



Hamdy Ezalarab, Municipal Judge

James Gray, Clerk of Court

Katie Bogucki, Community Service Liaison

Fitchburg Municipal Court

2017 Annual Report

The City of Fitchburg Municipal Court is led by Honorable Judge Hamdy Ezalarab. Judge Ezalarab is an elected official and has been the presiding Judge for the City of Fitchburg since 1991. The Municipal Court has jurisdiction over all traffic, parking, and municipal citations issued by City of Fitchburg Officials.

COURT

Total Number of Citations Processed in 2017: 2,064

The court is responsible for hearing cases regarding traffic, parking, and municipal citations issued by City of Fitchburg Officials. City of Fitchburg Municipal Court is held every Thursday at 5:00 PM. In 2017, **2,064** citations were processed by the Court. The majority of these cases were traffic citations. The most common traffic offense was "operating while suspended and no valid driving license" and the most common municipal citation was issued for "disorderly conduct".

**STATE OF WISCONSIN MUNICIPAL COURT
CASELOAD STATISTICS**

(NUMBER OF CASES PROCESSED)

Municipal Court of: Fitchburg

County: Dane

Judge: Hamdy Ezalarab

For The Period Beginning: 01/01/2017 **and ending:** 12/31/2017

Municipality Code: 225

CASES DISPOSED						
	CONTESTED PARKING	TRAFFIC	OWI/BAC	ADULT NON- TRAFFIC	JUVENILE NON-TRAFFIC	TOTAL CASES PROCESSED
By forfeiture due to Found Guilty, Guilty by Default, or Not Guilty	0	1,357	103	372	51	1,883
By Dismissal	0	87	20	53	21	181

CASES TRANSFERRED						
	CONTESTED PARKING	TRAFFIC	OWI/BAC	ADULT NON- TRAFFIC	JUVENILE NON-TRAFFIC	TOTAL CASES PROCESSED
To another Municipal Court	0	0	0	0	0	0
OWI cases to Circuit Court on jury trial request			0			0

Please return this form to:
Office of Judicial Education
110 E. Main Street, Suite 200
Madison, WI 53703
FAX (608) 261-6650

TOTAL : 2,064

Version 2015

Citation Totals by Offense

All Departments

Violation Date: 01/01/2017 through 12/31/2017

Court	Agency	Offense Code	Offense Description	Total
FBBI				
	Adult			
		35-59(A)	Building Addition w/o Zoning or Building Permit	1
		37-69	Failure to Maintain Lawn	3
		37-138	Failure to maintain Property	1
		70.93	Failure to maintain property free of Junk	1
		37-81	Failure to Remove Garbage from Public View	9
		74-20(3)	Failure to Remove Large Tree Branch	1
		27-114	Failure to Remove Snow from Sidewalk	1
		37-139 (7)	Items piled around dumpster	1
		35-100	No Permit for Work Completed	1
		74-91	Storage of unlicensed/Inoperable Vehicles	2
		70-94	Storing Auto on Public Right of Way	1
		41-21	Tenants Leaving Garbage Container @ St Daily	1
			Adult Grand Total	23

