TITLE II

POLICE COURT

Chapter 1

Police Judge

2-101 Appointment of Police Judge

2-102 Term of Office

2-103 Removal of Police Judge

2-104 Jurisdiction

2-105 No Change of Venue

2-106 Duty of Police Judge

2-107 Contempt of Court

2-108 Penalty for Contempt of Court

2-109 Compensation of Police Judge

2-110 Fines to Town Clerk

2-111 Record of Fines

2-112 Court Costs

2-113 Court Refund Policy

Chapter 2

Police Court Procedure

2-201 Commencement of Action

2-202 Docketing the Action

2-203 Warrant

2-204 Hearing Procedure

(a) Call to Order

(b) Publication of Charge

(c) Plea

(d) Arguments and Evidence

(e) Verdict and Sentence

(f) Adjournment

2-205 Remission of Sentence

2-206 Appeal

2-207 Adoption of Justice of the Peace Court Procedure

2-208 Complaint

2-209 Warrant

2-210 Defects in Form Disregarded

2-211 Bail

2-212 Placing Person Found Guilty, but not Convicted, on Probation

TITLE II

POLICE COURT

Chapter 1

Police Judge

2-101. APPOINTMENT OF POLICE JUDGE. The Mayor, with approval of the Town Council, shall appoint one or more police judges to conduct police court in accordance with the provisions of this chapter.

2-102. TERM OF OFFICE. The term of office for a police judge shall be one year. An incumbent police judge may be re-appointed to serve any number of consecutive terms.

2-103. REMOVAL OF POLICE JUDGE. The Mayor, with the approval of the Town Council, may remove from office any police judge.

2-104. JURISDICTION. The police judge shall have jurisdiction, and it shall be his duty to hear and determine all violations of ordinances of this Town arising within the limits of the Town.

2-105. NO CHANGE OF VENUE. No change of venue shall be granted in any case arising under the ordinances of the Town under the jurisdiction of the police judge.

2-106. DUTY OF POLICE JUDGE. The police judge shall be a conservator of the peace within the limits of the Town of Cokeville. It shall be his duty to hold open court on any day except Sundays, to hear and determine all cases cognizable before him.

2-107. CONTEMPT OF COURT. A police judge may punish for contempt of court, such persons as are guilty of the below enumerated actions:

(a) INSOLENT BEHAVIOR: Persons guilty of disorderly, contemptuous and insolent behavior toward such police judge while engaged in the trial of a cause, or in rendering judgment, or in any judicial proceedings, which tends to interrupt such proceedings or to impair the respect due to his authority.

(b) BREACH OF PEACE: Persons guilty of any breach of peace, noise or disturbance tending to interrupt the official proceedings of such police judge.

(c) DISOBEDIENCE TO COURT ORDER: Persons guilty of resistance or disobedience to any lawful order or process made or issued from him by authority of the police court.

* 1. PENALTY FOR CONTEMPT OF COURT. Punishment for contempt of court shall be as provided in Section 1-108, of the Revised Ordinances of Cokeville, as amended.

2-109. COMPENSATION OF POLICE JUDGE. The Town Council shall establish by Resolution the compensation to be paid to the police judge and the Town Council shall have authority to amend by Resolution the amount of said compensation.

2-110. FINES TO TOWN CLERK. The police judge shall, upon receipt of proceeds from payment of fines, promptly remit such monies to the Town Clerk.

2-111. RECORD OF FINES. The police judge shall keep an accurate record of all fines and sentences imposed and the monies received there from, said record to be made available to the Mayor or to the Town Council upon request.

2-112. COURT COSTS. Upon conviction of a violation of an ordi­nance of the Town of Cokeville, the police judge shall assess court costs to cover the expenses of the Town in dealing with said conviction in accordance with applicable State Statutes, which shall be paid by the person or persons convicted of such violation. These costs are in addition to the fine assessed for the violation. All costs collected shall be turned into the treasury of the Town of Cokeville. An additional fee of Ten Dollars ($10.00) shall also be collected and remitted to the State of Wyoming for payment into the State Judicial Systems automation account, established by Wyoming State Statute.

