

Bloomfield Municipal Court

General Rules

I offer the following rules and procedures to help you understand how the court functions.

The court has jurisdiction over traffic and non-traffic ordinance violations in the Town and Village of Bloomfield. You have the right to be represented by an attorney, or you may proceed without legal representation. If you want 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.

This is a Court of Law and the rules of proper decorum and evidence will be followed. We request that people remove their hats out of respect for the Court and that you refrain from eating during court proceedings. Please remain quiet while the Court is in session and give others the courtesy to be heard and present their case. Cellular telephones and pagers must be turned off while the Court is in session. If a cellular telephone or pager rings or sounds while court is in session, the Judge will direct the Court Officer to confiscate the device until the end of the Court session. Loud children and crying babies should be removed from the Courtroom. Smoking is prohibited in the building. Persons who fail to conduct themselves in an orderly manner shall be cited for contempt of court. It is our goal that every party receives fair treatment and due process of law.

By the Court:

Michael S. Brittain, Municipal Judge

Initial Appearance

At the initial appearance, the defendant will enter a plea of Not Guilty, Guilty, or No Contest. Those cases where the defendant enters a Guilty or No Contest plea will be resolved immediately by the Judge. Where the defendant enters a Not Guilty plea, a pre-trial conference will be held. If you are cited for a violation of Driving While Intoxicated and plead Not Guilty, you may request a Jury Trial before the County Circuit Court. A timely written request and payment of the required fees must be made within ten (10) days of the initial appearance.

Pleas

If you plead Guilty, it is an admission of the charges against you.

A plea of No Contest is similar to a plea of Guilty and the court will treat it the same as a Guilty Plea. However, you will not be admitting your civil liability, which may be expected where personal injury or property damage is involved; such as in an accident.

Where pleas of Guilty and No Contest are made, a money judgment (forfeiture) will likely be entered against you. You will be given an opportunity to tell the court about any mitigating circumstances surrounding the charge. Forfeitures are payable immediately, however the court may defer payment for up to sixty days. If you fail to pay your forfeiture, you may be committed to jail or, in some cases; your driver's license shall be suspended for up to one (1) year.

If you plead Not Guilty, it means that you feel that the charge against you is not correct. If you are in doubt as to which plea to enter, the court suggests you plead Not Guilty and consult an attorney. An attorney can explain your rights and assist you. 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.

Court Procedure

When your name is called, come forward promptly to the podium facing the Judge. You will be informed of the charges and the penalties that may be assessed should you be found guilty; i.e. driver's license demerit points, revocation or suspension of you driver's license, forfeitures, etc. If you plead Guilty or No Contest, the Court will read the officer's report to determine the relative seriousness of the violation and review your past record. You will be given a chance to speak on your behalf, please obey the rules of decorum. The Court will then impose a penalty in accordance with the law.

Pre-Trial Conference

If you plead Not Guilty, a pre-trial conference will be scheduled with the town prosecutor to discuss your case. This is essentially a plea negotiating session. The Town/ Village prosecutor will meet with you to discuss and determine if you can resolve your case. If you do resolve your case, you will change your plea to Guilty or No Contest, and a written stipulation will be entered with the Court. The Judge does not participate in pre-trial conferences. If you and the Town/ Village prosecutor come to an agreement, the municipal judge will likely accept the stipulation; however, the judge does not have to accept any negotiated or amended charge. If you do not come to an agreement, your case will be set for trial.

Failure to Appear

If you fail to appear at a mandatory court appearance, your scheduled pre-trial, or the court trial, the Court will enter a Default Judgment against you and may issue a warrant for your arrest.

Trials in Municipal Court

It is our desire that you be fully advised of your rights and the Court's trial procedures. All trials, except for non-traffic juvenile cases, are public trials.