Citation Totals by Offense

All Departments

Violation Date: 01/01/2017 through 12/31/2017

Court	Agency	Offense Code	Offense Description	Total
FBPD				
	Adult			
		56-74(2)	Animal Attack Pedestrians	1
		56.74(3)	Animals Attack Animals	1
		56-74(1)	Animals Run Large	1
		346.14(1)	Automobile Following Too Closely	105
		940.19(1)	Battery	5
		70-39	Ccw/Firearms	1
		346.13(3)	Deviation From Designated Lane	12
		70-21	Disorderly Conduct	81
		341.61(2)	Display Unauth. Veh. Registration Plate	1
		346.935(1)	Drink Open Intoxicants In Mv	1
		346.57(3)	Driving Too Fast For Conditions	5
		346.15	Driving Wrong Way On Divided Highway	3
		346.57(5)	Exceeding Zone And Posted Limits	108
		346.31(1)	Fail To Follow Indicated Turn	1
		346.34(1)(b)	Fail To Signal Turn	2
		346.18(8)(a)	Fail to Yield Right of Way Roundabout	6
		341.15(1)	Fail/Display Vehicle License Plates	1
		346.04(1)	Fail/Obey Traffic Officer Sign/Signal	1
		346.04(2)	Fail/Obey Traffic Officer-Work Area	42
		348.10(5)(a)	Fail/Secure Loads If Towing A Trailer	1
		346.46(1)	Fail/Stop At Stop Sign	51
		346.39(1)	Fail/Stop For Flashing Red Signal	2
		346.18(6)	Fail/Yield For Yield Sign	4
		346.18(3)	Fail/Yield Right/Way From Stop Sign	21
		346.18(5)	Fail/Yield Rt/Way From Parked Position	2
		346.18(7)(b)	Fail/Yield When Crossing Sidewalk	1
		346.18(4)	Fail/Yield When Emerging From Alley	10
		346.18(2)	Fail/Yield While Making Left Turn	22
		346.70(2)	Failure To File Accident Report	2
		346.57(2)	Failure to Keep Vehicle Under Control	19
		346.70(1)	Failure To Notify Police Of Accident	11
		342.05(4)	Failure To Obtain Vehicle Title	1
		346.48(1)	Failure To Stop For School Bus	2
		346.32	Failure To Yield Right Of Way	7
		70-201	False Fire/Police Reports	2
		346.37(1)(c)3	FYR	2
		346.23(2)	Fyr At Divided Highway	1
		346.18(7)(a)	Fyr-Entering Alley/Driveway From Hwy	1
		70-143	Graffiti/Injury To Property	19
		947.013(1M)	Harrassment	1
		346.69	Hit And Run-Property Adjacent To Highway	4
		346.68	Hit And Run-Unattended Vehicle	16
		41-131	Illegal Dumping	1
		346.485(1)	Illegal Pass Of School Bus Reported	13
		346.59(1)	Impeding Traffic By Slow Speed	1
		341.15(3)(b)	Improper Display/Plates (Hard To See)	1
		346.31(3)(c)	Improper Left Turn/Completion	1
		346.31(3)(b)	Improper Left Turn/Intersection	1
		346.075(2)	Improper Passing Of Stopped Bus	1
		346.48(3)	Improper Passing/Stopped School Bus	4
		346.31(2)	Improper Right Turn	6

Citation Totals by Offense

All Departments

Violation Date: 01/01/2017 through 12/31/2017

Court	Agency	Offense Code	Offense Description	Total
FBPD				
	Adult			
		346.46(2)(c)	Improper Stop/Sign-No Crosswalk	1
		346.46(2)(b)	Improper Stop/Stop Sign-No Stop Line	1
		346.89(1)	Inattentive Driving	53
		70-22	Indecent Conduct	2
		948.40(1)	Intent Contribute/Delinquency Child	1
		346.935(3)	Keep Open Intoxicants In Mv	6
		343.43(1)(d)	Lic Restriction Violation-Class D/M Vehicle	2
		74-111	Noises Disturbing The Public	9
		341.04(1)	Non-Registration Of Auto, Etc	51
		70-171	Obstructing Justice	1
		341.03(1)	Operate After Rev/Susp Of Registration	29
		343.07(1g)(a)2	Operate Motor Vehicle By Permittee W/O Parent	1
		344.62(1)	Operate Motor Vehicle W/O Insurance	52
		344.62(2)	Operate Motor Vehicle W/O Proof Of Insurance	107
		343.07(1g)(a)3	Operate Mtr Veh By Permittee W/O Auth Person	1
		348.10(2)	Operate Veh./Fail/Prevent Leaking Load	2
		347.13(3)	Operate Vehicle W/O Registration Lamps	1
		343.05(3)(a)	Operate W/O Valid License	127
		346.63(1)(am)	Operate With Control Substance	4
		343.44(1)(a)	Operating After Suspension	133
		346.05(1)	Operating Left Of Center Line	4
		346.63(1)(b)	Operating W/Pac	71
		346.63(1)(a)	Operating While Intox.	106
		343.44(1)(b)	Operating While Revoked	56
		347.06(1)	Operation W/O Required Lamps Lighted	4
		346.10(2)	Passing At Intersection	2
		74-122	Permit Amplifying Devices	1
		961.573(1)	Possess Drug Paraphernalia	28
		346.935(2)	Possess Open Intoxicants In Mv	12
		70-122	Possession of Marijuana	42
		54-23	Public Parks Closing Hou+B16rs	3
		943.34(1)(a)	Receive Stolen Property	1
		346.62(2)	Reckless Driving-Endanger Safety	8
		343.305(10)(b)	Refusal	16
		70-200	Resisting/Obstructing Officer	24
		347.48(2m)(d)	Ride In Vehicle W/O Wearing Seat Belt	3
		125.07(1)(a)1	Sell Alcohol To Underage Person	3
		70-151	Shoplifting	52
		70-121(b)	Solicitation Of Prostitution	2
		346.57(4)(e)	Speeding On City Highway	13
		347.41	Speedometer Violations	1
		943.20(1)(a)	Theft (Less than \$500)	26
		943.13(1m)(b)	Trespass To Land-Remain After Notice	4
		70-144	Trespass on Private Property	7
		346.14(2)(a)	Truck Following Too Closely	5
		343.07(4)(b)1	Type 1 Cycle Permittee Oper Cycle W/Unqd Pass	1
		125.07(4)(b)	Underage Drinking-Possess-Consume	67
		125.07(4)(a)1	Underage Drinking-Procures	3
		346.33(1)(a)	Unlawful U/Y Turn-Control.Intersection	2
		947.012(1)a	Unlawful Use Of Telephone	1
		346.57(2)	Unreasonable & Imprudent Speed	17

