



MERCER ISLAND MUNICIPAL COURT

12835 Newcastle Way, Suite 301

Newcastle, WA 98056

Ph. (206) 275-7604

Fax: (206) 275-7980

Mitigation Hearing In Person

The Court has received your request for a hearing to mitigate your infraction. You and your witnesses, if any, must appear in court at the date and time indicated on the enclosed Notice of Hearing unless you wish to have your hearing by mail. If you fail to appear for your hearing, the Court will enter a committed finding, impose the maximum monetary penalty, and impose an additional \$52 penalty. The Court will also report any traffic infraction to the Department of Licensing. Unpaid fines may be referred to a collection agency and may result in the suspension of your driving privilege.

Mitigation Hearing by Mail

Instead of appearing in court on your scheduled date, you may mitigate your infraction by mail. If you proceed with a mitigation hearing by mail, you do not need to appear in court. Instead you must complete the reverse side of this form. If you have witnesses, their written statements must be attached to this form. The Court will review your statements and the police officer's report. If the Court finds that you committed the infraction, it will impose a monetary penalty. You will be notified by mail of the Court's decision. You also agree to pay the penalty within the time specified. The Court *highly recommends* that you contact Court staff if you have not received a response within 2 weeks after mailing your Hearing by Mail form. **The Court must receive all written statements before your scheduled hearing. Statements received after your scheduled hearing will not be considered.**

If the Court does not receive your statement before the scheduled hearing, the Court will automatically enter a committed finding, impose the maximum penalty as well as an additional \$52 penalty and report the infraction to the Department of Licensing (if it is a traffic infraction). Unpaid fines may be referred to a collection agency and may result in the suspension of your driving privilege.

Insurance Violation

If you received a citation for Operating a Motor Vehicle Without Insurance and had valid insurance at the time of the infraction or have since obtained valid insurance, please bring a copy with you to your hearing (or attach a copy of your insurance *card* to this form if proceeding by mail). **Insurance policies and application forms are not accepted as proper proof of insurance.** If you were charged with a separate infraction in addition to the insurance violation, be prepared to address that infraction also. If you had valid insurance at the time of violation, there may be a \$25.00 administrative fee for not showing proof of your insurance card at that time.

Deferred Finding (for Dismissal)

A Deferred Finding (DF) is a contract between you and the Court. Under the contract, you agree to pay \$200, and commit no new traffic infractions or criminal violations for one year. If you comply with all of these Court-ordered conditions, the Court will **dismiss** the infraction at the end of one year and the infraction will not appear on your driving record. The Court may or may not accept your request to enter a DF.

You are eligible for one DF for a moving violation and one additional DF for a non-moving violation within a 7-year period. You are **NOT** eligible for a DF for a parking or school bus arm citation. You may request a DF in court at your hearing or you may request a DF by mail. If you request a DF by mail (and the Court accepts your request), the Court will mail you a copy of the contract, informing you that you have 60 days to pay \$200 in full. Please **DO NOT** send payment until the Court orders you to do so.

If you violate any of the conditions of the DF, the Court will enter a committed finding. You will be required to pay the original monetary amount for the infraction plus an additional default penalty (which is subject to change), **in addition** to the \$200 already imposed by the Court. The Court will also report any traffic infractions to the Department of Licensing. Unpaid fines may be referred to a collection agency and may result in the suspension of your driving privilege.

See Reverse Side

HEARING BY MAIL FORM

- I wish to submit my case as a mitigation hearing to the Court with my written statement. I have read and agree to abide by the rules and procedures governing hearings by mail.
- I wish to request a Deferred Finding. I have read and agree to abide by the rules and procedures governing Deferred Findings and hearings by mail. **I hereby certify under penalty of perjury that I have not had a Deferred Finding within the last 7 years.** Please sign and fill out the bottom of this form.

THE FOLLOWING IS MY WRITTEN STATEMENT EXPLAINING MITIGATING CIRCUMSTANCES
(You may attach additional pages as needed):

By signing below, I declare under penalty of perjury under the laws of the State of Washington that the foregoing statements are true and correct. I understand that the Court’s ruling is final and cannot be appealed.

Signature

Citation Number (on upper right corner of hearing notice)

Name

Hearing date and time

Mailing address

Telephone number

City, State, Zip code

This Form Must Be Completed For Hearing By Mail Consideration