



Hamdy Ezalarab, Municipal Judge

James Gray, Clerk of Court

Suzie Jones, Community Service Liaison

Fitchburg Municipal Court

2015 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 2015: 3,254

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 2015, **3,254** citations were processed by the Court. The majority of these cases were traffic citations. The most common traffic offense was "speeding" 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: 01/01/2015 and ending: 12/31/2015

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 | 35 | 2,552 | 70 | 366 | 68 | 3091 |
| By Dismissal | 14 | 97 | 11 | 29 | 12 | 163 |

| 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:

~~3,406~~

3,254

Version 2015

Citation Totals by Offense

All Departments

Violation Date: 01/01/2015 through 12/31/2015

| Court | Agency | Offense Code | Offense Description | Total |
|--------------|---------------|---------------------|---|--------------|
| FBI | | | | |
| | Adult | | | |
| | | 37-42 | Failure to comply with an official Notice | 4 |
| | | 37-69 | Failure to Maintain Lawn | 1 |
| | | 70.93 | Failure to maintain property free of Junk | 1 |
| | | 37-138(1) | Garbage Piling up outside of rental unit | 1 |
| | | 70-95 | Property free of garbage and debris | 1 |
| | | 70-94 | Storing Auto on Public Right of Way | 1 |
| | | | Adult Grand Total | 9 |

Citation Totals by Offense

All Departments

Violation Date: 01/01/2015 through 12/31/2015

| Court | Agency | Offense Code | Offense Description | Total |
|--------------------------|--------|----------------------|--|-----------|
| FBFD | | | | |
| Adult | | | | |
| | | SPS314.001 | 2 Storage Units Have Items To Close to Ceiling | 2 |
| | | SPS314.001.2 | Check Valve Needs To Be Replaced Per Inspection Report | 6 |
| | | SPS314.001 | Dead Bolt on Basement Door Replaced | 2 |
| | | SPS314.001 | Exit Sign At Top Stairs Battery backup repaired | 1 |
| | | 44-167 | Exit Sign Illumination | 1 |
| | | nfpa1:13.6.8.1.3.8.1 | Fail to install fire extinguisher proper hgt | 1 |
| | | 44-179 | Fail to Maintain Smoke Alarm | 2 |
| | | NFPA1:14.4.1 | FAILURE TO MAINTAIN EGRESS RELIABILTY | 1 |
| | | SPS314.001.1 | Items Blocking Passage Way in Basement | 1 |
| | | SPS314.001 | Key Needed to Boiler Room | 1 |
| | | SPS 314.001 | Lock Req on chain for sprinkler control valve | 4 |
| | | SPS314.001.1 | More Spare Sprinkler Heads Required in Box | 6 |
| | | SPS314.001 | No Record of Required monthly fire alarm testing | 6 |
| | | 44-524 | Non-Compliance with 100% Sprinkler System | 24 |
| | | SPS314.001 | Rear Exit Sign Hanging by wires | 6 |
| | | SPS314.001 | Sprinkler Head Wrench Required in Sprinkler Box | 6 |
| | | sps314.001 | Sprinkler system expanded basement | 6 |
| | | SPS314.001.3 | Sprinkler System needs Quartly Inspection completed | 6 |
| | | SPS314.001 | Strikers required on all fire extinguisher cabnits | 2 |
| | | SPS314.001.1 | Water Gauge needs to be replaced | 6 |
| Adult Grand Total | | | | 90 |