Citation Totals by Offense

All Departments

Violation Date: 01/01/2017 through 12/31/2017

Court	Agency	Offense Code	Offense Description	Total
FBPD				
	Adult			
		346.87	Unsafe Backing Of Vehicle	7
		346.07(2)	Unsafe Cutting In When Passing	3
		346.13(1)	Unsafe Lane Deviation	25
		346.08	Unsafe Passing On Right	1
		346.34(1)(a)1	Unsafe Turn-At Intersection	3
		347.48(2m)(b)	Vehicle Operator Fail/Wear Seat Belt	72
		346.675(1)	Vehicle Owner's Liability For Fsa	17
		347.48(4)(am)	Viol Of Child Safety Restraint	8
		346.63(2m)	Violate Absolute Sobriety Law	4
		348.16(2)	Violate Class B Hwy Weight Limits	1
		346.37(1)(c)1	Violate Red Traffic Signal	56
		346.37(1)(b)	Violate Yellow Signal	15
			Adult Grand Total	1,990

Citation Totals by Offense

All Departments

Violation Date: 01/01/2017 through 12/31/2017

Court	Agency	Offense Code	Offense Description	Total
FBPD				
	Juvenile			
		940.19(1)	Battery	2
		70-39	Ccw/Firearms	1
		70-280	Curfew	37
		70-21	Disorderly Conduct	18
		70-148	Fraud On Taxicab Prohibited	1
		70-143	Graffiti/Injury To Property	7
		70-22	Indecent Conduct	1
		254.92(2)	Minor Possesses Or Purchases Tobaco	1
		943.23(4m)	Oper Vehivle W/Out Owners Consent	2
		943.23(3)	Operate Vehicle W/Out Owners Consent	1
		343.05(3)(a)	Operate W/O Valid License	1
		961.573(1)	Possess Drug Paraphernalia	5
		70-122	Possession of Marijuana	11
		70-200	Resisting/Obstructing Officer	4
		70-151	Shoplifting	9
		943.20(1)(a)	Theft (Less than \$500)	11
		943.13(1m)(b)	Trespass To Land-Remain After Notice	3
		70-255	Truancy	1
		125.07(4)(b)	Underage Drinking-Possess-Consume	13
		125.07(4)(a)1	Underage Drinking-Procures	1
			Juvenile Grand Total	130

Citation Totals by Offense

All Departments

Violation Date: 01/01/2017 through 12/31/2017

Court	Agency	Offense Code	Offense Description	Total
FBPW				
Adult		41-131	Illegal Dumping	42
			Adult Grand Total	<u>42</u>

Citation Totals by Offense

All Departments

Violation Date: 01/01/2017 through 12/31/2017

Court	Agency	Offense Code	Offense Description	Total
VPD				
	Adult	346.57(4)(gm)2	Speeding on Freeway	1
			Adult Grand Total	<u>1</u>

PRE-TRIALS

Pretrial Conferences

The City Attorney, Valerie Zisman and Clerk of Court, James Gray, hold Pre-trial conferences approximately three to four times per month. A pre-trial conference consists of 12-15 defendants appearing in person with the city attorney. Pre-trial conferences give defendants who plea "not guilty" the opportunity to further discuss their citations(s). In 2017, **49 pre-trial** sessions were scheduled with the City Attorney.