2-113. REFUND POLICY. If ordered by the Town of Cokeville Municipal Court, fines and fees collected by said court can be refunded to defendants in said court if there is just cause, such as over payment of a fine or some other reason deemed appropriate by the court. If the amount is be refunded is ten dollars ($10.00) or less, no such refund shall be issued.

TITLE II

POLICE COURT

Chapter 2

Police Court Procedure

2-201. COMMENCEMENT OF ACTION. Action for a violation of a Town ordinance may be commenced by filing with the police judge a complaint under oath, made by the Town Attorney, Police Chief, or deputy or agent for the Police Chief, or any citizen of the Town of Cokeville, stating the nature of the offense, the name of the accused, the date of the violation and any other pertinent information required by the complaint form hereinafter set forth.

2-202. DOCKETING THE ACTION. Upon filing the complaint, the police judge shall enter the case upon his docket in the usual manner as required of justices of the peace by Wyoming State Law.

2-203. WARRANT. After a case has been duly docketed, the police judge shall issue a warrant commanding the Police Chief or his agent to apprehend the accused and to bring him before the police court to be dealt with according to law.

2-204. HEARING PROCEDURE. Upon the appearance of the accused, the court shall proceed in accordance with the following procedure:

(a) CALL TO ORDER: The police judge shall call court to order and shall not proceed until such call has been heeded by all present.

(b) PUBLICATION OF CHARGE: The police judge shall read the title caption of the case and apprise the defendant of the nature of the charge against him.

(c) PLEA: The defendant shall then be allowed to enter a plea of guilty or not guilty or nolo contendere.

(d) ARGUMENTS AND EVIDENCE: In the event a plea is “not guilty,” the court shall entertain arguments and hear evidence relevant to the alleged violation of law.

(e) VERDICT AND SENTENCE: The police judge shall, after hearing the arguments and evidence presented by both the accused and the Town, decide and announce his verdict. If the same be “not guilty,” costs shall be assessed against the complaining witness. If the complaining witness be an agent of the Town of Cokeville, acting in such official capacity, the Town shall bear said costs. If the verdict be “guilty,” the police judge shall impose a sentence as provided in Section 10-108, as amended, of the Revised Ordinances of Cokeville.

(f) ADJOURNMENT: Upon hearing all matters properly docketed, the police judge shall declare the court adjourned.

2-205. REMISSION OF SENTENCE. A police judge, with the approval of the Mayor, may, upon good cause shown, remit any sentence imposed by such judge.

2-206. APPEAL. In all cases before the police judge arising under any ordinance of the Town of Cokeville, wherein the imprisonment exceeds ten days, an appeal may be taken by the defendant to the District Court in and for the County of Lincoln, State of Wyoming, but no appeal shall be allowed in such unless said defendant shall, within ten days, enter into a recognizance with sufficient surety to be approved by the police judge conditioned for the payment of the fine and costs of appeal within said ten days, and the defendant shall abide by the judgment of said court and not depart without leave of the same, or that he will pay to the Town of Cokeville the sum of $200.00.

2-207. ADOPTION OF JUSTICE OF THE PEACE COURT PROCEDURE. Procedure prescribed by the statutes of the State of Wyoming for justice of the peace courts shall be adopted and used in police courts practice, except for procedure expressly enumerated in this chapter.

2-208. COMPLAINT.

An Official complaint can be filed in one of two ways. The first way is signing a citation prepared by a Police Officer for the alleged violation. The second is filling out a complaint form picked up from a Police Officer or Town Clerk. Whichever form is filed the complainant is informed and understands they are the responsible party filing the charges on the alleged violation and agree to come to court as the witness. If the complainant does not show up to court the charges will be dropped.

2-209. WARRANT. The official police court warrant form shall be as follows:

STATE OF WYOMING )

COUNTY OF LINCOLN )ss. CRIMINAL WARRANT

TOWN OF COKEVILLE )

TO THE POLICE CHIEF, OR ANY POLICE OFFICER OF THE SAID TOWN OF COKEVILLE:

Whereas, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has this day complained

to me on oath, that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, did on or about the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, at Cokeville, in the County and State aforesaid, did unlawfully \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_in violation of Section \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the ordinances of the Town of Cokeville, and prayed that the said \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ might be arrested and dealt with according to law. Now, therefore, in the name of the Town of Cokeville, you are hereby commanded forthwith to apprehend the said \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and bring \_\_\_\_\_\_\_\_\_ before me to be dealt with according to law.