Citation Totals by Offense

All Departments

Violation Date: 01/01/2015 through 12/31/2015

| Court | Agency | Offense Code | Offense Description | Total |
|-------------|--------------|----------------|--|-------|
| FBPD | | | | |
| | Adult | | | |
| | | 940.225(3m) | 4th Degree Sexual Assault | 1 |
| | | 56-74(2) | Animal Attack Pedestrians | 1 |
| | | 56-74(3) | Animals Attack Animals | 3 |
| | | 56-74(4) | Animals Disturb The Peace | 2 |
| | | 56-74(1) | Animals Run Large | 2 |
| | | 346.14(1) | Automobile Following Too Closely | 129 |
| | | 940.19(1) | Battery | 9 |
| | | 70-39 | Ccw/Firearms | 1 |
| | | 60-4(d)(1) | Consumption of alcohol in park | 1 |
| | | 18-208 | Contempt Of Court | 7 |
| | | 346.34(1)(a)3 | Deviating From Lane Of Traffic | 3 |
| | | 346.13(3) | Deviation From Designated Lane | 3 |
| | | 70-21 | Disorderly Conduct | 71 |
| | | 341.61(2) | Display Unauth. Veh. Registration Plate | 6 |
| | | 346.57(3) | Driving Too Fast For Conditions | 7 |
| | | 346.15 | Driving Wrong Way On Divided Highway | 10 |
| | | 346.57(5) | Exceeding Zone And Posted Limits | 524 |
| | | 346.31(1) | Fail To Follow Indicated Turn | 3 |
| | | 341.15(1m)(a) | Fail/Attach Rear Regis. Decal/Tag | 1 |
| | | 346.072(1m)(a) | Fail/Change Lane-Passing Stop Emerg Veh | 4 |
| | | 346.04(1) | Fail/Obey Traffic Officer Sign/Signal | 12 |
| | | 346.04(2) | Fail/Obey Traffic Officer-Work Area | 75 |
| | | 346.46(1) | Fail/Stop At Stop Sign | 75 |
| | | 346.39(1) | Fail/Stop For Flashing Red Signal | 2 |
| | | 346.18(6) | Fail/Yield For Yield Sign | 6 |
| | | 346.18(3) | Fail/Yield Right/Way From Stop Sign | 18 |
| | | 346.18(5) | Fail/Yield Rt/Way From Parked Position | 2 |
| | | 346.18(4) | Fail/Yield When Emerging From Alley | 11 |
| | | 346.18(2) | Fail/Yield While Making Left Turn | 35 |
| | | 346.18(1) | Fail/Yield/Uncontrolled Intersection | 1 |
| | | 346.18(3m) | Fail/Yield/Uncontrolled T Intersection | 1 |
| | | 346.70(2) | Failure To File Accident Report | 1 |
| | | 346.70(1) | Failure To Notify Police Of Accident | 14 |
| | | 346.37(1)(c)3 | Failure To Obey Sign Or Signal | 2 |
| | | 346.48(1) | Failure To Stop For School Bus | 3 |
| | | 346.32 | Failure To Yield Right Of Way | 16 |
| | | 256.35(10)(A) | False 911 Call | 1 |
| | | 346.23(2) | Fyr At Divided Highway | 1 |
| | | 346.24(1) | Fyr To Pedestrian, Bicyclist, Or Epamd | 1 |
| | | 70-143 | Graffiti/Injury To Property | 18 |
| | | 346.67(1) | Hit and Run | 1 |
| | | 346.69 | Hit And Run-Property Adjacent To Highway | 9 |
| | | 346.68 | Hit And Run-Unattended Vehicle | 10 |
| | | 346.485(1) | Illegal Pass Of School Bus Reported | 15 |
| | | 346.31(3)(c) | Improper Left Turn/Completion | 2 |
| | | 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 | 1 |
| | | 346.31(2) | Improper Right Turn | 3 |
| | | 346.46(2)(a) | Improper Stop/Stop Sign-Stop Line | 3 |
| | | 346.89(1) | Inattentive Driving | 53 |

