

NOTICE OF RIGHT TO APPEAL

After a trial before the Municipal Court for the Towns of Milton, Harmony and Lima, you were found guilty and judgment was entered against you. You have the right to appeal that judgment to the Rock County Circuit Court. **If you decide to appeal, you must provide written notice of your decision to the municipal court and the prosecuting attorney and pay the statutorily required appeal fees and costs within 20 days from the date of the Municipal Court's "Notice of Judgement."** Time for filing an appeal cannot be extended.

You may satisfy all the statutory requirements for an appeal and choose one of the three types of appeal below, by completing (fill in all blanks) and filing the document on the reverse of this notice (which is also available on the municipal court's website: www.townofmiltonrc.com/municipal-court). Send the completed form and the appropriate fees and costs to the Clerk of Municipal Court and send a copy to the plaintiff (addresses are on the form). Your appeal must be RECEIVED, not just mailed by the 20 day deadline. If you cannot post the required appeal fees (stated below), you must request an indigency hearing before the circuit court.

Types of Appeals

- 1. Transcript Review.** In this form of appeal, a written transcript of the testimony will be produced. It, and all other evidence that was presented during the municipal court trial will be sent for review by a circuit court judge. A circuit court judge will read the transcript of the testimony and consider any exhibits that were introduced. Unless the circuit judge determines that the municipal judge's findings of fact were clearly erroneous, the decision will not be reversed. Please note that if the municipal attorney requests a New Trial (option 2) within twenty (20) days of your request for a Transcript Review, that request will take precedence and there will be no transcript review.
Fee/Costs: \$129.50 AND the estimated cost of preparing a certified transcript (call the Clerk of Municipal Court at 608/868-6656 to obtain the estimated cost)
- 2. New Trial Before Circuit Judge Without a Jury.** In this form of appeal, a new trial will be held at the county courthouse. Each side may bring as many witnesses as they like, even if those witnesses did not appear at the municipal court trial. The circuit court judge decides whether the defendant is guilty or not guilty based only on the evidence that is introduced at the new trial.
Fee/Costs: \$144.50
- 3. New Trial in Circuit Court Before a Six-Person Jury.** As in option 2, a new trial will be held. However, although a circuit judge will preside over the trial, a jury will decide if the defendant is guilty or not.
Fee/Costs: \$180.50

Bond. If you wish to make an appeal, **you must pay a surety bond in an amount that will be ordered by the municipal court.** The bond must be paid within 20 days and will be held by the municipal court to guarantee full payment in the event that the municipal court's judgement is upheld (all or in part) by the Rock County Circuit Court. If your appeal is granted, the municipal court will refund the bond to you as directed by the circuit court. If you cannot post the required bond within 20 days due to poverty, you may request an indigency hearing before the municipal court.

STATE OF WISCONSIN MUNICIPAL COURT FOR THE TOWNS ROCK COUNTY
OF MILTON, HARMONY AND LIMA

TOWN OF _____,
Plaintiff,

Citation No.(s) / Offense(s):

v.

_____,
Defendant.

APPEAL AND SURETY BOND

TO: Clerk of Municipal Court
23 First St., Milton, WI 53563

CC: Plaintiff, c/o Atty. David Westrick
93 North Main St., Fort Atkinson, WI 53538

APPEAL. I hereby appeal from the judgment of the municipal court entered on _____ [insert the date of the municipal court's "Notice of Judgement"]. I received a copy of the municipal court's "Notice of Right to Appeal." I elect the following type of appeal and provide the appropriate fee/costs as stated below [place your initials on the line of the option you select (and on the last line if you request an indigency hearing)]:

_____ TRANSCRIPT REVIEW [Include cash or two checks, one payable to "Clerk of Courts" for \$129.50 and one payable to "Municipal Court" for the estimated cost of preparing a certified transcript.] I understand that I am responsible for the actual cost of the transcript's preparation.

_____ NEW TRIAL BEFORE CIRCUIT COURT JUDGE WITHOUT A JURY [Include cash or check payable to "Clerk of Courts" in the amount of \$144.50]

_____ NEW TRIAL IN CIRCUIT COURT BEFORE A SIX-PERSON JURY [Include cash or check payable to "Clerk of Courts" in the amount of \$180.50]

_____ I cannot pay the fee/costs stated above due to poverty and request an indigency hearing before the Rock County Circuit Court.

SURETY BOND. I understand that, as explained in the municipal court's "Notice of Right to Appeal," I must file a surety bond within 20 days, in the amount set by the municipal court, or file a "Request for Indigency Hearing" [example form is available on the municipal court's website] if I believe that I cannot pay the bond amount due to poverty.

Dated: _____.

_____ [signature]

_____ [print name]

_____ [address]