

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

_____ Plaintiff,

**Motion to Reopen
Traffic Forfeiture**

vs.

_____, Defendant

Name

Address

Case No. _____

City, State, Zip

The above referenced case was set for trial
 initial appearance
 Other: _____

on [Date] _____. Upon my failure to appear, the court entered judgment.

My failure to appear was due to _____

I request the court reopen this matter.

Defendant

Name Printed or Typed

Date

DISTRIBUTION:

- 1. Court
- 2. Prosecutor's Office
- 3. Defendant

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Amended

State of Wisconsin, Plaintiff,

vs.

**Order on
Motion to Reopen
Traffic Forfeiture**

_____, Defendant
Name

Address

Case No. _____

City, State, Zip

The court has reviewed the defendant's motion filed with the court on [Date] _____.

THE COURT FINDS:

- 1. The defendant's request is timely made (20 days from trial date or 6 months from initial appearance date)
 - A. and sufficiently presents the failure to appear was due to mistake, inadvertence, surprise, or excusable neglect.
 - B. but fails to sufficiently show that the failure to appear was due to mistake, inadvertence, surprise, or excusable neglect.
- 2. The request is untimely.
- 3. Court needs more information.

THE COURT ORDERS:

The request to reopen is

- 1. **granted.** The conviction is vacated and the matter shall be scheduled for trial/initial appearance. Any bond/forfeiture posted remains on file.
 - The court orders a \$_____ motion fee pursuant to §814.07, Wis. Stats., be paid prior to the court scheduling further action in this matter.
- 2. **denied.**
- 3. to be set for a hearing and notice will be sent.

Circuit Court Judge/Circuit Court Commissioner

Title (Print or Type Name if not eSigned)

Date

DISTRIBUTION:

- 1. Court
- 2. Defendant
- 3. Prosecutor's Office

**MOTION TO REOPEN
Policy and Procedure**

It is the policy of the Circuit Judges of Chippewa County that all motions to reopen civil forfeiture actions must be in writing and mailed to the Clerk of Court's Office, Chippewa County Courthouse, 711 N. Bridge Street, Chippewa Falls, WI 54729 or hand delivered to Room 220 in the Courthouse. Office hours are Monday - Friday, 8:00 am to 4:30 pm except holidays.

MOTION GRANTED

If your motion is granted, you may be required to pay a non-refundable \$50.00 motion fee before further dates are scheduled to hear this matter. You will be notified that the motion was granted and that the fee is due and will have **two (2) weeks from the date of notification to pay the fee. If the motion fee is not received by the Clerk of Court's Office within those two (2) weeks, this matter will not be reopened and your motion will be treated as if it were denied.**

When you have paid the motion fee (or if it was waived by the Court), you will be notified of the date and time of further proceedings. If for any reason you are unable to attend or wish to cancel the hearing/conference, you must notify the Court in writing no later than one week prior to that date. Failure to appear at the hearing/conference will result in your being found guilty again and the fine being confirmed. The case will be closed and no further motions to reopen this matter will be granted.

MOTION DENIED

If your motion is denied, your conviction stands, the fine must be paid, and if not paid, a judgment will be taken against you and your driver's license will be suspended or a commitment order will be issued for your arrest. In addition to those actions, any unpaid fine may be submitted to the Dept of Revenue for tax interception.

TIME LIMITATIONS

Per Wisconsin Statute 806.07(2), motions to reopen shall be made within a reasonable time (0-6 months) and shall not exceed one year after the judgment was entered or the order was made.