Citation Totals by Offense

All Departments

Violation Date: 01/01/2015 through 12/31/2015

| Court | Agency | Offense Code | Offense Description | Total |
|--------------|--------|-----------------|---|-------|
| FBPD | | | | |
| Adult | | | | |
| | | 70-22 | Indecent Conduct | 1 |
| | | 70-150 | Issue Worthless Checks | 5 |
| | | 346.935(3) | Keep Open Intoxicants In Mv | 3 |
| | | 70-91 | Littering Prohibited | 1 |
| | | 74-111 | Noises Disturbing The Public | 11 |
| | | 341.04(1) | Non-Registration Of Auto, Etc | 115 |
| | | 70-171 | Obstructing Justice | 6 |
| | | 943.23(4m) | Oper Vehivle W/Out Owners Consent | 1 |
| | | 341.03(1) | Operate After Rev/Susp Of Registration | 85 |
| | | 347.485(2)(a) | Operate Cycle Without Eye Protection | 1 |
| | | 343.07(1g)(a)2 | Operate Motor Vehicle By Permittee W/O Parent | 1 |
| | | 347.35(1) | Operate Motor Vehicle W/O Capable Brakes | 1 |
| | | 344.62(1) | Operate Motor Vehicle W/O Insurance | 69 |
| | | 344.62(2) | Operate Motor Vehicle W/O Proof Of Insurance | 171 |
| | | 343.05(3)(b) | Operate Motorcycle W/O Valid License | 1 |
| | | 343.07(1g)(a)3 | Operate Mtr Veh By Permittee W/O Auth Person | 1 |
| | | 343.07(1g)(a)1 | Operate Mtr Veh By Permittee W/O Instructor | 2 |
| | | 348.10(3m) | Operate Veh W/O Securely Fastened Load | 1 |
| | | 343.05(3)(a) | Operate W/O Valid License | 183 |
| | | 346.63(1)(am) | Operate With Control Substance | 6 |
| | | 343.44(1)(a) | Operating After Suspension | 271 |
| | | 346.05(1) | Operating Left Of Center Line | 11 |
| | | 346.63(1)(b) | Operating W/Pac | 54 |
| | | 346.63(1)(a) | Operating While Intox. | 87 |
| | | 343.44(1)(b) | Operating While Revoked | 110 |
| | | 347.06(1) | Operation W/O Required Lamps Lighted | 9 |
| | | 347.48(2m)(c) | Operator Fail/Have Passenger/Seatbelted | 2 |
| | | 346.075(1) | Overtaking & Passing Bicycle Or Epamd | 1 |
| | | 346.09(1) | Passing Into Oncoming Traffic | 1 |
| | | 346.25 | Ped/Bike/Epamd Fyr-Crossing Roadway | 1 |
| | | 346.23(1) | Pedestrian, Bicyclist, Or Epamd Fyr | 1 |
| | | 961.573(1) | Possess Drug Paraphernalia | 42 |
| | | 346.935(2) | Possess Open Intoxicants In Mv | 4 |
| | | 70-122 | Possession of Marijuana | 45 |
| | | 343.085(2m)(a)2 | Prob Licensee Oper Class D Veh - 12am And 5am | 1 |
| | | 54-23 | Public Parks Closing Hou+B16rs | 2 |
| | | 346.94(2) | Racing On Highway | 2 |
| | | 943.34(1)(a) | Receive Stolen Property | 1 |
| | | 346.62(2) | Reckless Driving-Endanger Safety | 6 |
| | | 70-200 | Resisting/Obstructing Officer | 16 |
| | | 347.48(2m)(d) | Ride In Vehicle W/O Wearing Seat Belt | 4 |
| | | 70-151 | Shoplifting | 41 |
| | | 70-121(b) | Solicitation Of Prostitution | 1 |
| | | 346.57(4)(h) | Speeding In 55 Mph Zone | 1 |
| | | 346.57(4)(e) | Speeding On City Highway | 68 |
| | | 346.57(4)(gm) | Speeding On Freeway | 15 |
| | | 346.57(4)(g) | Speeding On Semiurban Highway | 1 |
| | | 346.89(3)(a) | Texting While Driving | 2 |
| | | 943.20(1)(a) | Theft (Less than \$500) | 25 |
| | | 943.20(1) | Theft-Less Than \$500 | 2 |
| | | 943.13(1m)(b) | Trespass To Land-Remain After Notice | 9 |

