

Anacortes Municipal Court
1218 24th Street
Anacortes, WA 98221
(360) 293-1913

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 "trial by mail". For trial by mail you **must** complete the Defendant's Statement below and the declaration on the reverse side of this form and mail them to the court prior to the scheduled hearing as noted on your hearing notice. If you choose this procedure you will not appear before a judge in the courtroom. Everything will be handled through the mail. (Note: trial by mail may also be conducted over the internet. Find "Access Skagit County" on the web, or go to <http://www.skagitcounty.net/Common/Asp/Default.asp?d=DistrictCourt&c=General&p=infraction.htm>). 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, or some, but not all of them, you should request a contested infraction hearing and clearly identify in your statement those violations that you admit. If you fail to file this declaration and statement prior to the hearing date, 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. The court will review your declaration and the police officer's sworn statement and render a decision. Any finding will be reported to the Department of Licensing. Any penalty imposed will be based on the facts of the case and your driving record. You agree to pay the court-ordered penalty within the specified time ordered by the Judge. (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. You will be notified by mail of the Judge's decision.

Optional: Petition for Deferred Finding

You may also use the trial by mail process to petition for a deferred finding. A deferred finding may be granted, in the discretion of the court, if you are legally eligible. If you petition for a deferred finding, that request will be determined first by the court. If the petition is denied, the court will then proceed to either a mitigation hearing or contested hearing according to your request. No further hearing will be conducted if the deferred finding is granted. Because the deferred finding may not be granted, be sure to complete the statement whether or not you petition for a deferred finding.

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 hearing by mail, please fill in the rest 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. Declarations, which are not received prior to the scheduled hearing date, will not be considered. If the court does not receive your declaration by the hearing date, or payment in full, a \$52 default penalty will be added and the finding of "committed" 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.

Defendant's Statement

I wish to submit my case to the court on written statements. I have read and agree to abide by the rules and procedures governing hearings by mail. I agree to pay any penalty imposed in the time provided by the court.

Signature _____

Name: _____
Please print

Date: _____

Address: _____

Hearing Date & Time: _____

Ticket Number (required) _____

Phone: _____

(See reverse side)

The following is my written statement: Ticket Number (required) _____

You must select either 1 or 2. Number 3 is optional.

1. I did not commit this infraction, I wish to contest.

2. I agree I committed this infraction, I wish to mitigate.

3. Optional: I wish to petition for a deferred finding.

Multiple horizontal lines for text entry.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct.

Date and Place of signing Signature

JUDGES RULING

The court has reviewed your statement and that of the officer and his/her witnesses. A ruling has been made as set forth below:

[] Case dismissed [] Found committed-fine imposed:

\$ _____

[] Found NOT committed +\$ 10.00 Time Pay Fee

\$ _____ Total Due

DUE IN FULL _____

**MAIL PAYMENTS TO:
ANACORTES MUNICIPAL COURT
1218 24TH STREET
ANACORTES, WA 98221**

Date: _____

JUDGE/COMMISSIONER