

A Traffic Citation: Your Rights & Responsibilities

THE FOLLOWING INFORMATION DOES NOT APPLY TO CASES
REQUIRING A MANDATORY COURT APPEARANCE

Must I appear in court on the date indicated on my citation?

As long as you do not have a mandatory appearance, you do not need to appear in court. When you do not appear in court, you will be found guilty and any money posted will be applied to your citation. You may also enter a written plea of not guilty.

What happens in court?

The date on your citation is the date of your initial appearance. An initial appearance is your opportunity to enter a plea to the charge. You may enter a plea of guilty, no contest, or not guilty. The initial appearance is not the trial date. If you enter a plea of guilty or no contest, the court will find you guilty and the matter will be resolved at the initial appearance. **Be prepared to pay the citation at that time. There is no guarantee that your citation will be reduced. Your citation may already be written for the minimum forfeiture and points.**

If you enter a plea of not guilty, your case will be scheduled for a pretrial conference at a later date.

Can I change the court date?

No. It is not necessary to change your court date. If you are unable to attend the scheduled court date, and you wish to contest your citation, you would enter your plea in one of the ways listed above. This must be received **BEFORE** your court date.

How do I enter a not guilty plea for my citation?

If you received a **blue envelope** with your citation, the tear off portion may be used as your not guilty plea. Complete both sides legibly, place it in the envelope and mail to the Clerk of Courts.

If you do not have a blue return envelope, you may enter your **not guilty plea in writing**. Include the citation number, or a copy of the citation and a written statement of your plea which includes your current mailing address, phone number, signature, and current date. This plea must be received **before** the court date on the citation.

1. **Mail** your plea to: **Eau Claire County Clerk of Court,
721 Oxford Avenue, Ste 2220
Eau Claire WI 54703**
2. **FAX** your plea to: **(715) 839-4817**
3. **In Person:** **You may complete a Not Guilty Plea Form in the Clerk of
Courts office during regular business hours of 8 a.m. - 5 p.m.**

A date and time for a pretrial conference will be mailed to you. You will have to appear at the pretrial conference.

When I plead not guilty, what happens next?

After you plead not guilty either in court or in writing, the case will be scheduled for a pretrial conference with the attorney/court officer from the agency who issued the citation. You must attend the pretrial conference. If you don't agree with the findings of the pretrial conference, the case will be scheduled for a trial. You have the right to a jury trial. If you want to preserve this right to a jury trial, you must make a written demand for a jury trial and post jury fees (\$36 for a 6 person jury trial) within ten (10) days following the date of your pretrial conference. Jury fees are not refundable.

I'm worried about the points to be assessed against my driving record. How do I know if I'm in point trouble?

If you are found guilty of a traffic violation, your driving record may be charged with demerit points. The court will not determine the number of points assessed against your record. The court will merely report the conviction to the Division of Motor Vehicles and the Division will assess the number of points against your record, depending upon the charge. If you accumulate 12 points against your driving record within a one-year period (by date of violation), your license will be suspended or revoked.

If you have questions about the status of your license you should call the Division of Motor Vehicles directly at (608)266-2261.

If you have a probationary license, points are doubled for each conviction after your first.

What happens if I don't pay my citation before my court date and I do not attend court?

If you do not pay the Deposit amount on your citation and you also fail to enter a plea in person or in writing, a default judgment will be entered against you for the amount of the citation. From the date of default judgment, you will be given 60 days to pay the citation. Failure to pay will result in a suspension of your license, an intercept of your tax refund, a money judgment, or it may be sent to a collection agency.

How is the dollar amount on my citation determined?

The dollar amount written on your citation is actually a combination of a forfeiture and numerous surcharges and fees. The forfeiture for an offense is a relatively small part of the total penalty that you must pay. These fees and surcharges are statutorily mandated by the Wisconsin State Legislature.