Citation Totals by Offense

All Departments

Violation Date: 01/01/2015 through 12/31/2015

| Court | Agency | Offense Code | Offense Description | Total |
|--------------------------|--------|---------------|---|--------------|
| FBPD | | | | |
| Adult | | | | |
| | | 70-144 | Tresspass on Private Property | 11 |
| | | 346.14(2)(a) | Truck Following Too Closely | 2 |
| | | 343.07(4)(b)1 | Type 1 Cycle Permittee Oper Cycle W/Unqd Pass | 1 |
| | | 347.06(3) | Unclean/Defective Lights Or Reflectors | 1 |
| | | 125.07(4)(b) | Underage Drinking-Possess-Consume | 17 |
| | | 125.07(4)(a)1 | Underage Drinking-Procures | 1 |
| | | 346.93(1) | Underage Person Transport Intoxicants In Mv | 2 |
| | | 346.33(1)(a) | Unlawful U/Y Turn-Control.Intersection | 1 |
| | | 346.33(1)(d) | Unlawful U/Y Turn-Erected Signs | 7 |
| | | 346.57(2) | Unreasonable & Imprudent Speed | 39 |
| | | 346.87 | Unsafe Backing Of Vehicle | 3 |
| | | 346.07(2) | Unsafe Cutting In When Passing | 1 |
| | | 346.13(1) | Unsafe Lane Deviation | 20 |
| | | 346.08 | Unsafe Passing On Right | 1 |
| | | 347.48(2m)(b) | Vehicle Operator Fail/Wear Seat Belt | 75 |
| | | 346.675(1) | Vehicle Owner's Liability For Fsa | 5 |
| | | 347.48(4)(am) | Viol Of Child Safety Restraint | 16 |
| | | 346.63(2m) | Violate Absolute Sobriety Law | 3 |
| | | 346.37(1)(a)1 | Violate Green Traffic Signal | 4 |
| | | 346.37(1)(c)1 | Violate Red Traffic Signal | 84 |
| | | 346.37(1)(b) | Violate Yellow Signal | 33 |
| Adult Grand Total | | | | 3,010 |

Citation Totals by Offense

All Departments

Violation Date: 01/01/2015 through 12/31/2015

| Court | Agency | Offense Code | Offense Description | Total |
|--------------|---------------|---------------------|----------------------------|--------------|
| FBPW | | | | |
| Adult | | 41-131 | Illegal Dumping | 5 |
| | | | Adult Grand Total | <u>5</u> |

PARKING TICKETS

Total number of parking tickets processed in 2015: 1,614

Fitchburg Municipal Court is responsible for processing and collecting payments for parking tickets issued in the City of Fitchburg. In 2015, **1,614** parking citations were processed by the Court. The highest volume of tickets were issued between the months of December and February. In January, **568** parking tickets were processed. This was higher than any other month.

The most common parking offenses in 2015 were alternate side parking violations, parked without owners consent, and handicapped parking violation.

The Court processed **35 contested parking tickets**. The Municipal Judge or City Attorney were assigned to hear the contested tickets.

Fitchburg Police Department
Tickets (Annual)

Issue Date: 01/01/2015 through 12/31/2015

| | | Total | 2015 |
|--------------|------------------------------------|--------------|--------------|
| 44-407(6) | Illegally Parked in Fire Lane | 25 | 25 |
| 44-461 | Blocking Fire Hydrant | 6 | 6 |
| 68-1CB | Parked greater than 12 inches fro: | 5 | 5 |
| 68-1DA | Parked Within 4 Feet of Drivewa; | 6 | 6 |
| 68-1HS | Handicapped parking stall violati | 74 | 74 |
| 68-1PAT | Parked Against Traffic | 18 | 18 |
| 68-208 | Vehicle Abandonment | 35 | 35 |
| 68-208TOW | Vehicle Abandonment -Towed | 28 | 28 |
| 68-208WOC | Parked Without Owners Consent | 93 | 93 |
| 68-212 | Alternate Side Parking | 1,296 | 1,296 |
| 68-213 | No Parking Between Signs | 5 | 5 |
| 68-214 | Parking Prohibited -Certain Time | 1 | 1 |
| 68-215 | Parking Prohibited | 3 | 3 |
| 68-216 | Large Vehicle Restrictions | 6 | 6 |
| 68-231(8) | No Parking | 4 | 4 |
| 68-234 | Blocking Fire Hydrant | 6 | 6 |
| 68-235BZ | Parking in Bus Stop Zone | 3 | 3 |
| Total | | 1,614 | 1,614 |

Fitchburg Police Department

Tickets (Month)

