



**Hamdy Ezalarab, Municipal Judge**

**James Gray, Clerk of Court**

**Katie Bogucki, Community Service Liaison**

# Fitchburg Municipal Court

## 2021 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 2021: 776**

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 every Thursday at 5:00 PM. In 2021, **776** citations were processed by the Court.

**STATE OF WISCONSIN MUNICIPAL COURT  
CASELOAD STATISTICS**

(NUMBER OF CASES PROCESSED)

Municipal Court of: Fitchburg

County: Dane

Judge: Hamdy Ezalarab

For The Period Beginning: 01/01/2021 and ending: 12/31/2021

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	537	40	136	18	731
By Dismissal	0	19	3	16	7	45

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 :** 776

Version 2015

**Citation Totals by Offense**

All Departments

Violation Date: 01/01/2021 through 12/31/2021

<b>Court</b>	<b>Agency</b>	<b>Offense Code</b>	<b>Offense Description</b>	<b>Total</b>
<b>FBI</b>				
	<b>Adult</b>			
		30-26	Failure to Maintain Erosion Control	2
		37-81	Failure to Remove Garbage from Public View	3
		74-90	Failure to remove Junk from Public View	2
			<b>Adult Grand Total</b>	<u><u>7</u></u>

**Citation Totals by Offense**

All Departments

Violation Date: 01/01/2021 through 12/31/2021

Court	Agency	Offense Code	Offense Description	Total
<b>FBPD</b>				
	<b>Adult</b>			
		68-212	Alternate Side	2
		56-74(2)	Animal Attack Pedestrians	1
		56-74(3)	Animals Attack Animals	3
		56-74(1)	Animals Run Large	4
		346.14(1m)	Automobile Following too Closely	25
		940.19(1)	Battery	1
		346.78	Bike Rules-Ride Play Vehicles On Roadway	1
		943.01(1)	Criminal Damage To Property	4
		346.34(1)(a)3	Deviating From Lane Of Traffic	2
		346.13(3)	Deviation From Designated Lane	8
		70-21	Disorderly Conduct	50
		346.94(12)	Driving On Bicycle Lane Or Way	1
		346.94(1)	Driving On Sidewalk	1
		346.57(3)	Driving Too Fast For Conditions	6
		346.15	Driving Wrong Way On Divided Highway	3
		346.57(5)	Exceeding Zone And Posted Limits	69
		68-153(1)	Excessive Radio, Electic Sound Amplification from vehicle	1
		346.31(1)	Fail To Follow Indicated Turn	2
		342.05(1)	Fail To Properly Obtain Title	1
		346.18(8)(a)	Fail to Yield Right of Way Roundabout	4
		346.04(2)	Fail/Obey Traffic Officer-Work Area	11
		346.34(1)	Fail/Signal Turn/Unsafe Turn	1
		346.46(1)	Fail/Stop At Stop Sign	32
		346.39(1)	Fail/Stop For Flashing Red Signal	1
		346.18(6)	Fail/Yield For Yield Sign	1
		346.18(3)	Fail/Yield Right/Way From Stop Sign	11
		346.18(5)	Fail/Yield Rt/Way From Parked Position	1
		346.19(1)	Fail/Yield To Stop For Emergency Vehicle	1
		346.18(2)	Fail/Yield While Making Left Turn	17
		346.70(2)	Failure To File Accident Report	1
		346.57(2)	Failure to Keep Vehicle Under Control	7
		346.70(1)	Failure To Notify Police Of Accident	6
		346.48(1)	Failure To Stop For School Bus	1
		346.06	Failure To Yield Right Of Way	12
		346.07(3)	Failure To Yield To Passing Vehicle	1
		70-201	False Fire/Police Reports	2
		346.915(2)	Follow Snowplow Too Close On Highway	1
		346.37(1)(c)3	FYR	2
		70-143	Graffiti/Injury To Property	12
		68-1HS	Handicapped Parking	1
		947.013(1M)	Harrassment	1
		346.69	Hit And Run-Property Adjacent To Highway	4
		346.68	Hit And Run-Unattended Vehicle	8
		41-131	Illegal Dumping	1
		TR305.34(6)	Illegal Materials On Windshield	1
		346.505(2)(c)	Illegal Parking-Next/Hand. Access Aisle	1
		346.485(1)	Illegal Pass Of School Bus Reported	6
		346.31(3)	Improper Left Turn	2
		346.075(2)	Improper Passing Of Stopped Bus	2
		346.89(1)	Inattentive Driving	29
		346.935(3)	Keep Open Intoxicants In Mv	1