ALTERNATIVE OPTIONS

Community Service

In Certain cases, the Judge or City Attorney will offer an option other than paying a fine. These options include completing community service and/or taking part in the City's random drug testing program.

In 2017, **81** defendants were ordered to complete community service. Community service may be offered in lieu of paying a fine, order to have a citation dismissed, or in lieu of having one's driver's license suspended. Most individuals are given a 6-month time frame in which to complete their service hours.

PARKING TICKETS

Total number of parking tickets processed in 2017: 862

Fitchburg Municipal Court is responsible for processing and collecting payments for parking tickets issued in the City of Fitchburg. In 2017, **862** parking citations were processed by the Court. The highest volume of tickets was issued between the months of December and February. In December, **488** parking tickets were processed. This was higher than any other month.

The most common parking offenses in 2017 were alternate side parking violations, parked without owner's consent, and temporary parking restrictions.

The Court processed **25 contested parking tickets**. The Municipal Judge or City Attorney were assigned to hear the contested tickets.

Fitchburg Police Department
Tickets (Annual)

Issue Date: 01/01/2017 through 12/31/2017

		Total	2017
44-407(6)	Illegally Parked in Fire Lane	12	12
44-461	Blocking Fire Hydrant	1	1
68-1CB	Parked greater than 12 inches	2	2
68-1DA	Parked Within 4 Feet of	5	5
68-1HS	Handicapped parking stall	46	46
68-1PAT	Parked Against Traffic	9	9
68-208	Vehicle Abandonment	13	13
68-208TOW	Vehicle Abandonment -Towed	17	17
68-208WOC	Parked Without Owners Consent	55	55
68-209	Temporary Parking Restrictions	49	49
68-212	Alternate Side Parking	628	628
68-213	No Parking Between Signs	8	8
68-214	Parking Prohibited -Certain	1	1
68-215	Parking Prohibited	4	4
68-216	Large Vehicle Restrictions	2	2
68-217	Trailer Restricted Parking	1	1
68-231(8)	No Parking	2	2
68-233	No Parking -Traffic Calming	2	2
68-234	Blocking Fire Hydrant	2	2
68-235BZ	Parking in Bus Stop Zone	3	3
Total		862	862

JUVENILE COURT

Total Number of Juvenile Citations Processed in 2017: 130

Juvenile Court typically takes place on Thursday evenings once per month as well as after Adult Court. In 2017, there were 34 juvenile court dates. Judge Ezalarab, along with Community Service Liaison Katie Bogucki had 109 juvenile cases scheduled. There were 130 new citations issued to juveniles in 2017.

The most common citations issued to juveniles:

1. Curfew
2. Disorderly Conduct
3. Underage Drinking

First Offender Program

The First Offender Program is designed for juvenile offenders, ages 12-16, who have no prior law violations. Under this program the defendant is required to abide by a set of conditions agreed upon and signed by the defendant, parent/guardian, and Municipal Judge. The amount of time spent in the program depends on the defendant complying with the rules of the contract and the discretion of the Municipal Judge and Community Service Liaison. If the juvenile successfully completes the First Offender Program the charges will be dismissed and no fine will be collected. If the contract is violated, the defendant will be convicted and responsible for paying the fine.

Conditions that apply for the duration of the First Offender Program

- No New Offenses- No future non-moving violations issued anywhere throughout the duration of the program
- Abide by home rules- set by parent/guardian. Community Service Liaison will check in with family on a monthly basis
- School- requires good attendance and passing grades
- Community Service- volunteer at non-profit organization. The amount of community service hours issued is dependent on the severity of the charges.
- Return to court for Status hearing
- Other conditions at the discretion of the Judge
 - Random drug testing
 - Drug and/or Alcohol Counseling
 - Restitution