Issue Date: 01/01/2015 through 12/31/2015

| | Total | 01/2015 | 02/2015 | 03/2015 | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 |
|-----------|-------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 44-407(6) | 25 | 0 | 3 | 7 | 2 | 1 | 1 | 1 | 9 | 1 | 0 | 0 | 0 |
| 44-461 | 6 | 0 | 0 | 0 | 0 | 0 | 1 | 3 | 0 | 0 | 1 | 0 | 1 |
| 68-1CB | 5 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 |
| 68-1DA | 6 | 0 | 2 | 0 | 1 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 0 |
| 68-1HS | 74 | 14 | 10 | 4 | 5 | 3 | 9 | 5 | 9 | 0 | 10 | 0 | 5 |
| 68-1PAT | 18 | 2 | 4 | 1 | 2 | 0 | 1 | 1 | 1 | 1 | 0 | 5 | 0 |
| 68-208 | 35 | 1 | 5 | 5 | 4 | 0 | 10 | 2 | 3 | 3 | 1 | 1 | 0 |
| 68-208TOW | 28 | 2 | 1 | 2 | 2 | 0 | 0 | 8 | 6 | 2 | 0 | 1 | 4 |
| 68-208WOC | 93 | 8 | 9 | 11 | 11 | 7 | 3 | 10 | 7 | 5 | 10 | 8 | 4 |
| 68-212 | 1,296 | 538 | 260 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 462 |
| 68-213 | 5 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 1 | 0 | 0 | 0 | 0 |
| 68-214 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| 68-215 | 3 | 0 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| 68-216 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 |
| 68-231(8) | 4 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| 68-234 | 6 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 1 | 1 | 0 |
| 68-235BZ | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 |
| Total | 1,614 | 568 | 297 | 67 | 28 | 13 | 27 | 35 | 43 | 13 | 23 | 24 | 476 |

PRE-TRIALS

Total number of citations set for Pre-Trial in 2015: 1,300

The City Attorney, Mark Sewell and Clerk of Court, James Gray, hold Pre-trial conferences approximately three to four times per month. A pre-trial conference consist 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 2015, **45 pre-trial** sessions were scheduled with the City Attorney. A total of **1,300 citations** were scheduled for pre-trial.

ALTERNATIVE OPTIONS

Total number of defendants who participated in alternative options in 2015: 71

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 2015, **35** 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. In 2015, **16** defendants participated in the City's Drug Monitoring Program. This program involves being under court supervision for a minimum of 6 months and submitting 3-6 random drug tests. If the defendant successfully completes the program, the charges will be dismissed and no fine will be collected.

JUVENILE COURT

Juvenile court typically takes place one Thursday evening each month. In 2015, Judge Ezalarab, along with Community Service Liaison Suzie Jones, processed **68 juvenile citations**. The most common citations issued to juveniles were for disorderly conduct, shoplifting, and curfew violations. The Judge placed **28 juveniles** on the City's First Offender Program in 2015.

The First Offender Program is designed for juvenile offenders, age 12-16, who have no prior law violations. Under this program, the offender is required to abide by a set of conditions agreed upon and signed by the offender, the parent/guardian, and the Municipal Judge. The program is open-ended and therefore has no time limit. The amount of time spent in the program depends on the offender complying with the rules of the contract and the discretion of the Municipal Judge and Community Service Liaison, who has been monitoring the juvenile's progress in the program.

If the juvenile successfully completes the First Offender Program, the charges will be dismissed and no fine will be collected. Any contract violation will void the contract, and the defendant will be convicted and responsible for paying the fine.

Conditions of the First Offender Program:

- 1.) **No future law violations:** This means NO future citations issued, anywhere, throughout the duration of the program.
- 2.) **Attendance and Grades:** Must attend school and receiving passing grades. Proof of attendance and report cards must be submitted to all status court hearings.
- 3.) **Household rules:** Must abide by all household rules and restrictions. Parent/Guardian may impose any new rules at time of the hearing, their testimony about the child's behavior will be a factor in determining the outcome of future status hearings.
- 4.) **Community Service:** Based on the severity of the charges, the Judge will order an appropriate amount of community service that has to be performed every six months. The defendant is required to submit proof of completed hours to the community service liaison.

- 5.) **Random Drug Testing:** Under discretion of the Judge, the defendant may be required to have random drug tests conducted.
- 6.) **Drug and/or Alcohol Counseling:** Depending on the case, the Judge may order a defendant to receive some kind of counseling. In these cases, the defendant must have an assessment conducted and then submit written verification of the assessment to the court.
- 7.) **Restitution:** May be ordered to pay restitution or make repairs if the offense involved property damage or personal injury.