

# Options for Traffic Infractions

## Post Payment

Pay your ticket without a court hearing in the amount stated on the face of the ticket at the court window, in the drop box located at court window #1, or by mail by check or money order. No cash by mail will be accepted. The infraction will be deemed committed and will be reported to the Department of Licensing except for parking tickets.

## Mitigation Hearing

In a mitigation hearing, you admit that you committed the violation, but ask the judge to reduce your ticket based upon mitigating circumstances. A mitigation hearing is an informal hearing where you may explain the circumstances of your case to the judge, who considers your explanation along with your driving record in setting an appropriate fine. Your violation is reported to the Department of Licensing if it is a reportable offense. You may also ask the judge to allow you to make monthly payments if you are unable to pay on the date of your hearing. There is no appeal from a mitigation hearing.

## Deferred Infraction Finding

A defendant may petition the court for deferral of a traffic infraction if it is shown that a deferral has not been granted WITHIN THE LAST SEVEN (7) YEARS. The court holds the infraction for one (1) year and it will be dismissed at the end of the year provided the full amount of costs are paid and there has been no moving violations during the year. There is no reduction in penalty unlike a mitigation hearing. If compliance is not shown, then the infraction is automatically committed and the Department of Licensing is notified. To request a Deferred Infraction by mail, enclose the full fine amount and sign the Deferral of Infraction.

## Contested Hearing

In a contested hearing, you do not admit you committed the violation. The City bears the burden of establishing, by a preponderance of the evidence, that you committed the violation.

The City meets this burden if the judge, after hearing all of the evidence, determines that it is more likely than not that the violation was committed. A defendant in a contested hearing has the right to the assistance of an attorney at the defendant's own expense, the right to present evidence and examine witnesses in court, the right to request a witness list and copy of the officer's sworn statement from the City Attorney's Office (which must be requested in writing at least 14 days before the hearing; the City Attorney's Office should provide you with these materials at least 7 days before the hearing), and the right to subpoena witnesses, including the officer who issued the citation (if you wish to subpoena witnesses, you must apply to the Court in person at least 14 days prior to the hearing; witnesses should be served at least 7 days prior to the hearing). If no witness is requested, the judge will read the officer's sworn statement and then consider any testimony and/or evidence presented by the defense before deciding the case. If the City prevails, you may

appeal the Court's determination to the Superior Court. You may also request a payment schedule or fine reduction if you are found to have committed the infraction after a contested hearing.