



Hamdy Ezalarab, Municipal Judge

James Gray, Clerk of Court

Katie Bogucki, Community Service Liaison

Fitchburg Municipal Court

2018 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 2018: 1,862

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 2018, **1,862** 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 "shoplifting".

**STATE OF WISCONSIN MUNICIPAL COURT
CASELOAD STATISTICS**

(NUMBER OF CASES PROCESSED)

Municipal Court of: Fitchburg

County: Dane

Judge: Hamdy Ezalarab

For The Period Beginning: 01/01/2018 and ending: 12/31/2018

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	1,192	82	350	109	1,733
By Dismissal	0	55	19	31	24	129

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 : 1,862

Version 2015

Citation Totals by Offense

All Departments

Violation Date: 01/01/2018 through 12/31/2018

Court	Agency	Offense Code	Offense Description	Total
FBI				
	Adult			
		37-139(4)	Fail to Maintain Dumpster Service	2
		37-139(9)	Failure to Inspect, Repair and/or replace smoke detectors	1
		37-107	Failure to Install Peepholes & Door Numbers	1
		37-81	Failure to Remove Garbage from Public View	1
		74-90	Failure to remove Junk from Public View	2
		37-140(15)	Failure to Remove Molded Drywall	1
		74-22	Failure to remove trailer damaged by Fire	1
		37-139	Failure to Repair Broken Patio Door Window	2
		37-138(12)	Failure to repair broken window	1
		44-630	Failure to Repair Fire Alarm System	1
		37-80	Failure to Repair Parking Lots	2
		37-138(1)	Garbage Piling up outside of rental unit	1
		68-232	Storage & Sales of Motor Vehicle in Public View	1
		70-94	Storing Auto on Public Right of Way	2
			Adult Grand Total	19

Citation Totals by Offense

All Departments

Violation Date: 01/01/2018 through 12/31/2018

Court	Agency	Offense Code	Offense Description	Total
FBFD				
	Adult			
		NFPA1:14.14.1.5.1	Failure to mark exits as ordered by the AHJ	1
		NFPA1:11.1.7.6	Failure to remove extension cords to registers	1
			Adult Grand Total	<u><u>2</u></u>

Citation Totals by Offense

All Departments

Violation Date: 01/01/2018 through 12/31/2018

Court	Agency	Offense Code	Offense Description	Total
FBPD				
	Adult			
		56-74(1)	Animals Run Large	2
		346.14(1)	Automobile Following Too Closely	81
		940.19(1)	Battery	10
		18-208	Contempt Of Court	1
		70-280	Curfew	1
		346.34(1)(a)3	Deviating From Lane Of Traffic	6
		346.13(3)	Deviation From Designated Lane	2
		70-21	Disorderly Conduct	79
		341.61(2)	Display Unauth. Veh. Registration Plate	3
		346.935(1)	Drink Open Intoxicants In Mv	2
		346.57(3)	Driving Too Fast For Conditions	11
		346.15	Driving Wrong Way On Divided Highway	4
		346.57(5)	Exceeding Zone And Posted Limits	58
		346.31(1)	Fail To Follow Indicated Turn	2
		346.18(8)(a)	Fail to Yield Right of Way Roundabout	10
		341.15(1m)(a)	Fail/Attach Rear Regis. Decal/Tag	1
		346.072(1m)(a)	Fail/Change Lane-Passing Stop Emerg Veh	1
		341.15(1)	Fail/Display Vehicle License Plates	1
		346.04(1)	Fail/Obey Traffic Officer Sign/Signal	5
		346.04(2)	Fail/Obey Traffic Officer-Work Area	32
		346.46(1)	Fail/Stop At Stop Sign	40
		346.39(1)	Fail/Stop For Flashing Red Signal	1
		346.18(6)	Fail/Yield For Yield Sign	3
		346.18(3)	Fail/Yield Right/Way From Stop Sign	20
		346.18(5)	Fail/Yield Rt/Way From Parked Position	1
		346.38(1)	Fail/Yield To Pedestrian/Bicyclist	1
		346.19(1)	Fail/Yield To Stop For Emergency Vehicle	1
		346.18(4)	Fail/Yield When Emerging From Alley	2
		346.18(2)	Fail/Yield While Making Left Turn	25
		346.47(1)	Fail/Yield/Stop/Emerging From Alley	2
		346.18(3m)	Fail/Yield/Uncontrolled T Intersection	1
		346.70(2)	Failure To File Accident Report	4
		346.57(2)	Failure to Keep Vehicle Under Control	13
		346.70(1)	Failure To Notify Police Of Accident	8
		342.05(4)	Failure To Obtain Vehicle Title	1
		346.48(1)	Failure To Stop For School Bus	9
		342.15(5)	Failure To Transfer Vehicle Title	1
		346.32	Failure To Yield Right Of Way	11
		70-201	False Fire/Police Reports	2
		346.37(1)(c)3	FYR	20
		346.18(8)(B)	FYR Similar/Situated Veh in Roundabout	2
		70-143	Graffiti/Injury To Property	5
		346.69	Hit And Run-Property Adjacent To Highway	7
		346.68	Hit And Run-Unattended Vehicle	22
		346.485(1)	Illegal Pass Of School Bus Reported	24
		346.59(1)	Impeding Traffic By Slow Speed	1
		341.15(3)(b)	Improper Display/Plates (Hard To See)	1
		341.15(3)(a)	Improper Display/Plates (No Plates)	1
		346.31(3)(b)	Improper Left Turn/Intersection	1
		346.54	Improper Parking/Standing Of Vehicle	1
		346.48(3)	Improper Passing/Stopped School Bus	3

