

LAKE MILLS JOINT MUNICIPAL COURT

Request to Reopen

Defendant, _____, requests the reopening of the following cases:
Print Name

Citation No: _____ Violation _____

Citation No: _____ Violation _____

Reason(s) for missing court date:

_____.

Reason(s) why the Court should grant this reopening request:

_____.

I understand that:

1. I will have to prove the reason I am requesting the reopening.
2. The Judge does not have to grant the reopening. If it is not reopened, I will still owe the forfeiture and costs due. *(If your driver's license is suspended or there is an outstanding warrant arising out of your failure to pay the above-referenced citations, no changes will occur unless your request to reopen is granted by the Judge).*

Date: _____

Signature: _____

Telephone: _____

Address: _____

Order

The request to reopen is granted / denied.

This request was filed within _____ months of the entry of judgment/initial appearance.

- _____ Failure to appear due to mistake, surprise or excusable neglect.
- _____ Newly discovered evidence, under Wis. Stat. §805.15(3).
- _____ Fraud, misrepresentation, or other misconduct of the opposing party.
- _____ The judgment is void, satisfied, released, or discharged.
- _____ A judgement upon which this judgment is based is reversed or vacated.
- _____ It is no longer equitable to apply the judgment.
- _____ Any other reasons justifying relief from the operation of the judgment.

Dated: _____

Municipal Judge

MOTION TO REOPEN – INSTRUCTIONS

All fields on the motion to reopen form must be filled out. Failure to complete all required fields will result in your motion not being processed by the Court.

1. Print your name and physical address.
2. List each citation number or offense that you would like to reopen with this motion.
3. Provide the reason(s) why you did not/were not able to attend your initial court appearance on the original date.
4. Provide the Court with a legal justification for reopening your citation(s). This will often be the defense you would have raised had you appeared for your original court date.
5. Enter today's date.
6. Sign and print your full name.

Submitting this motion does not automatically reopen your citation(s). A motion to reopen a citation is an adversarial proceeding, and you should be prepared to present your justification before the Judge on the date and time provided by the Court. If your intent is only to ask for more time to pay your citation(s), a motion to reopen is not required.

You will be required to appear before the Municipal Judge and present your motion to reopen. The City/Town will either present its arguments against reopening your citation(s), or state that it does not oppose your motion. The Judge will then rule on the motion. If your motion is denied, your citation(s) will not be reopened. If your motion is granted, the City/Town Prosecutor will either attempt to resolve your citation(s) or request that the case be set for further proceedings or trial.

Be prepared to pay any assessed costs associated with reopening your citation(s) on the day of your required appearance. Your citation(s) will not be reopened until those costs are paid. If you do not appear on the date and time provided by the Court, you will not be permitted to request to reopen the citation(s) again.

WISCONSIN STATUTES

800.115 Relief from judgment.

- (1) A defendant may within 6 months after the judgment is entered move for relief from the judgment because of mistake, inadvertence, surprise, or excusable neglect.
- (2) Any party, including the court on its own motion, may at any time move to reopen the judgment under s. 806.07 (1) (c), (d), (g), or (h).
- (3) Nothing in this section shall prevent the parties from stipulating and the court approving the reopening of a judgment for any other reason justifying relief from operation of the judgment.
- (4) The court may impose costs on the motion as allowed under s. 814.07, except that any costs shall be based on the expense associated with the motion and the court shall consider the defendant's ability to pay the costs using the factors in s. 814.29 (1) (d) 1. to 3. No costs may be imposed as a requirement of filing the motion.
- (5) Upon making a motion under this section, the court shall provide notice to all parties and schedule a hearing on the motion. Upon receiving a motion under this section, the court may enter an order denying the motion for failure to state grounds upon which relief may be granted, schedule a hearing on the motion, or enter an order based on written submissions from the parties.

806.07 Relief from judgment or order.

- (1) On motion and upon such terms as are just, the court, subject to subs. (2) and (3), may relieve a party or legal representative from a judgment, order, or stipulation for the following reasons:
 - (a) Mistake, inadvertence, surprise, or excusable neglect;
 - (b) Newly discovered evidence which entitles a party to a new trial under s. 805.15 (3);
 - (c) Fraud, misrepresentation, or other misconduct of an adverse party;
 - (d) The judgment is void;
 - (e) The judgment has been satisfied, released or discharged;
 - (f) A prior judgment upon which the judgment is based has been reversed or otherwise vacated;
 - (g) It is no longer equitable that the judgment should have prospective application; or
 - (h) Any other reasons justifying relief from the operation of the judgment.
- (2) The motion shall be made within a reasonable time, and, if based on sub. (1) (a) or (c), not more than one year after the judgment was entered or the order or stipulation was made. A motion based on sub. (1) (b) shall be made within the time provided in s. 805.16. A motion under this section does not affect the finality of a judgment or suspend its operation. This section does not limit the power of a court to entertain an independent action to relieve a party from judgment, order, or proceeding, or to set aside a judgment for fraud on the court.