

TRIAL TIPS MILWAUKEE MUNICIPAL COURT

Do I Need An Attorney?

If you decide to take your case to trial, an attorney will not be provided for you by the court. You may, of course, choose to hire an attorney or represent yourself. If you choose to represent yourself, please read the following information carefully.

What Happens At A Trial?

This is a formal hearing where an Assistant City Attorney (the “City”) must prove its case against you by **clear, satisfactory and convincing evidence**. (This is not the same as having to prove the case beyond a reasonable doubt.)

As part of its case, the City will likely call witnesses. After each testifies, you will have the right to cross-examine them.

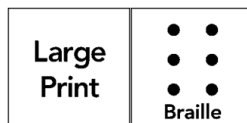
After the City finishes presenting its case, you will then have the chance to testify for yourself, call your own witnesses and introduce evidence. Like you did, the City then has the right to cross-examine your witnesses.

After both the City and you have finished, you will each have a chance to make a closing argument. The Judge will then consider the cases that have been made, assess the evidence and determine whether you are guilty or not guilty.

What Should You Do To Prepare For A Trial?

1. *How Will You Appear for Trial?* – You may choose to appear for trial by video or in person. If you choose to appear by video, you will need a tablet, laptop or computer with a webcam – you will not be able to use a smartphone because it will not allow you to see all of the participants (Judge, City, witness) at once and will not allow you to use the whiteboard feature on such a small screen.
2. *Are There Witnesses You Want to Testify?* – A witness is someone who saw or heard the incident when it occurred. If you have a witness, you need to make sure they will be available on the trial date. Do not bring in letters or statements written by the witness. They may be “hearsay” and prevent the City from cross-examining that person, and more than likely will not be admitted as evidence. If you aren’t sure a witness will appear voluntarily, you have the right to subpoena them. If you decide to subpoena a witness, the Court will provide a Subpoena form – it is available on our website or at Window 1. Be sure to get the form at least two (2) weeks before your trial date to allow enough time for proper service.

This material is available in alternative formats for individuals with disabilities upon request. Please contact the ADA Coordinator at ADAcoordinator@milwaukee.gov, (414) 286-5948, TTY: 711. Provide a 72-hour advance notice, 7 days for Braille, to ensure accommodation of request.



3. *How Will Your Witnesses Appear for Trial?* – You are responsible for making sure your witnesses know the trial date and time. You are also responsible for making sure they have the necessary information to appear either by video or in person. Once you let the Court know that you will be calling witnesses, we can provide you with a form called Information for Witnesses, which you must then get to them.
4. *Photos, Maps and Drawings* – If you think such evidence will help the Judge understand your case, bring them to court. However, you or whoever took, printed or drew the materials should be present at the trial and prepared to testify about how they were created.
5. *Your Own Testimony* – If you plan to testify for yourself, think about what you are going to say beforehand. If you do testify, the City will have the right to cross-examine you. If you made a statement to the police or others, those statements can be used against you at trial.
6. *Police Reports and Witness Statements* – If you want to have copies of any statements you made, other witness statements or the police reports to help you prepare for trial, you should file a Motion for Discovery in person with the court no later than thirty (30) calendar days after your initial appearance. Motion for Discovery forms are available on the Court's website or at Window 1.

Will I Have To Pay More Than The Amount On The Citation If I Am Found Guilty?

Possibly. First, the Assistant City Attorney may request payment for such things as witness fees (\$7.00 per citizen witness). 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 or she deems it appropriate. The fine can also be lower. Finally, if you do subpoena witnesses, you will not be reimbursed for these expenses even if you are found not guilty.

What If I Need A Postponement?

If you have good cause to delay your trial date, you may ask the Judge for an adjournment. You must do so at least ten (10) business days before the trial date. The Judge will then decide whether or not to grant your request.

If I Am Found Guilty, Can I Appeal?

If you are found guilty after a trial, the Judge will notify you of your appeal rights. The appeal must be filed within twenty (20) calendar days after the Judge's decision and will be heard in the Milwaukee County Circuit Court either before a jury or a judge. You must file a written notice of appeal (the court has forms) and pay an appeal fee.

If I Change My Mind, Can I Change My Plea Before The Trial?

You may change your plea to guilty or no contest by contacting the court at least ten (10) business days in advance of your trial date. You may do so by mail at Milwaukee Municipal Court, 951 N James Lovell St, Milwaukee, WI 53233; by fax at (414) 286-3615; or in person.

Para recibir una versión de este documento, en español llame (414) 286-3800