



Circuit Court of Ozaukee County

Mary Lou Mueller

Clerk of Circuit Court, Clerk of Juvenile Court
Register in Probate, Probate Registrar
OZAUKEE COUNTY JUSTICE CENTER
1201 S. SPRING STREET
P.O. BOX 994
PORT WASHINGTON WI 53074

RE: Motion to Reopen – Traffic

Dear Mr/s.

Enclosed please find the forms you requested. Included is the affidavit of service form, which will be required to be submitted with your motion to reopen and proposed order; both completed, for the Court's signature. The affidavit of service is to verify the copies were provided to the Ozaukee County District Attorney's office.

Please file with the Clerk of Circuit Court and provide copy to the Ozaukee County District Attorney's office:

- Motion to Reopen Traffic Forfeiture (TR-310)
- Order on Motion To Reopen Traffic Forfeiture (TR-311)
- Motion to Reopen Affidavit of Service (Local Form)
- If applicable; Certification by Prosecuting Agency Verifying Identity Theft or Mistaken Identity (GF-185). To be submitted to Ozaukee County District Attorney's office for completion.

Failure to submit all required completed forms will result in no action taken by the Court on the request.

Forms are available at: www.co.ozaukee.wi.us/181/Clerk-of-Circuit-Courts

You may wish to contact an attorney for legal advice regarding your specific circumstances.

Very truly yours,

OZAUKEE COUNTY

Mary Lou Mueller
Clerk of Circuit Court
By Deputy Clerk:

Enclosures

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

_____ Plaintiff,

VS.

**Motion to Reopen
Traffic Forfeiture**

_____, 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

State of Wisconsin, Plaintiff,

vs.

Amended

**Order on Motion to Reopen
Traffic Forfeiture**

Defendant

Case No. _____

Address

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.

DISTRIBUTION:

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

STATE OF WISCONSIN, CIRCUIT COURT, Ozaukee COUNTY

State of Wisconsin
 Ozaukee County, Plaintiff,
-vs,

Motion to Reopen
Affidavit of
Service

_____, Defendant
Name

Address

City State Zip

Date of Birth: _____ Case No. _____

I, [Name] _____ of [City] _____,
State of _____, being sworn, state that on [Date] _____,

I provided copies of the following documents:

Documents provided:

- the original of which is on file
- a copy of which is attached

to the following named persons at the address/facsimile number listed:

NAME	ADDRESS	TYPE OF SERVICE***

Type of Service: Personal Service, Mail Certified mail return receipt requested, FAX with transmittal receipt

Signature

Name Typed/Printed

Date

Subscribed and sworn to before me
on _____

Notary Public / Court Official
My commission expires: _____

Enter the name of the county in which the case is filed.

STATE OF WISCONSIN, CIRCUIT COURT,
_____ COUNTY

Enter the name of the plaintiff in that original case file.

Plaintiff:

Name

-VS-

Enter the name of the defendant in that original case file.

Defendant:

First name Middle name Last name

Address

Enter the case number.

Date of Birth

**Certification by
Prosecuting Agency
Verifying Identity Theft or
Mistaken Identity**

Case No. _____

The mere fact that a case is dismissed or a person is found "not guilty" is *not* sufficient to file this petition. This petition can only be filed when the charge was a *bona fide* case of either identity theft or a mistake in charging.

I CERTIFY:

1. I am the prosecuting attorney (or the prosecuting attorney's designee) for the above-captioned case.
2. The person named above was charged in this case but was not the real person who committed the offense(s.) This person was the victim of either identity theft or was charged as a result of mistaken identity.
3. I join the petition of the above-named person to have this case record removed from the online records of the Wisconsin Circuit Court Access. I understand that this will not remove the actual physical records from the Clerk of the Circuit Court.

Prosecuting Attorney or Designee

Name Printed or Typed

Official Title

Date