

### **HISTORY**

Lake Country Municipal Court is currently the largest joint municipal court in the state of Wisconsin. The court was formed in 1988 when we separated from the circuit court system. Processing citations through our municipal court is efficient, cost effective, and the citation amounts are less in our municipal court system as compared to the circuit court system, thereby benefitting the citizens who appear. Judge Kay has been elected for two terms.

### **INTRODUCTION**

Since most people are concerned about appearing in court, I offer the following rules and procedures to help you understand how the court functions. The court has jurisdiction of traffic and non-traffic ordinances in this municipality. You have a right to be represented by an attorney, or you may go ahead without one. If you want an attorney, you must retain one at your own expense. The court will not provide you with an attorney.

### **INITIAL APPEARANCE**

At the initial appearance, the defendant may enter a plea. Only those cases where the defendant enters a Guilty or No Contest plea will be heard. Where the defendant enters a Not Guilty plea, the case will be scheduled for status conference / pretrial. If your case is not resolved, then it will be scheduled for trial. 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 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 I will treat it the same as Guilty plea. However, you will not be admitting your civil liability for use in other litigation, which should be expected where personal injury or property damage is involved.

Where pleas of Guilty and No Contest are made, a money judgment (forfeiture) is entered against you. Your driver's license could also be suspended. You will be given an opportunity to tell me of any mitigating circumstances surrounding the charge.

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, I suggest you plead Not Guilty and request a status conference / pretrial so you have a sufficient time to review your case and make an intelligent plea at the adjourned date.

### **COURT PROCEDURE**

When your name is called, please advance promptly to a position in front of the bench. I will then inform you of the charges and of the consequences of your plea; i.e. traffic demerit points, minimum and maximum forfeitures, etc. Those defendants pleading Guilty or No Contest will remain. Those pleading Not Guilty will be given a pretrial and then a trial date and released. The Prosecutor will then advise me of the facts of the violation. You may make a brief statement and I will be advised of your past record, if any, and depending on your cooperation, the seriousness of the present charge, and any past record, I will render my judgment accordingly.

Upon a finding of Guilty, a forfeiture plus costs may be imposed. Forfeitures are payable immediately. However, I may defer payment for a reasonable time to another court date. If you fail to pay your forfeiture due to poverty, you may request that the court allow you to pay your forfeiture through an installment plan.

### **ENFORCEMENT**

If you fail to pay your forfeiture and do not appear at an extension of time hearing, consequences will occur. Generally if you are under the age of 17, the Court can and shall suspend your driver's license for up to one year. If you are over the age of 17, the Court can impose a one year suspension or can issue a Writ of Commitment – a Warrant – for your arrest wherein you will be required to serve time at the Waukesha County Jail. If because of poverty as defined in §814.29(1)(d) (receiving means-tested assistance or limited/no income) or unexpected circumstances, you are either unable to pay your forfeiture or keep up with an installment plan by your due date, you should notify the Court in writing of an installment plan, or a stay may be provided.

### **DEMERIT POINTS**

If you are found Guilty of a traffic offense, in addition to any judgment made by the Court, the State Department of Transportation shall assess demerit points against your driving record, which may result in the suspension or revocation of your driver's license. The assessment of 12 demerit points in one year shall result in the loss of your license. Any person holding a probationary license will be assessed double the demerit points for the second and all subsequent moving violations. Juveniles cited for traffic ordinance violations are subject to the same forfeitures and court procedures as adults.

### **JUVENILES**

The Municipal Court has jurisdiction of persons who are at least 12 years of age and less than 17 years of age charged with non-traffic ordinance violations. Juveniles have the same rights as adults with respect to pleas. They have a right to a private (closed) hearing. A money judgment may be entered against a juvenile found Guilty of a non-traffic ordinance violation. If the offense is alcohol or drug related, the driver's license of the defendant may be suspended.

## COURT CONDUCT

This is a court of law and the rules of proper decorum and evidence will be followed. Please remain quiet while court is in session and give others the courtesy to be heard and present their case. Smoking is prohibited in the courtroom and the building. No gum chewing and remove your hats. Persons who fail to conduct themselves in an orderly manner shall be cited for contempt.

## TRIALS

The trial procedure is as follows: If you plead Not Guilty, the municipality must prove your guilt by "clear and convincing evidence". In short, the facts proven by the municipality must indicate that it is highly probable that you committed the ordinance violation. The municipal attorney will be present, along with witnesses. The prosecution will produce its witnesses to testify as to the facts and circumstances surrounding your case. You should also have your witnesses present at that time. You or your lawyer will be permitted to cross examine each witness. When the prosecution has completed its case, you and your witnesses will be given the opportunity to testify and will be subjected to cross-examination by the prosecution. After all the evidence has been presented, the prosecution and defense will be given the opportunity to summarize their respective cases to the Court through brief argument. Thereafter, the Court will determine your innocence or guilt. 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 of a money judgment (forfeiture) and/or a driver's license suspension, 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 necessary, you may have up to 60 days to pay the forfeiture and costs.

## APPEALS

If you are found Guilty after trial, you have the right to appeal your case to the County Circuit Court. All appeals must be filed in writing within 20 days after judgment. You must file your Notice of Appeal with this Municipal Court. If you fail to meet this time limit, you have lost your right to appeal. The appeal fee, and bond, if ordered, must be posted upon filing the appeal. You have the right to a 6 person Jury Trial on appeal, upon payment of appropriate fees.

## WEDDINGS

The Municipal Judge is authorized under Wisconsin statutes to perform civil marriage ceremonies. These can be performed at the municipal courthouse or at a location of your choosing. Please contact Judge Kay at 262-784-7110.

It is hoped that your appearance in Municipal Court will be a beneficial and learning experience for you.

Honorable Timothy T. Kay  
Lake Country Municipal Judge

# Lake Country Municipal Court

174 E. Wisconsin Avenue  
Oconomowoc, WI 53066



**Honorable Timothy T. Kay**  
**Municipal Judge**

**Clerk Pamela Strunk**  
([clerk@lcmunict.com](mailto:clerk@lcmunict.com))

**Deputy Clerk Theresa Berlin**  
([deputyclerk@lcmunict.com](mailto:deputyclerk@lcmunict.com))

**Phone: 262 569 0920**

<http://www.lcmunict.com>

Honorable Timothy T. Kay proudly serving the following municipalities:  
City of Oconomowoc, Town of Delafield, Town of Erin, Town of Ixonia,  
Town of Lisbon, Town of Merton, Town of Oconomowoc, Town of Ottawa,  
Town of Sullivan, Village of Chenequa, Village of Dousman, Village of Hartland,  
Village of Johnson Creek, Village of Lac La Belle, Village of Merton,  
Village of Nashotah, Village of Oconomowoc Lake, Village of Sullivan,  
Village of Summit, Village of Sussex.