

## **INFRACTION OPTIONS – NO COURT APPEARANCE**

**You must appear for your scheduled court date unless the Court receives by mail, e-mail or fax the completed Defendant's Declaration at least 5 business days prior to your court date.**

**Deferred Finding:** The judge may defer findings related to your infraction(s) for six months and impose appropriate conditions. You are eligible for a deferred finding for one moving and one non-moving infraction within a seven-year period so long as (a) you do not hold a commercial driver's license (CDL), (b) you were not operating a commercial motor vehicle at the time of the violation, and (c) your infraction is not for negligent driving in the second degree with a vulnerable user victim. The judge will decide whether to grant you a deferred finding. If granted, you will be required to pay \$150 costs for administrative processing before the end of the deferral period. If, at the end of the deferral period, you have met all conditions, including payment of the \$150 fee, and you have not committed another traffic infraction, the result will be a dismissal of the traffic infraction(s). If, at the end of the deferral period, you have not paid the fee or you have been determined to have committed another traffic infraction, the judge will order a finding of "committed" for your infraction(s) and the amount you must pay will be the original amount(s) of your infraction(s). The committed finding for infractions designated as traffic infractions will be reported to the Department of Licensing. Request a deferred finding by completing the Defendant's Declaration; the court must receive it by mail, e-mail or fax at least 5 business days prior to your scheduled court date.

**Contested Hearing by Written Statement:** If you are scheduled for a contested hearing, you may choose to argue your case in writing rather than appearing in court. The judge will consider your documentary evidence and the evidence filed by the City to determine if there is proof, by a preponderance of the evidence, that you committed the infraction(s). If the judge finds that you committed the infraction(s), you will be assessed a monetary penalty. Infractions designated as traffic infractions will be reported to the Department of Licensing. If the City fails to meet its burden, your infraction(s) will be dismissed. You will be notified in writing of the judge's decision and payment options. Contest your infraction(s) by written statement by completing the Defendant's Declaration and attaching any supporting documents; the court must receive it by mail, e-mail or fax at least 5 business days prior to your scheduled court date.

**Mitigation Hearing by Written Statement:** If you are scheduled for a mitigation hearing, you may choose to submit a written statement rather than appearing in court. By requesting a mitigation hearing, you have already agreed that you committed the infraction(s) but wish to explain the surrounding circumstances and request a reduction in the monetary penalty. The judge will review and consider your written statement and assess an appropriate monetary penalty. You will be notified in writing of the judge's decision and payment options. Infractions designated as traffic infractions will be reported to the Department of Licensing. Mitigate your infraction(s) by written statement by completing the Defendant's Declaration; the court must receive it by mail, e-mail or fax at least 5 business days prior to your scheduled court date.

