

INFRACTION HEARINGS BY MAIL: DECISION ON WRITTEN STATEMENTS

Information and Procedure – Penalties for Failure to Comply: Infraction Hearings by Mail are conducted pursuant to Grays Harbor District Court Local Infraction Rule 3.5 and Washington State Infraction Rules for Courts of Limited Jurisdiction IRLJ 3.5.¹

Your “Request for Decision on Written Statements” is due and must be filed with the court by: **at least five days prior to your scheduled in person contested/mitigation hearing date.** Failure to respond, failure to appear at any hearing, or failure to pay will automatically increase the monetary penalty, and, in a traffic infraction case, your driving privilege will be suspended until you have paid all the penalties required by law.

If you have the inability to pay the traffic ticket, you can request a payment plan for a ticket you want to mitigate or contest through a decision on written statements. Please provide evidence of your inability to pay the ticket. Failure to pay or enter into a payment plan may result in a collection action, including garnishment of wages or other assets.

Mitigation Hearing Decision on Written Statements: A mitigation hearing is an information proceeding. The court will consider the citing officer’s report, if any, the notice of infraction and any statement submitted by you. You can be required to pay a monetary penalty. Suspension, revocation, or denial of your driver’s license may also result from your having committed this infraction. You may not appeal the court’s determination or order. In a traffic infraction case, a record of the court’s determination and order must be furnished to the Department of Licensing, unless the court enters an “Order Deferring Findings” pursuant to RCW 46.63.070.

Contested Hearing Decision on Written Statements: The court will examine the citing officer's report, the notice of infraction, and any statement submitted by you (“the defendant”). This examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and is not governed by the Rules of Evidence. The court will determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction. If the court determines that the infraction has been committed, it may assess a penalty in accordance with rule 3.3. The court will notify you in writing whether an infraction was found to have been committed and what penalty, if any, was imposed. There is no appeal from a decision on written statements. In a traffic infraction case, a record of the court’s determination and order must be furnished to the Department of Licensing, unless the court enters an “Order Deferring Findings” pursuant to RCW 46.63.070.

¹ **Grays Harbor District Court Local Infraction Rule 3.5 DECISIONS ON WRITTEN STATEMENTS.** Upon the request of the defendant made in writing at least 1 day prior to the date and time set for a contested hearing, the court may consider and decide the case on the basis of written statements, according to the procedure set forth in IRLJ 3.5, as now or hereafter amended. The court may also decide cases set for mitigation hearing on the basis of written statements upon request of the defendant. [Adopted effective September 1, 1999.]

IRLJ 3.5 DECISION ON WRITTEN STATEMENTS (Local Option) (a) Generally. The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence. (b) Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction. (c) Disposition. If the court determines that the infraction has been committed, it may assess a penalty in accordance with rule 3.3. (d) Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed. (e) No Appeal Permitted. There shall be no appeal from a decision on written statements.

GRAYS HARBOR DISTRICT COURT 2
2109 SUMNER AVE
ABERDEEN, WA 98520
(360) 532-7061

GRAYS HARBOR COUNTY DISTRICT COURT

STATE OF WASHINGTON) No. _____
Plaintiff)
)
) DEFENDANT'S REQUEST FOR DECISION
vs.) ON WRITTEN STATEMENT
)
_____)
Defendant)

To: Clerk of Court, 2109 Sumner Ave, Aberdeen, WA 98520

From: _____, Defendant

I understand that by requesting that the Court hear my case by written statement that I am, by signature hereof, waiving any appeal of the Court's decision to Superior Court.

I am requesting a:

- Contested hearing on a written statement
- Mitigation hearing on written statement
- Deferral \$175 admin fee

With that in mind I hereby request that the Court decide my case based on the following sworn statements:

_____) (attach
additional pages and copies of documents or evidence if necessary)

MITIGATION BY WRITTEN STATEMENT ONLY:

I understand that I have the right to attest that I do not have the current ability to pay the infraction in full.

I admit responsibility for the infraction and I attest that I do not have the current ability to pay in full.

As evidence of my inability to pay, the following are the reason I do not have the current ability to pay the ticket in full:

I am represented by a qualified legal aid provider that screened and found the applicant eligible for free civil legal aid services; and/or

I receive benefits from one or more needs-based, means-tested assistance programs; and/or

I have a household income at or below 125% of the federal poverty guideline; and/or

I have a household income above 125% of the federal poverty guideline but cannot meet basic household living expenses and pay the fees and/or surcharges; and/or

other: _____

I certify, under penalty of perjury under the laws of the State of Washington, that the foregoing and any attached statement is true.

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the court. If I am requesting a mitigation hearing, I promise to pay the monetary penalty authorized by law, or, any reduced penalty that may be set at the discretion of the court. I understand I may request a payment plan.

Date and Place of Signature

Defendant

** Return this form to the Court no later than five days prior to your hearing date. Failure to return this form by the required date will result in the suspension of your driver’s license or privilege until the original penalty plus an additional “failure to respond/pay” penalty has been paid.

*** INCLUDE COPY OF DRIVING RECORD IF LICENSED IN STATE OTHER THAN WASHINGTON.

NOTICE
FAILURE TO PAY OR ENTER INTO A PAYMENT PLAN MAY RESULT IN COLLECTION ACTION, INCLUDING GARNISHMENT OF WAGES OR OTHER ASSETS.