Citation Totals by Offense

All Departments

Violation Date: 01/01/2018 through 12/31/2018

Court	Agency	Offense Code	Offense Description	Total
FBPD				
	Adult			
		346.46(2)(a)	Improper Stop/Stop Sign-Stop Line	1
		346.89(1)	Inattentive Driving	50
		70-22	Indecent Conduct	1
		70-150	Issue Worthless Checks	2
		346.935(3)	Keep Open Intoxicants In Mv	2
		944.20(1)(a)	Lewd And Lascivious Behavior-In Public	1
		343.43(1)(d)	Lic Restriction Violation-Class D/M Vehicle	3
		70-91	Littering Prohibited	2
		347.13(1)	No Tail Lamp/Defective Tail Lamp-Night	2
		74-111	Noises Disturbing The Public	7
		341.04(1)	Non-Registration Of Auto, Etc	79
		68-153(2)	Oper Veh Unreasonable & Excessive Noise	2
		341.03(1)	Operate After Rev/Susp Of Registration	27
		343.07(1g)(a)2	Operate Motor Vehicle By Permittee W/O Parent	1
		347.09(1)(a)	Operate Motor Vehicle W/O 2 Headlights	1
		344.62(1)	Operate Motor Vehicle W/O Insurance	43
		344.62(2)	Operate Motor Vehicle W/O Proof Of Insurance	77
		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	2
		348.10(2)	Operate Veh./Fail/Prevent Leaking Load	1
		347.13(3)	Operate Vehicle W/O Registration Lamps	1
		343.05(3)(a)	Operate W/O Valid License	123
		346.63(1)(am)	Operate With Control Substance	4
		343.44(1)(a)	Operating After Suspension	100
		346.05(1)	Operating Left Of Center Line	4
		346.63(1)(b)	Operating W/Pac	62
		346.63(1)(a)	Operating While Intox.	100
		343.44(1)(b)	Operating While Revoked	50
		347.06(1)	Operation W/O Required Lamps Lighted	3
		347.48(2m)(c)	Operator Fail/Have Passenger/Seatbelted	4
		346.195(1)	Owner Liability-Fail/Yield To Er Vehicle	1
		346.175(1)(a)	Owners Liability-Flee/Elude Officer	3
		346.10(2)	Passing At Intersection	1
		346.09(3)	Passing In No-Passing Zone	2
		346.09(4)	Passing Vehicle Indicating Left Turn	2
		68-135(D)	Pedestrian Safety-(Person Present in Median)	4
		346.23(1)	Pedestrian, Bicyclist, Or Epamd Fyr	1
		961.573(1)	Possess Drug Paraphernalia	31
		346.935(2)	Possess Open Intoxicants In Mv	5
		941.295	Possession of Electric Weapon	2
		70-122	Possession of Marijuana	30
		54-23	Public Parks Closing Hou+B16rs	1
		346.62(2)	Reckless Driving-Endanger Safety	3
		343.305(10)(b)	Refusal	10
		70-200	Resisting/Obstructing Officer	16
		347.48(2m)(d)	Ride In Vehicle W/O Wearing Seat Belt	10
		70-151	Shoplifting	114
		346.57(4)(e)	Speeding On City Highway	6
		346.52(1)(a)	Stopping/Standing W/In Intersection	1
		70-94	Storage Of Auto In Public View	4
		346.24(2)	Sudden Bike/Pedestrian Movement Into Traffic	2