Given under my hand this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_\_\_\_.

Police Judge

2-210. DEFECTS IN FORM DISREGARDED. No action taken before the police judge shall be dismissed for any defect in form of the complaint, warrant, bond, or statement. A complaint may name several persons charged with the same offense or one person charged with several offenses. The complaint shall be sufficient if it substantially sets forth the nature of the violation alleged so as to give the defendant notice of the charge which he is required to answer.

2-211. BAIL. Any person arrested for any offense under the ordinances of the Town of Cokeville may be admitted to bail by depositing a cash bond with the Town Clerk, in such sum as the police judge shall fix and direct, conditioned that he will appear upon a day named before the police judge and answer the accusations for which he has been arrested. If, at the time and place set for the hearing, the defendant shall fail to appear, the police judge shall note such fact upon his docket and order the cash bond forfeited to the Town of Cokeville for the failure of the defendant to appear.

2-212. PLACING PERSON FOUND GUILTY, BUT NOT CONVICTED, ON PROBATION.

(a) If a person who has not previously been convicted of any second or subsequent violation of 6-110, or any similar provision of law, the court may, with the consent of the defendant and the Town Attorney, and without entering a judgment of guilt or conviction, defer further proceedings and place the person on probation for a term not to exceed six (6) months, upon terms and conditions set by the court. The terms of the probation shall include that he:

(i) Conduct himself in a law-abiding manner;

(ii) Conform his conduct to any other terms of probation the court finds proper; and

(iii) Pay restitution to any victims, as determined by the court.

(b) If the court finds the person has fulfilled the terms of probation and that his rehabilitation has been attained to the satisfaction of the court, the court may, at the end of six (6) months from the date of the original probation, discharge the person and dismiss the proceedings against him.

(c) If the defendant violates a term or condition of probation at any time before final discharge, the court may:

(i) Enter an adjudication of guilt and conviction and proceed to impose sentence upon the defendant if he previously pled guilty to or was found guilty of the original charge for which probation was granted under this section; or

(ii) Order that the trial of the original charge proceed if the defendant has not previously pled or been found guilty.

(d) Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for any purpose.

(e) There shall be only one (1) discharge and dismissal under this section in a two (2)year period.

(f) After conviction or plea of guilty for any offense and following entry of the judgment of conviction, the court may:

(i) Suspend the imposition or execution of sentence and place the defendant on probation; or

(ii) Impose a fine applicable to the offense and place the defendant on probation.

(g) The court may impose, and at any time modify, any condition of probation or suspension of sentence.

(h) As a condition of probation or suspension of sentence, the court may require a defendant who is a minor to successfully complete a juvenile service program offered by a community juvenile services board under the Community Juvenile Services Act.

(i) The period of probation or suspension of sentence under this ordinance shall be determined by the court and may be continued or extended, up to a period of six (6) months.

(j) Upon the satisfactory fulfillment of the conditions of suspension of sentence or probation, under this ordinance, the court shall enter an order discharging the defendant.

(k) For a violation of a condition of probation occurring during the probationary period, revocation proceedings may be commenced at any time during the period of suspension of sentence or probation under this ordinance, in which case the court may issue a warrant and cause the defendant to be arrested. If after hearing the court determines that the defendant violated any of the terms of probation or suspension of sentence, the court may proceed to deal with the case as if no suspension of sentence or probation had been ordered.

(l) When imposing a fine and also placing the defendant on probation, the municipal judge may permit the fine to be paid in installments over a reasonable period of time, up to a six (6) month period.

(m) Nothing in this ordinance shall be construed to authorize the court to expunge the record of a person charged with or convicted of a criminal offense.

(n) Proceedings under this ordinance shall not be considered as a discharge and dismissal under W.S. 7-13-301 (e) or any other first offender deferral or law that defers prosecution. In no situation may this ordinance be used in any criminal or civil proceeding deemed as evidence. Any person who successfully completes the probation period under this section, shall have their alleged offence deemed as dismissed because they have not had a trial or been heard by the court on the merits of the matter.