

# COSMOPOLIS MUNICIPAL COURT

The Honorable Geoff Arnold

Tel: (360) 532-9264

Email: court@cosmopoliswa.gov

## CONTESTED HEARING IN PERSON

The Court is in receipt of your request for a hearing to contest your traffic infraction. You and your witnesses, if any, must personally appear in court at the date and time indicated on the enclosed hearing notice. At your hearing, the court will review the officer's report and take sworn testimony from you and your witnesses. If the court finds that you committed the infraction, you have a right to appeal this decision to Superior Court.

If you fail to appear for your hearing, the infraction will be found committed, a \$52 default penalty will be added, and reported to the Department of Licensing. Unpaid fines may result in referral to a collection agency and suspension of your driving privilege.

## HOW TO SUBPOENA POLICE OFFICERS/WITNESSES

You are responsible to subpoena the police officer/witnesses for your hearing. Subpoenas must be served **at least 7 days prior** to the hearing.

## CONTESTED HEARING BY MAIL

Instead of appearing in court at the date and time scheduled on your hearing notice, you also have the option of a contested hearing by mail. If you decide to proceed with a hearing by mail, you will not be required to appear in court. Instead, you must complete the declaration on the reverse side of this form and mail it to the court so that it is received by the court prior to your scheduled hearing. If you have any witnesses, they too must submit a declaration. The court will review the declarations filed and the police officer's sworn statement and render a decision. If the court finds that the infraction has been committed, it will impose a monetary penalty. The penalty will be based on the facts of the case and you're driving record. If the infraction is found committed, you have no right to appeal the court's decision. You must also agree to pay the court ordered penalty within the specified time ordered by the judge. You will be notified by mail of the judge's decision. You do not have a right to appeal from a decision on written statements.

The court, prior to the scheduled hearing date, must receive all declarations. 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 and you also fail to appear for the hearing, the infraction will be found committed, a \$52 default penalty will be added and reported to the Department of Licensing. Unpaid fines may also result in referral to a collection agency and suspension of your privilege to drive.

## DEFERRED FINDING PROGRAM - RCW 46.63.070 (5)(a)

If you have not had a deferred finding within the past 7 years, you may be eligible for the Deferred Finding Program. This program allows you to keep the infraction off your driving record. You must admit the offense, enter into a 12 month probationary period during which you may not have any further violations, and you must pay a \$100 administrative fee within 120 days of entry. If you comply, the infraction will be dismissed from your record. *Holders of an active commercial driver's license may not receive a deferral under this section.*

Please make a selection(s) below: **The judge's decision is final.**

- I wish to submit my case to the court on my written statements. I have read and agree to abide by the rules and procedures as explained above. **(Proof of valid license, insurance or registration required if the charge is related to one of these infractions.)**
- If I am eligible for the Deferred Finding Program, I agree to abide by the conditions and pay the fee. **(Proof of valid license, insurance or registration required if the charge is related to one of these infractions.)**

Defendant signature \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

Address \_\_\_\_\_

Citation # (Required) \_\_\_\_\_

Phone # \_\_\_\_\_

Email: \_\_\_\_\_

**SEE ATTACHED**

