

FORM SUMMARY

Name of Form: JUDGMENT OF DISMISSAL/ACQUITTAL

Form Number: CR-209

Statutory Reference: s.972.13(6), Wis. Stats.

Purpose of Form: To formally enter judgments of dismissal or acquittal

Who Completes It: Clerk of Court

Distribution of Form: Original to court; copies would usually be generated only upon request

Accompanying Forms: None

New Form/Modification: Modification, last update 7/96

Modifications: Added a file/date stamp to upper right corner. Added a statement on the bottom indicating that the form shall not be modified.

Comments: The following is retained from the prior form summary:

The original version was limited to a Judgment of Acquittal. In a recent Court of Appeals decision, *State v. Theriault*, 187 Wis. 2d 125, 522 N. W. 2d 254 (1994), the court in a footnote made a suggestion that the clerk of court should complete judgments of dismissal or acquittal on all counts, in addition to judgments of conviction:

"The Records Management Committee of the Wisconsin Court Systems should prepare uniform judgment of dismissal forms for use of the Clerk of Courts. Immediately upon resolution of a pending criminal case, the clerk of courts' office should prepare all the necessary judgments to document the disposition of each count."

CCAP requires that the clerk enter a disposition for each count in a complaint/information. Therefore, CCAP can easily generate a judgment that lists all counts for which there is a dismissal or acquittal. Because of this, RMC decided to incorporate dismissals and acquittals into one document.

RMC discussed adding additional information to the form, including such things as defendant aliases, offense date, dismissals resulting in read-ins, and dismissals with or without prejudice. RMC rejected adding additional information as unnecessary for the limited purpose of this form and requiring additional discretionary decision-making by the clerk.

Comments: None

About this form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.