If you decide to take your case to trial, an attorney will not be provided for you by the Court. You have the right to retain an attorney, and to subpoena witnesses, at your own expense. If you fail to appear for your trial, you will lose your case and owe at least the amount on your ticket. This is a formal hearing where the attorney for the Town/ Village of Bloomfield and you, the Defendant, has the opportunity to present evidence before the Municipal Judge. The Town/ Village has the burden of proving its case by clear, satisfactory and convincing evidence. The Town/ Village puts on its case first. This usually involves calling witnesses and introducing documentary evidence. Once a witness for the Town/ Village has testified, you, the Defendant, then have the right to cross-examine that witness. After the Town/ Village has introduced all of the evidence that it wishes to present, you then have the opportunity to testify in your own behalf, call witnesses and introduce documentary evidence. The Town/ Village attorney is entitled to cross-examine any witness called by the Defendant. Affidavits or written statements from witnesses are not allowed because they are hearsay. The witness(es) must come to court and testify under oath. After all the evidence has been heard by the Judge, each side is given an opportunity to summarize, by brief argument, their respective cases. Thereafter, the Judge will determine, 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 dismissed. If you are found Guilty, the court will impose a penalty, taking into consideration the seriousness of the violation, the hazardous condition, if any, which may have existed at the time, and your past record.

If you are found Guilty after trial, you have the right to appeal your case to the County Circuit Court by filing in writing within 20 days after judgment. Appeal fee, forfeiture and costs must be posted upon filing the appeal. You also have the right to a jury trial on appeal, upon payment of appropriate fees. Forms and fee schedules are available through the Court Clerk's office.

Juveniles

The Municipal Court has jurisdiction over juveniles 12 through 16 for local ordinance violations (17 year olds are treated the same as adults in regards to ordinance violation). Juveniles have the same right as adults with respect to pleas. They have the right to a private (closed) hearing, but may waive this right. An alleged victim must be notified of any hearing involving the child, the court may allow the victim to be present at a fact-finding hearing. A money judgment may be entered against a juvenile found Guilty of a non-traffic ordinance violation. A juvenile may also be ordered to home detention, perform community service, counseling (with parent), or lose his/her work permit, depending on the violation and findings.

Police Testimony and Police Reports

Keep in mind that the Judge has not read the police report and will not read the report unless it is properly submitted at trial. Do not assume the Town/ Village attorney will properly submit it at trial. If you want the Judge to see it, you will have to bring a copy and then see whether or not it will be admitted. You can get a copy of the police report from the Police Department.

Preparing for Trial

Think about what witnesses to the events you want at trial. You should ask the Town/ Village attorney in writing what witnesses he plans to use at trial. If you want to ensure specific witnesses are used, you will have to subpoena them yourself, at your own expense. You will need at least two (2) weeks before trial to subpoena them. A subpoena is a document you get from the Court and then present personally to the witness with the appropriate witness fee. You cannot mail the subpoena. Contact the Municipal Court Clerk regarding the procedure and fees involved. Also, bring any relevant photos, maps or drawings to trial.

If you plan to testify in your own behalf, think about what you are going to say beforehand. If you do testify, the Town/ Village attorney will have the right to cross-examine. If you made a statement to the police or others, these statements can be used against you at the trial. If you want to have copies of any statement you made, other witness statements, contact the Town of Bloomfield Police Department no later than two (2) weeks before the trial.

Other Information

If you change your mind, you can usually settle your case before the trial. Call the Town/ Village attorney, (262) 728-0700. Do not wait until the last minute. Call at least one (1) week prior to your scheduled trial date.

Will you have to pay more than the amount on the citation if you are found guilty? It is a possibility. First, the Town/ Village attorney may request payment for such things as witness fees. If you subpoena witnesses, you will not be reimbursed for these expenses even if you are found not guilty. The fine amount on your citation is not the maximum fine in most cases. The Judge has the authority to impose a higher fine if he deems it appropriate.

In the event you are found guilty, you have the right to appeal to the Walworth County Circuit Court. There will be fees involved. Information can be obtained from the Court Clerk's office. The Town/ Village prosecutor also has the right to appeal the Judge's decision if the defendant is found not guilty.

If you have any questions please contact the Clerk of Courts office at (262) 279-3556