

An Introduction to Ferry County District Court Infraction Procedures

Being accused of an infraction can be an upsetting experience. We hope this information will be of help in guiding you through the process and take some of the mystery out of the procedure.

WHAT IS AN INFRACTION?

Previously, many traffic and criminal charges were crimes. The legislature has decriminalized many traffic, parks, wildlife, and fisheries offenses. These offenses are now called infractions and are civil cases.

WHAT MUST I DO IF I RECEIVE AN INFRACTION?

Start by reading the entire backside of your notice of infraction (ticket). If you follow the instructions, you cannot go wrong! You should note that you must respond within **fifteen (15)** days of the date that the ticket was issued. An infraction is not a crime, but failure to respond can result in the **suspension** of your driver's license. You can respond by either mailing your copy of the ticket to the Court or bringing it in person to the District Court Clerk's office. Select one of the boxes on the back of the ticket and verify your address. If you select box one (1) you are electing to pay the amount of the penalty as shown on the front of the ticket.

WHAT SHOULD I WEAR AND HOW SHOULD I ACT IN COURT?

Suitable attire is required. Shoes and shirts are necessary. Halter-tops, tank tops, and shorts are not permitted. Hats are to be removed upon entering the Courtroom. No smoking, food or drink will be allowed. Children may be present in the Courtroom, but if they disturb the proceedings, you may be requested to remove them. **The Court does not provide childcare.** Upon your arrival, report to the District Court Office and then have a seat in the Courtroom until the session convenes. When your case is called, come forward and stand behind the counsel table until instructed otherwise by the Judge.

WHAT IS A MITIGATION HEARING?

A mitigation hearing is where you admit you committed the violation, but wish to explain the circumstances of the infraction. To request a mitigation hearing you should check box two (2). The Judge, depending on the explanation and your record, may adjust the penalty. However the Judge will NOT dismiss your ticket. As the Court is required to forward all committed traffic tickets to the Department of Licensing, it will appear on your driving record.

WHAT IS A CONTESTED HEARING?

If you believe you did not commit the violation then you should select box three (3) and have a contested hearing. The officer may be subpoenaed as the State's witness. Then you may testify or present any evidence or witnesses that you wish. If you want to have an officer or any technician present, please advise the Clerk at the time you present your tickets or as soon thereafter as possible so the hearing can be appropriately scheduled. As a result of a contested hearing, the penalty may stay the same, be reduced, or the ticket dismissed. In the event you have subpoenaed witnesses, you may be required to pay court costs. A contested infraction hearing is a civil case and the Judge will decide the cases based on the preponderance of evidence.

MAY I HAVE A LAWYER AT A CONTESTED HEARING?

You may, at your own expense, have a lawyer appear and represent you at your hearing. If you are to be represented by counsel, the lawyer is required to file a notice of appearance with the Court, and the appropriate Prosecutor, prior to the hearing date. A separate hearing is held when lawyers are involved and it is necessary to have sufficient notice for scheduling.

WILL A TRAFFIC INFRACTION APPEAR ON MY DRIVING RECORD?

When you pay the penalty, mitigate or if the Judge finds you have committed a **traffic** infraction at a contested hearing, the state law requires that the infraction be reported to the Department of Licensing. The infraction will then appear on your driving record. Neither the Court Clerk, nor the Judge, has the authority to keep the infraction off your record. If you win at a contested hearing and the infraction is dismissed, it is not reported to the Department of Licensing and will **not** appear on your driving record.

WHAT IF I DO NOT PAY MY TICKET OR APPEAR FOR A HEARING?

A failure to pay or respond to the ticket within **15 days** results in an order that the infraction was committed. If you asked for a hearing and do not appear, your payment is due immediately. When an infraction is not paid in a timely manner or a hearing is missed, a \$52.00 late penalty is added to the amount shown on the ticket. Your license may then be suspended if the penalty is not paid following a notice to pay the increased penalty, and the account may be assigned to a collection agency.

WHAT IF I CAN'T PAY MY PENALTY ALL AT ONCE?