Citation Totals by Offense

All Departments

Violation Date: 01/01/2018 through 12/31/2018

Court	Agency	Offense Code	Offense Description	Total
FBPD				
Adult				
		346.89(3)(a)	Texting While Driving	1
		943.20(1)(a)	Theft (Less than \$500)	21
		943.20(1)	Theft-Less Than \$500	1
		68-135	Traffic & Pedestrian Safety	1
		943.13(1m)(a)	Trespass To Land	1
		943.13(1m)(b)	Trespass To Land-Remain After Notice	16
		70-144	Tresspass on Private Property	4
		346.14(2)(a)	Truck Following Too Closely	1
		125.07(4)(b)	Underage Drinking-Possess-Consume	11
		947.012(2)(B)	UNLAWFUL PHONE USE-HARASSMENT	1
		346.33(1)(d)	Unlawful U/Y Turn-Erected Signs	5
		346.33(1)(c)	Unlawful U/Y Turn-Highway Midblock	1
		346.57(2)	Unreasonable & Imprudent Speed	38
		346.87	Unsafe Backing Of Vehicle	6
		346.07(2)	Unsafe Cutting In When Passing	2
		346.13(1)	Unsafe Lane Deviation	14
		346.34(1)(a)1	Unsafe Turn-At Intersection	1
		347.48(2m)(b)	Vehicle Operator Fail/Wear Seat Belt	55
		346.675(1)	Vehicle Owner's Liability For Fsa	19
		347.48(4)(am)	Viol Of Child Safety Restraint	5
		346.37(1)(d)1	Viol Traffic Control signal by Vehicle	1
		346.63(2m)	Violate Absolute Sobriety Law	2
		346.37(1)(a)1	Violate Green Traffic Signal	1
		346.37(1)(c)1	Violate Red Traffic Signal	49
		346.37(1)(b)	Violate Yellow Signal	9
Adult Grand Total				1,817

Citation Totals by Offense

All Departments

Violation Date: 01/01/2018 through 12/31/2018

Court	Agency	Offense Code	Offense Description	Total
FBPD				
	Juvenile			
		940.19(1)	Battery	5
		70-39	Ccw/Firearms	1
		70-280	Curfew	42
		70-21	Disorderly Conduct	16
		346.04(2)	Fail/Obey Traffic Officer-Work Area	1
		70-148	Fraud On Taxicab Prohibited	1
		70-143	Graffiti/Injury To Property	2
		254.92(2)	Minor Possesses Or Purchases Tobacco	1
		341.04(1)	Non-Registration Of Auto, Etc	3
		343.05(3)(a)	Operate W/O Valid License	2
		961.573(1)	Possess Drug Paraphernalia	11
		70-122	Possession of Marijuana	13
		70-200	Resisting/Obstructing Officer	22
		70-151	Shoplifting	4
		943.20(1)(a)	Theft (Less than \$500)	8
		943.13(1m)(b)	Trespass To Land-Remain After Notice	1
		70-255	Truancy	1
		125.07(4)(b)	Underage Drinking-Possess-Consume	1
		346.37(1)(c)1	Violate Red Traffic Signal	1
			Juvenile Grand Total	136

Citation Totals by Offense

All Departments

Violation Date: 01/01/2018 through 12/31/2018

Court	Agency	Offense Code	Offense Description	Total
FBPW				
	Adult			
		27-84	Brush Placed in Right of Way- Fail to remove	1
		30-26	Erosion Control Non-Compliance	3
		41-131	Illegal Dumping	9
			Adult Grand Total	<u><u>13</u></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 2018, **40 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 2018, **54** 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 2018: 862

Fitchburg Municipal Court is responsible for processing and collecting payments for parking tickets issued in the City of Fitchburg. In 2018, **1,083** parking citations were processed by the Court. The highest volume of tickets was issued between the months of December and February. In December, **396** parking tickets were processed. This was higher than any other month.

The most common parking offenses in 2018 were alternate side parking violations, Handicapped Parking Stall, 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: 01/01/2018 through 12/31/2018

		Total	2018
44-407(6)	Illegally Parked in Fire Lane	13	13
44-461	Blocking Fire Hydrant	1	1
68-1CB	Parked greater than 12 inches	1	1
68-1DA	Parked Within 4 Feet of	5	5
68-1HS	Handicapped parking stall	43	43
68-1PAT	Parked Against Traffic	13	13
68-208	Vehicle Abandonment	10	10
68-208TOW	Vehicle Abandonment -Towed	11	11
68-208WOC	Parked Without Owners Consent	24	24
68-209	Temporary Parking Restrictions	5	5
68-211	Parked for 24 hours	1	1
68-212	Alternate Side Parking	881	881
68-214	Parking Prohibited -Certain	37	37
68-215	Parking Prohibited	3	3
68-217	Trailer Restricted Parking	1	1
68-231(10)	No Parking	2	2
68-231(8)	No Parking	6	6
68-234	Blocking Fire Hydrant	19	19
68-235BZ	Parking in Bus Stop Zone	7	7
Total		1,083	1,083

JUVENILE COURT

Total Number of Juvenile Citations Processed in 2018: 132

Juvenile Court typically takes place on Thursday evenings once per month as well as after Adult Court. In 2018, there were 33 juvenile court dates. Judge Ezalarab, along with Community Service Liaison Katie Bogucki had 192 juvenile cases scheduled. There were 132 new citations issued to juveniles in 2018.

The most common citations issued to juveniles:

1. Curfew
2. Shoplifting
3. Disorderly Conduct

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 regular basis
- School- requires good attendance and passing grades
- Community Service- volunteer at a 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