



CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org
Manitowoc Municipal Court
900 Quay Street
Manitowoc, WI 54220
(920) 686-6920



TRIALS IN MANITOWOC MUNICIPAL COURT

This information is provided to all Defendants who are taking their case(s) to trial so that they will be better prepared for the proceeding.

GENERAL

It is in your own best interest to prepare for your trial in advance. Wisconsin State Statutes and Manitowoc Municipal Code are available online. <http://www.codepublishing.com/wi/manitowoc/>. You should familiarize yourself with the appropriate statute or ordinance with which you are charged.

An attorney is not necessary to take your case to trial. If you wish to be represented by an attorney, you will need to hire one. Court-appointed attorneys or Public Defenders are not available in Municipal Court.

MOTIONS

A trial is a determination of defendant's guilt. A trial is not designed to determine whether certain types of evidence are admissible or inadmissible. A trial is also not the time to challenge whether the Court has jurisdiction over the offense or the defendant to begin with. In other words, whether the case can even go forward in the first place.

If you believe evidence should not be admitted at a trial, or that the Municipal Court has no jurisdiction over you to begin with, this must be challenged by a pre-trial motion. Examples of pre-trial motions are challenges to whether an officer had reasonable suspicion to stop a car, probable cause to arrest someone, or that the proceeding or ordinance is unconstitutional. **Challenges to the admissibility of evidence must be filed as a motion at least three weeks prior to trial.** The original motion must be filed with the Municipal Court and a copy provided to the City Attorney's office. Challenges to the admissibility of evidence will only be considered by the Court based upon a pre-trial motion, which will be scheduled by the Court in advance of trial. Except in the case of excusable neglect or surprise, challenges to the admissibility of evidence will not be considered at trial.

PROCEDURE

This proceeding is a formal hearing where the City Prosecutor and the Defendant have the opportunity to present their evidence before the Municipal Judge. In all cases

Municipal Judge, Steven R. Olson

Municipal Court Clerk, Lynn Heyduk, lheyduk@manitowoc.org • Phone (920) 686-6920 • Fax (920) 686-6929
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the Defendant is presumed innocent until otherwise proven guilty. The City has the burden of proving its case by clear, satisfactory and convincing evidence. The City will present its case first. This usually involved calling witnesses and introducing documentary evidence. Once a witness for the City has testified, the Defendant has the right to cross-examine the witness. This is not the time to argue with the witness, but a time to ask questions of the witness that will help the court decide guilt.

After the City introduces has presented its case, the Defendant has the opportunity to present their case, if they so desire. The Defendant may call witnesses and introduce documentary evidence. The City Prosecutor has the right to cross-examine any witness called by the Defendant. After all of the evidence and testimony has been presented the Defendant may testify on their own behalf. It is not required that the Defendant testify. Both parties will then be asked to give closing arguments. The Judge will apply the admissible evidence to the specific state statute or city ordinance that the Defendant is charged with violating and determine whether the Defendant is guilty or not guilty.

WITNESSES

If you wish to have witnesses testify for the defense, you need to make sure that they will appear at the time of the hearing. All witnesses should have personal knowledge of the incident based on what the witness saw or heard. The court cannot accept letters or statements written by witnesses in lieu of testimony. Letters and statement are considered hearsay and by law must be excluded from admission. If you have doubts about the witness voluntary appearance you should have them subpoenaed. Subpoenas are available through the Municipal Court Clerk's office.

DOCUMENTARY EVIDENCE

If you have photos, maps or drawings that you believe are relevant to your case you should bring them with you. Whoever took the photos or made the maps or drawings should be prepared to testify about the maps or drawings. The items must be presented to the opposing party before the Judge can see them. The opposing party has the option of objecting to their admission to the case based on legal precedent. **You should bring enough copies of any documents for the Judge, prosecutor and yourself.**

TESTIMONY BY THE DEFENDANT

If you choose to testify on your own behalf, give thought as to what you will be saying before the trial. If you do testify, the City Prosecutor has the right to cross examine you.

POLICE REPORTS/WITNESS STATEMENTS

If you want copies of the police reports or any statements made by witnesses you should contact the City Prosecutor prior to the trial. This is referred to as discovery. Discovery in Municipal court is governed by Chapter 800 of the Wisconsin Statutes. It is

limited to names and addresses of potential witnesses. The City Prosecutor may choose to give you additional documents but has no legal obligation to do so.

FINDINGS/RULINGS BY THE COURT

All statutes and ordinances have forfeitures that have minimum and maximum amounts. The court will impose a forfeiture appropriate with the circumstances on each particular case. In certain cases, a suspension or revocation of driving privileges may be ordered. If you are found guilty the court may include witness fees on the forfeiture.

WITHDRAWAL OF PLEA/APPEAL OF DECISION

If you choose to change your plea immediately prior to the trial, you may still be held responsible for witness fees. If you are found guilty and wish to appeal the court's decision, a form will be distributed to you that explains the procedure for appealing a case before Municipal Court.