

## Traffic

Good afternoon. My name is Kyle Schaffer. I am the Municipal Judge for the City of Hudson. This is the date and time set for your initial appearance on your municipal ordinance violation. We have drafted documents, which explain our court procedures. I'd encourage you to read that information, but I will give you a short summary:

You have the right to have an attorney represent you in connection with this proceeding. If you choose to do so, please advise the Court of the name of your attorney and his or her address. You will not be provided with a public defender because this is not a criminal proceeding.

If you received a citation for Operating a Motor Vehicle While under the Influence of an Intoxicant you have the right to a jury trial. Hudson Municipal court is not equipped for a jury trial; therefore you must petition to have this matter transferred

to the St. Croix County Circuit Court within 10 days of today's date. You must also post the appropriate transfer fee too to have the matter transferred within the same 10 days.

The cases will proceed as follows: Each case will be called individually. I will verify your current address and ascertain how you were served the citation. I will read the citation to you. If you do not understand the charge, I will explain it to you. If you wish, I will read the ordinance under which you were charged, or the statute which the ordinance adopts. I will inform you that a forfeiture (fine) of up to \$2500 plus penalty assessment and costs can be imposed. If damage to a person or their property occurred, restitution can be requested up to \$10,000.00. If you are unable to pay due to economic circumstances, a payment plan or community service can be requested. If you think you qualify, see the Clerk for guidelines. If you disagree with the restitution requested, you can request a hearing on that amount

of restitution. The bond schedule, which adopts the Uniform Bond Deposit Schedule, is written in the right-hand corner of your citation. I will also inform you of the points assessed against your driver's license by the Department of Transportation, and I will try to inform you of any mandatory suspension or revocation. Most citations also allow the Court to suspend driving privileges **in addition** to the forfeiture.

You will then be asked to enter a plea. There are 3 options available; GUILTY, NOT GUILTY, or NO CONTEST.

GUILTY means you admit the violation. If you enter a plea of GUILTY, you will be found GUILTY.

NOT GUILTY means you are requiring the city to prove the charge against you and therefore, further proceedings will be necessary. The first of these is a pretrial, which will be set for \_\_\_\_\_ . Please see your clerk, Ms. Delaina Bacon for a Notice to Appear at the Pretrial. We also have NOT GUILTY

FORMS, which we ask you to complete to speed the process up. Please be sure to provide the Court with your current address. If we have additional proceedings, you will be informed of them by mail. If your address changes, you must advise the Court of your new address. If you fail to do so, and the Court sends notice to you at the address you provide to us this afternoon, and you fail to appear, the Court will enter a plea of NO CONTEST on your behalf and find you GUILTY in your absence. At the pretrial you will meet with the City Attorney, Mr. Rory O'Sullivan to discuss your case. You and he can discuss your case and if you and he reach an agreement the court will typically approve of the agreement. If you do not reach an agreement or I do not approve of the agreement, the case will be set for trial.

NO CONTEST means you do not admit or deny the charges. Because you do not deny the charges, I am required by

law to find you GUILTY as if you had pled GUILTY. There is a difference between a plea of GUILTY and NO CONTEST that you should bear in mind, particularly if the incident that causes you to be here also resulted in injury to a person or damage to their property. If that person or their insurance company were to bring a civil action against you in St. Croix County Circuit Court, a plea of GUILTY in this Court could be used against you in that Court on the issue of liability. A plea of NO CONTEST could not be used. That is the only difference between a plea of GUILTY and NO CONTEST.

If you enter a plea of GUILTY or NO CONTEST, the matter will be concluded this evening. But the Court must be certain that you understand you are giving up a number of rights. We have given you a plea questionnaire and Waiver of Rights form. You must complete the form in its entirety. By signing the form you are giving up your right to testify and present

evidence, right to subpoena witnesses and require them to come to court and testify for you, the right to cross-examine the witnesses who testify against you, and your right to have the city prove the charge by clear, convincing and satisfactory evidence.

You must waive those rights freely and voluntarily. If I am satisfied you are doing so I will accept your plea.

If you have waived your rights, Officer \_\_\_\_\_ will read the arresting officer's incident report. You may comment on the facts if you wish. I will make a finding of GUILTY and we will proceed to the imposition of a penalty. You will also be allowed to address the Court on that issue.

If you have questions regarding the charges, the penalty, or the pleas, please make sure you ask them when your case is called.

If you need time to pay the forfeiture, you must make that request today and pay within the allotted time. If the fine is not

paid, you will be given a time to appear approximately 60 days from today's date. At that time you will need to explain why the fine has not been paid and complete a financial disclosure form. If the forfeiture is not paid, the Court will send notice to the Department of Transportation and they will suspend your driving privileges for 2 years or until the forfeiture is paid and your driving privileges are reinstated. Please note that I said "AND". Reinstatement is a 2-step process. The court may also issue a warrant for your arrest.

Before you leave you should take something with you. If you pled NOT GUILTY you will have a pretrial notice. If you pled GUILTY or NO CONTEST you will have a receipt or an order for a payment; and notice to appear.

If anyone has to be somewhere else at this time please let me know.