

Burlington Municipal Court

311 Cedar Street Suite A

Burlington, WA 98233

360-755-0492

This form may be used if you cannot or do not wish to appear in court for a hearing on an infraction case. Do not use this form if you will be appearing in court.

Mitigation/Contested Hearing by Mail

Instead of appearing in court on the date and time scheduled for either a contested hearing or a mitigation hearing, you may submit your case in writing to the court. This is called a "trial by mail". For a trial by mail, you must complete the Defendant's Statement and the declaration on the reverse side of this form and mail them to the court prior to the scheduled hearing, if applicable, as noted on your hearing notice. If you choose this procedure, you will not appear before a judge in the courtroom. The judge's decision will be sent to you in the mail. Also, if you were charged with No Proof of Insurance under RCW 46.30.020, AND you have proof that you were properly insured on the date and at the time of the violation, please include a copy of that proof along with your declaration.

Mitigation/Contested Infraction Hearing by Mail Rules

You must choose either a contested hearing or a mitigation hearing. Remember, except in the case of a deferred finding, your case cannot be dismissed if you request a mitigation hearing. Also, normally, if a finding of committed is entered at a contested hearing, the penalty will not be reduced. If there is more than one violation set forth on the notice of infraction and you contest one, but not all of them, you should request a contested hearing and clearly identify in your statement those violations that you admit. The court will review your declaration and the police officer's sworn statement and render a decision. Any infraction found to have been committed will be reported to the Department of Licensing. Any penalty imposed will be based on the facts of the case and your driving record. **(There is no right to appeal.)** Because payment cannot be made immediately, there is added to every penalty a "time pay fee" of \$10.00. If you fail to file this declaration and statement prior to the hearing date or deadline, whichever applies to you, the infraction will be found committed, a \$52 default penalty will be added, and the finding will be reported to the Department of Licensing. Unpaid fines may also result in a referral to a collection agency and suspension of your privilege to drive.

Optional: Petition for Deferred Finding

You may also use the trial by mail process to petition for a deferred finding. A deferred finding is a program that the legislature made which allows an individual to keep a traffic ticket off their record. A traffic ticket deferral can only be done once every seven years for a moving or non-moving violation. A person is not eligible for a deferred finding if they have a commercial driver's license. The fee for a deferred finding is \$200 regardless of the amount of fine on the citation. (\$400 for moving and non-moving.)

The Court must receive your declaration PRIOR to the scheduled hearing date

If, after reading this information sheet, you wish to proceed with an infraction trial by mail, please fill in the other side of this form and return it to the court. If, on the other hand, you decide you wish to personally appear at a hearing, simply come to court on the date and time scheduled on your hearing notice or request a hearing if you do not already have one scheduled. Declarations, which are not received prior to the scheduled hearing date or by the deadline, will not be considered. If the court does not receive your declaration and statement prior to the hearing date or deadline, whichever applies to you, the infraction will be found committed, a \$52 default penalty will be added, and the finding will be reported to the Department of Licensing. Unpaid fines may also result in a referral to a collection agency and suspension of your privilege to drive.

(See reverse side)

