COURT ORDER

You must pay the following citations and amounts or there will be a warrant for your arrest, loss of your driver's license for up to 2 years and/or a collection action filed against you. Failure to comply with any part of this agreement will result in the full amount being due in 60 days from your court date.

Citation No.	Amount Paid	Amount Due
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

APPROVED: YES
NO

Your plan is: _____

Dated: _____

Judge Marvin V. Daniel
Burlington Municipal Court
300 N. Pine Street, Burlington, WI 53105