

# Marquette County Sheriff's Office

## Trespass Incident Report

Incident No: \_\_\_\_\_ Time/Date Incident Reported: \_\_\_\_:\_\_\_\_ / \_\_\_\_/\_\_\_\_  
Officer: \_\_\_\_\_ Badge No: \_\_\_\_\_

The following form MUST be completely filled out for each complaint of trespass to land submitted to the District Attorney for prosecution under the criminal statute or county ordinance. **The person who is the owner or lawful occupant of the land and who observed the trespass is known as the complainant.** The complainant must fill out and sign this form, as well as prepare the required diagram, before the District Attorney will consider the merits of prosecuting the case. If any answer is not known, then indicate "unknown" or "not available." If you need additional space to provide more detailed information, please attach additional sheets or continue on the reverse side of the page.

Once you have completed this form, return to: **Marquette District Attorney, 77 W. Park St, PO Box 186, Montello, WI 53949**

### 1. Complainant

Name: \_\_\_\_\_ Telephone No: \_\_\_\_\_

Address: \_\_\_\_\_

Is the involved property at this location?  YES  NO If "NO," then indicate property information below.

Address: \_\_\_\_\_

### 2. Trespasser (If more than one, indicate same information for others on additional forms)

Name: \_\_\_\_\_ Telephone No: \_\_\_\_\_

Address: \_\_\_\_\_

Physical Description: Height \_\_\_\_\_ Weight \_\_\_\_\_ Sex \_\_\_\_\_ Hair Color \_\_\_\_\_

Back Tag #: \_\_\_\_\_

Clothing description (include color): \_\_\_\_\_

Weapon (if any):  Bow  Shotgun  Rifle  Other: \_\_\_\_\_

3. When did the complainant first observe the trespasser? Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Time: \_\_\_\_:\_\_\_\_ AM / PM

4. What was the trespasser doing when observed?

Hunting  Fishing  Gathering Products of Soil  Walking or Sitting  In a Trespassing Vehicle

Other (specify) \_\_\_\_\_

5. What did the complainant do when he/she observed the trespasser?

Confront and speak to trespasser

Observe, trespasser **knew** complainant was present

Observe, trespasser **did not** know complainant was present

6. What was said by trespasser and complainant? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. What did the trespasser do when he became aware he/she was trespassing?

- Apologize and leave
- Claim he/she was lost and/or didn't see sign
- Claim he/she had permission to enter From whom? \_\_\_\_\_
- Argue and/or verbally abuse complainant
- Verbally or physically threaten complainant
- Other, Specify: \_\_\_\_\_

8. Had complainant or other lawful occupant ever given the trespasser express or implied consent to enter on the property for any purpose or activity?  YES  NO

If "YES" was the trespasser operating within the scope of permission as to time and activity permitted?  
 YES  NO (Attach copy of written permission slip, if any.)

9. Did the owner or lawful occupant notify the trespasser personally, either verbally or in writing not to enter or remain on the land before the trespass?  YES  NO

10. Did the owner or occupant notify the trespasser not to enter or remain on the land by posting the land?  
 YES  NO If "YES," answer the following questions:

Were the signs at least 11 inches square  YES  NO

Did the signs carry an appropriate notice and the name of the person giving the notice?  YES  NO

Were there at least two signs posted in conspicuous places for each 40 acres to be protected?  YES  NO

Were the signs erected or in existence on the premises within 6 months of the trespass in question?  YES  NO  
it is suggested that you photograph one of your signs in place or keep a sample for use in court as evidence.

11. Was your property damaged or destroyed as a result of the trespass?  YES  NO

12. Was the land on which the trespass occurred, in whole or in part:  
 Cultivated  Enclosed (fenced)  Open fields and/or forest

13. While the decision on whether to issue charges is a matter solely within the discretion of the District Attorney, and the disposition of a case once it is in court is a matter solely within the discretion of the judge. Please indicate what you, the complainant; feel should be a result in this case.

I feel the trespasser should be given a strict warning as this did not appear to be a willful trespass or an aggravated situation.

I feel the trespasser should be charged with county ordinance trespass to land and fined as it did appear to be a willful, intentional trespass in disregard of the rights of the property owner, and there was aggravating circumstances. State aggravating circumstances: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

14. Draw a diagram of the parcel of property involved in the trespass on the attached work sheet. The purpose of this drawing is to assist the District Attorney and the Judge in visualizing the property involved and evaluating the trespass situation.

Please make the drawing reasonably to scale and indicate the scale (e.g.: 100 ft. to the inch) on the drawing. Do not try to draw an area larger than  $\frac{1}{4}$  sections on the sheet, use additional sheets if necessary.

The plat book should be of some help in starting the diagram for larger parcels as it shows general property lines and major landmarks. Topographical maps or aerial photographs are also useful. For small parcels, a surveyor's drawing is often available.

Please put as much detail as possible in the drawing. Indicate property lines, locations of fences and post signs, and locations of local landmarks such as woods, ponds, streams, cultivated fields, marshes, pine plantations, open fields, etc. Also indicate the location of the trespasser(s) when first observed or discovered, vehicles, tracks, or other indications of where the trespasser(s) entered the land. Also indicate any movements of the trespasser(s) on the land observed by complainant.

It is suggested, if you have a repetitive problem with trespassers, that you make a master drawing of your property and then use photocopies of it to report individual trespass incidents.

I hereby certify that the above stated information is true and correct, to the best of my knowledge and belief, and it is presented to the District Attorney with the request that he take official action in the matter, subject to the penalties provided by law.

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Complainant Signature

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Date

# Work Sheet Property Diagram

Complainant: \_\_\_\_\_

Trespass Date: \_\_\_\_\_

Time: \_\_\_\_\_

Trespasser(s): \_\_\_\_\_

\_\_\_\_\_

Property Located in \_\_\_\_\_ ¼ Section,  
Section \_\_\_\_\_, Township \_\_\_\_\_  
north, Range \_\_\_\_\_ east.

Indicate North, South, East, and West