If you cannot pay your entire penalty at the time of the hearing, the clerk will work out a time payment agreement. This is a contract with the Court for installment payments and must be strictly adhered to.

IS THERE A RIGHT TO APPEAL?

If you do not win at a contested hearing, you have the right to appeal to the Superior Court of Ferry County. The notice of appeal must be filed within 30 days of the judgment. There will be various appeal costs, payable in advance, including but not limited to, a \$220.00 Superior Court filing fee and a \$100.00 appeal bond. If you appeal, the Superior Court will review the record that was made at the District Court, but there will not be a new trial.

*Ferry County District Court
350 E. Delaware #6
Republic, WA. 99166
(509) 775-5225 ext 2504
www.ferry-county.com
ferrydistrict@co.ferry.wa.us*



Ferry County District Court
350 East Delaware #6
Republic, Washington 99166-9747
509-775-5225, ext 2504

WAIVER OF PRE-HEARING CONFERENCE

By checking the “Waiver of Pre-Hearing Conference” box on the front of the “Order on Pre-Hearing Conference” form, you have waived your presence at the pre-hearing conference and have requested that your case be set for a contested hearing. By requesting a contested hearing, you are telling the court that you did not commit the infraction(s) that have been filed against you.

At the contested hearing you have the right to have an attorney present, **but one will not be provided for you.** Your contest hearing date and time will be mailed to you after the court receives your order on pre-hearing conference.

At the contested hearing the court will hear evidence from both sides. The court will then determine whether the state has proved, by a preponderance of the evidence, that you committed the infraction. If the court finds the infraction was committed and the charge is a traffic infraction, the State of Washington Department of Licensing will be notified of the court’s findings. If the court finds an infraction was not committed, it shall enter an order dismissing that charge.

Decision on Written Statement: Prior to the scheduled contested hearing, you may elect to seek a “Decision on Written Statement” rather than appear for the in-court hearing. The request for a decision on written statement must be RECEIVED by the court no later than fourteen (14) days prior to the date set for the in-court hearing. The form for requesting a decision on written statement has been provided to you in your contested hearing packet. You will be notified of the court’s decision within 120 days of the date that you initially responded to the infraction(s). Pursuant to IRLJ 3.5(e) there shall be no appeal from a decision on written statement.

If you fail to appear and fail to file a timely request for a “Decision on Written Statement”, the following will occur:

- * A judgment of committed will be entered on the charged infraction(s)
- * An assessment of \$52 will be added to the fine(s)
- * The Department of Licensing will be notified of the judgment entered and they will take action to suspend your driving privileges if the charges are traffic infractions
- * The fines will be forwarded to a collection agency and you will be required to pay additional collection fees and interest.



Ferry County District Court
350 East Delaware #6
Republic, Washington 99166-9747
509-775-5225, ext 2504

PRE-HEARING CONFERENCE INFORMATION SHEET

The court has received your request for a contested hearing. By requesting this type of hearing, you are telling the court that you did not commit the infraction(s). You have been scheduled for a Pre-Hearing Conference (see enclosed hearing notice). At this hearing you have the right to have an attorney present but one will not be provided for you. If you choose to obtain an attorney it is suggested, but not required, that he or she be present at this hearing. You may waive your appearance at the pre-hearing conference by completing and submitting the waiver which has been provided to you by the court. The waiver must be received by the court no later than the Pre-Hearing Conference date.

At the Pre-Hearing Conference you will have the following options:

1. **Appear and mitigate the infraction:** You will have the opportunity to explain the circumstances regarding this incident and the Court will consider a reduction of the fine. The Department of Licensing will be notified of the committed infraction(s) (unless it is a non-traffic infraction or parking ticket). If you choose this option, you will have no other court dates and your case will be closed upon payment of the fine.
2. **Appear and seek a deferred finding:** This option is discretionary with the Court and only available if you have not received a deferred finding in the past seven (7) years. You will be required to pay a \$150 administrative fee, have no traffic infractions or criminal charges within the deferred period and may be required to comply with other conditions. If you comply with the conditions, the charge will be dismissed at the end of the deferred period and will not go on your driving record. If you choose this option, you will have no other court dates and your case will be closed at the end of the deferred period.
3. **Appear and request a contested hearing:** If you choose to proceed with a contested hearing, you will lose the option to seek a deferred finding. You will be required to fill out an "Order of Pre-Hearing Conference" and will be given another court date for your Contested Hearing. If you lose at trial you will be required to pay the infraction fine amount IN FULL.
4. **Decision on Written Statement:** You may elect to seek a "Decision on Written Statement" rather than appear for the in-court hearing. The enclosed "Decision on Written Statement" must be filled out and must be RECEIVED by Ferry County District Court no later than fourteen (14) days prior to the date set for the in-court hearing. You will be notified of the court's decision within 120 days of the date that you initially responded to the infraction(s). Pursuant to IRLJ 3.5(e) there shall be no appeal from a decision on written statement.

If you fail to appear and fail to file a timely request for a "Decision on Written Statement", the following will occur:

- * A judgment of committed will be entered on the charged infraction(s)
- * An assessment of \$52 will be added to the fine(s)
- * The Department of Licensing will be notified of the judgment entered and they will take action to suspend your driving privileges if the charges are traffic infractions
- * The fines will be forwarded to a collection agency and you will be required to pay additional collection fees and interest.

**IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF FERRY**

O State of Washington)
O City/Town of Republic)
Plaintiff,)
Vs.)
Order on Pre-Hearing Conference)
Defendant.)
No. _____

Waiver of Pre-Hearing Conference: Pursuant to IRLJ 2.6(1)(ii) I hereby waive my presence at the pre-hearing conference. All motions to exclude evidence or dismiss an infraction are noted in paragraph 2.1 herein below. I understand any motions not noted shall be waived and shall not be considered by the Court. I understand that by waiving my presence at the pre-hearing conference, I shall not be entitled to seek deferral of the infraction(s) charged. I understand that I must fill out paragraphs 1, 2.1 and 3.1 herein below.

My address is (print legibly): _____

1. DISCOVERY (To Be Completed By The Defendant)

- I am requesting that the State provide discovery to me pursuant to IRLJ 3.1(b). My address is shown above.
 I am not requesting discovery or discovery has already been completed.

2. MOTIONS (List All Motions – Any Motions Not Listed Are Waived)

2.1 Defense Motions (to be completed by the defendant): _____

2.2 State's Motions: _____

3. WITNESSES (All Potential Witnesses Must be Identified in This Order)

3.1 Defense Witnesses (to be completed by defendant. Provide name, address and phone number of each witness): _____

I am requesting that the court issue subpoenas to the witnesses named above. I understand that a subpoena will not be sent to a witness I have listed unless I provide a legible name and accurate address. I also understand that I will bear all witness costs and fees if a subpoena is issued.

3.2 State Witnesses:

- Any person named in the discovery materials may be called as a witness by the State.
 Other (provide addresses and phone number of each witness) _____

4. HEARING NOTICE (To Be Completed by The Court)

CONTESTED HEARING is set for _____ at _____ a.m./p.m. in courtroom #1

ORDERED this _____ day of _____, 20____.

Defendant

Judge Thomas D. Brown



Ferry County District Court
350 East Delaware #6
Republic, Washington 99166-9747
509-775-5225, ext 2504

REQUEST FOR DECISION ON WRITTEN STATEMENT (MITIGATION/CONTESTED HEARING)

Name: _____

Physical & Mailing Address: _____

E-Mail Address: _____ Phone: _____

Citation Number (see upper right corner of citation and/or hearing notice): _____

Statement (explain why you think the fine(s) should be reduced (attach proof of insurance, registration, etc.):

(If you need more space, please attach additional sheets of paper, along with any other evidence / documentation you want the court to consider.)

I declare under penalty of perjury of the laws of the State of Washington that the above information and the information contained in the attachments hereto, is true and correct. I understand that there can be no appeal from a decision on a written statement pursuant to IRLJ 3.5 (e).

Dated this _____ day of _____, 20_____ at _____
(City / State)

Defendant Signature