**Citation Totals by Offense**

All Departments

Violation Date: 01/01/2021 through 12/31/2021

Court	Agency	Offense Code	Offense Description	Total
<b>FBPD</b>				
	<b>Adult</b>			
		343.43(1)(d)	Lic Restriction Violation-Class D/M Vehicle	3
		74-111	Noises Disturbing The Public	13
		341.04(1)	Non-Registration Of Auto, Etc	17
		943.23	Oper motor vehicle w/o owners consent	1
		346.89(5)	Oper Veh w/ Visible Electronic Device	1
		341.03(1)	Operate After Rev/Susp Of Registration	2
		344.62(1)	Operate Motor Vehicle W/O Insurance	23
		344.62(2)	Operate Motor Vehicle W/O Proof Of Insurance	15
		343.07(1g)(a)1	Operate Mtr Veh By Permittee W/O Instructor	2
		348.10(2)	Operate Veh./Fail/Prevent Leaking Load	1
		343.18(1)	Operate W/O Carrying License	1
		343.05(3)(a)	Operate W/O Valid License	41
		343.44(1)(a)	Operating After Suspension	25
		346.05(1)	Operating Left Of Center Line	4
		346.63(1)(b)	Operating W/Pac	22
		346.63(1)(a)	Operating While Intox.	36
		343.44(1)(b)	Operating While Revoked	15
		347.06(1)	Operation W/O Required Lamps Lighted	5
		346.175(1)(a)	Owners Liability-Flee/Elude Officer	7
		346.09(3)	Passing In No-Passing Zone	2
		961.573(1)	Possess Drug Paraphernalia	2
		346.935(2)	Possess Open Intoxicants In Mv	4
		70-122	Possession of Marijuana	9
		56-74(7)	Presence in Public Parks Leash Requirement	1
		346.62(2)	Reckless Driving-Endanger Safety	7
		343.305(10)(b)	Refusal	4
		946.41(1)	Resist Or Obstruct An Officer	1
		70-200	Resisting/Obstructing Officer	8
		70-151	Shoplifting	12
		346.57(4)(h)	Speeding In 55 Mph Zone	1
		346.57(4)(e)	Speeding On City Highway	6
		346.57(4)(gm)2	Speeding on Freeway in excess of 70 mph	1
		346.89(3)(a)	Texting While Driving	1
		943.20(1)(a)	Theft (Less than \$500)	11
		943.20(1)	Theft-Less Than \$500	2
		943.13(1m)(b)	Trespass To Land-Remain After Notice	7
		347.06(3)	Unclean/Defective Lights Or Reflectors	1
		125.07(4)(b)	Underage Drinking-Possess-Consume	1
		346.33(1M)	Unlawful U Turn- Fail to exercise due care	1
		346.33(1)(f)	Unlawful U/Y Turn or Interference w/traffic	1
		346.33(1)(a)	Unlawful U/Y Turn-Control.Intersection	1
		346.33(1)(b)	Unlawful U/Y Turn-Midblock	1
		947.012(1)a	Unlawful Use Of Telephone	1
		346.57(2)	Unreasonable & Imprudent Speed	13
		346.87	Unsafe Backing Of Vehicle	1
		346.13(1)	Unsafe Lane Deviation	17
		346.08	Unsafe Passing On Right	1
		347.48(2m)(b)	Vehicle Operator Fail/Wear Seat Belt	13
		346.675(1)	Vehicle Owner's Liability For Fsa	16
		347.48(4)(am)	Viol Of Child Safety Restraint	1
		346.37(1)(a)1	Violate Green Traffic Signal	2

**Citation Totals by Offense**

All Departments

Violation Date: 01/01/2021 through 12/31/2021

Court	Agency	Offense Code	Offense Description	Total
<b>FBPD</b>				
	<b>Adult</b>			
		346.37(1)(c)1	Violate Red Traffic Signal	33
		346.37(1)(b)	Violate Yellow Signal	5
			<b>Adult Grand Total</b>	<u><u>789</u></u>



**Citation Totals by Offense**

All Departments

Violation Date: 01/01/2021 through 12/31/2021

<b>Court</b>	<b>Agency</b>	<b>Offense Code</b>	<b>Offense Description</b>	<b>Total</b>
<b>FBPW</b>				
Adult		30-26	Erosion Control Non-Compliance	4
		41-131	Illegal Dumping	9
		41-86	Inadequate Recycling Containers Provided	1
			<b>Adult Grand Total</b>	<b>14</b>

## **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). Due to Covid, all pre-trial conferences were scheduled by phone 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 2021, **12** 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 period in which to complete their service hours.

## PARKING TICKETS

**Total number of parking tickets processed in 2021: 819**

Fitchburg Municipal Court is responsible for processing and collecting payments for parking tickets issued in the City of Fitchburg. In 2021, **819** parking citations were processed by the Court.

**Fitchburg Police Department**  
**Tickets (Annual)**

Issue Date: 01/01/2021 through 12/31/2021

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		<b>Total</b>	<b>2021</b>
44-407(6)	Illegally Parked in Fire Lane	6	6
68-1HS	Handicapped parking stall	25	25
68-1PAT	Parked Against Traffic	2	2
68-208	Vehicle Abandonment	11	11
68-208TOW	Vehicle Abandonment -Towed	47	47
68-208WOC	Parked Without Owners Consent	10	10
68-209	Temporary Parking Restrictions	10	10
68-212	Winter Parking Restrictions	633	633
68-213	No Parking Between Signs	8	8
68-214	Parking Prohibited -Certain	38	38
68-215	Parking Prohibited; handicapped	1	1
68-217	Trailer Restricted Parking	2	2
68-231(10)	No Parking	7	7
68-231(8)	No Parking	1	1
68-234	Blocking Fire Hydrant	17	17
68-235	Parking in Bus Stop Zone	1	1
<b>Total</b>		<b>819</b>	<b>819</b>

## JUVENILE COURT

**Total Number of Juvenile Citations Processed in 2021: 18**

Juvenile Court typically takes place on Thursday evenings once per month as well as after Adult Court. In 2021, there were 13 juvenile court dates. Judge Ezalarab, along with Community Service Liaison Katie Bogucki had 40 juvenile cases scheduled. There were 18 new citations issued to juveniles in 2021. Due to COVID precautions juvenile court appearances were conducted via phone or in person.



The most common citations issued to juveniles:

1. Disorderly Conduct
2. Theft

### 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