

Juvenile

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:

Because you are a juvenile the information about this matter is confidential. It will not be disclosed to the public. If it happened at school, some information is disclosed to your school. All is disclosed to your parents. I may ask you to disclose information to a health care professional or volunteer.

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.

You have the right to request a continuance as well as the right to request a substitute Judge within 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 wish, I will read directly from the ordinance under which you were charged, or the statute, which the ordinance adopts.

I will inform you of the penalty that is usually imposed for this type of offense. Juvenile penalties include the following:

A forfeiture of up to \$500 plus penalty assessment and costs. If damage to a person or 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.

If traffic, points assessed against your driver's license.

Formal or Suspension of your driver's license or Work permit.

Community Service

Mandatory class attendance, summer school, night school, chemical dependency class, health/no smoking class, theft awareness class, anger management class.

Drug or alcohol evaluation

Curfew

Letter of apology

Compliance with parental directives

House arrest

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.

The 3rd plea available to you is NO CONTEST. This 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 today. 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 and your parents 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 you are found guilty, a juvenile order will be entered and given to you. The portions that apply to you will be indicated and explained as necessary. Please listen carefully as I read the second half of the second page which you will be asked to sign: