

TRAFFIC TICKET DEFENSE

GUIDE TO DISMISSING A
TRAFFIC TICKET IN COURT

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LAW FIRM OF
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ANIMO ET FIDE



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Attorney David Jolly is a former prosecuting attorney who prosecuted more than 10,000 traffic tickets during his tenure as a prosecutor. Since leaving the prosecutor's office more than 20 years ago he has represented thousands of clients in traffic cases. He authored the Traffic Ticket Handbook in 2011 and also appears as a Judge Pro Tem in local courts. Yes, the photo is ridiculous!

Getting a traffic ticket is very annoying. It's also expensive and may harm your insurance. It is very important you understand the process but just as importantly, your options.

Avoiding the traffic ticket and the damage it may do to your license and insurance, is of paramount importance. This booklet takes you through this process from what you should do when you are stopped, your options when dealing with a ticket (fighting in court, mitigating the cost and other programs that may result in a beneficial result) to the defenses available in such infraction cases.

Don't forget to also watch the many videos on this topic of fighting and dismissing your traffic ticket. And, please **SUBSCRIBE** to my YouTube Channel for weekly on traffic tickets and legal videos.

GOOD LUCK fighting and defending your traffic ticket!

David Jolly





THE TRAFFIC STOP

Most of us have been stopped for speeding or some other minor traffic violation at least once. Suffice to say, it probably wasn't a happy experience.

If you have been stopped you may have felt nervous, anxious, violated, embarrassed and even angry. But, if you have been stopped for a ticket my first piece of advice is - breathe. Don't make a negative situation worse.

Here is what you should do after being stopped by a police officer:

- Have your driver's license, insurance and registration ready.
- Do not make any sudden or furtive movements - this may make the officer nervous and you don't want that.
- Be polite - you may not want to be, but do your best.
- Do not lie! You won't get any breaks and the situation may even get worse.
- Don't talk too much - yes, answer the questions you must such as your name, but do not volunteer additional information.
- Finally, if you receive a ticket, do not discard the ticket. It's okay to be angry but save that ticket so when you are calm, you can prepare to defend yourself properly.



AFTER THE TRAFFIC STOP

Receiving a traffic ticket is awful, right? We don't like them, they are expensive and can harm our insurance.

If you receive a traffic ticket, here is what you should do.

- Read the ticket to determine how long you have to respond. In my State you have 15 days to respond if the ticket was received in person and 18 days if the ticket was served by mail.
- Confirm where you should send the ticket - the specific court is important!
- The ticket could be Municipal Court, a State Court, Tribal Court or a Federal Court.
- Where you should send the ticket should be printed directly on the face of the ticket.
- Decide what you want to do - do you want to contest the ticket, mitigate the ticket, choose an option such as a deferred finding or driver improvement or just pay the ticket (don't just pay the ticket).
- Make a Copy of the Ticket.
- Mail or deliver in person the ticket to the proper location.
- Wait until you receive a Summons from the court confirming your court date.
- Research how to beat your ticket or call an attorney, if you are considering representation.



TRAFFIC TICKET OPTIONS

Once you have received that dreaded traffic ticket be sure you read it, front and back. There may be options right on the ticket and the ticket will request you choose one of those options.

Contested Hearing: Fight the ticket ("Traffic Court")!

Mitigation Hearing: Admit the violation and have the fine reduced.

Deferred Finding: Will dismiss your ticket in exchange for a fee.

SOC (Stipulated Order of Continuance): This is a contract that will dismiss or reduce the moving violation after a certain time period and fee. It's important to note that such agreements are called different things in different courts and States. It's also common to hear them called "diversion agreements."

Defensive Driving: Yet another option your court may offer a dismissal of the ticket in exchange for the completion of a defensive driving class,

Negotiation: Finally, you may have the ability to negotiate with a prosecuting attorney. Be careful this does not add points to your driver's license if a reduction to a non-moving violation is offered.

TIP: If your ticket only offers a contested or mitigation hearing, always choose contested hearing. Additionally, not all of these options are necessarily available and different options may be utilized in different courts.

+ terminus, a bounda **con-test'** (-ed, -i to fight; to call in n con-

CONTESTED HEARING

If you believe you did not commit the violation then you should select the “contested hearing” box on your ticket and properly submit it to the correct court.

A contested hearing for a traffic infraction is similar to a very informal trial with civil rules of evidence. Your case is heard before a Judge or Commissioner who will determine if you have committed the infraction or if the infraction should be dismissed.

If there is no officer Subpoenaed, the evidence will consist of either the Judge or Prosecuting Attorney reading the provided police report into the record.

If a police officer is present or, if an expert such as a speed measuring device expert is appearing, they will provide testimony. If testimony is provided the prosecuting attorney will ask questions of their witness and the defendant (you) will then have an opportunity to cross examine the prosecutor’s witnesses.

Once the State has presented the case, the defendant has an opportunity to testify under oath. This is your opportunity to present your case. Remember, if there is a prosecutor present he or she can ask you questions and so too can the Judge.

Once the parties have presented their case, the Judge makes a decision.

TIP: Prepare a solid defense and present it in a clear and persuasive manner.



MITIGATION HEARING

A mitigation hearing is where you admit you committed the violation, but wish to explain the circumstances of the infraction and have the court reduce the fine. Most courts will permit you to change your mind in court and switch from a contesting hearing to a mitigation hearing, if you so choose.

The Judge, depending on the explanation and your record, may adjust and reduce the penalty. However, the Judge will **not dismiss** your ticket.

So, why on earth would you choose the mitigation option?

There are some instances when choosing to mitigate does make sense. For example, non-moving violations in most States do not affect your insurance or driving record and may not be worth fighting. Such tickets may include parking tickets and equipment violations.

Another reason to mitigate is some courts will permit you to mitigate your ticket in writing, therefore avoiding having to appear in court and taking time off of work.

TIP: Be cautious as some States have a point system and some non-moving violations may count for points. This is why researching before court is so important.



Deferred

DEFERRED FINDING

Several States offer programs that will dismiss your traffic ticket if you have a clean driving record. Check your State to see if such a program is offered but in my State, Washington, the program is called a deferred finding. It may be called different things in different States.

Importantly a deferred finding allows for the dismissal of the infraction.

It is important to note that not all cases are eligible for a deferred finding and dismissal.

If eligible, the infraction will be dismissed at the end of the time period imposed by the judge if the defendant does not commit any traffic violations and pays the costs imposed to monitor your case by the due date.

A finding of committed will be entered with the Department of Licensing or DMV if you receive a new violation during the deferral period or you fail to pay the costs by the due date.

TIP: You may only use this option periodically. In Washington State you may use this option once every 7-years in Washington State.



Driver's Education Manual

DRIVER IMPROVEMENT

In State's that have a driver license point system, a driver improvement program may be worthy of consideration. In some instances the program may even be mandatory.

The program involves the completion of a defense driving course, often 4-6 hours in length, that is designed to teach drivers about safe driving attitudes and behaviors.

Driver Improvement courses may be court-ordered, required for driver's license reinstatement or at the option of the driver for certain benefits.

Such benefits of the program may include:

- No points on your driving record because points are not assessed.
- May reduce the total fine amount.
- Prevents auto insurance from increasing.

Tip: Check your individual State to see if this program is used and if it is **your** option (it may not necessarily be). Researching this option has revealed many dozens of names other than "Driver Improvement," such as "Alive at 25," and so forth. Be sure you research your options and what the correct name is as different States use it for different purposes.



SOC | DIVERSION AGREEMENT

Another option in court when fighting your traffic ticket is called an SOC (stipulated order of continuance). This agreement may be called many different things, depending on where it might be offered. Another common name used is "diversion agreement."

The idea behind this agreement or contract is that your ticket will be dismissed after a period of time if you pay a fee and stay out of trouble. Occasionally it is used to amend or reduce a moving violation to a non-moving violation (not as attractive as a dismissal!).

The time period could be as short as 6 months long or as long as 2 years, but in my experience the most often used time period is 1-year.

At the end of the period of time the matter is reviewed administratively and then dismissed (or amended, depending on the agreement).

TIP: Be careful as a new traffic ticket during this period of time will result in a finding of committed and the old ticket will now be on your record.



If none of the options mentioned are appealing or even available to you, then you may one last option. Negotiating with the prosecuting attorney.

When I was a prosecutor I would occasionally offer to reduce moving violations such as speeding tickets to non-moving violations. This was particularly true on busy days, lazy days or if I really liked someone (a little old lady, for example).

A prosecuting attorney may offer you such a reduction in court.

The benefit to the defendant - in my State - is the moving violation stays off their record and their insurance is not affected.

TIP: If you do enter negotiations, be sure you research what non-moving violations will not harm your insurance. If you're in a "points State" be cautious as a non-moving violation may still impact you in some way.



Procedure

PROCEDURE DEFENSE

If you are fighting your ticket I highly recommend looking carefully into the procedure defenses. Very simply, if the prosecuting authority fails to follow procedure required by court rule, your case must be dismissed.

Before you can argue infraction procedure you must first understand it and it's very boring!

The first thing I recommend is looking up the court rules. Most courts have similar procedure rules but they are not the same. Search your court on Google (or related search engine) and locate the contested hearing rules for your court.

Another important and related search should be for your State's Infractions Rules. Each State has difference names, but in my State (Washington) these are referred to as the Infraction Rules for Courts of Limited Liability (also known as IRLJ)

Both the Court Rules and the State Infraction Rules have information regarding time deadlines for requesting Discovery, providing Discovery to you and the filing requirements of the infraction with the court. When the court uses the term, "Discovery," they are actually referring to the police report and court related documents that will be used against you in court.



Procedure

PROCEDURE DEFENSE

Requesting the Discovery - police report -is a good place to start with every case.

The Discovery should contain information about the radar or laser device, if used, including a Speed measuring device affidavit and the officer's notes (often called the narrative). If you request the discovery the prosecution must deliver the discovery within a certain amount of time.

If you make a timely request for Discovery and the prosecution fails to provide the documents, then this information cannot be used against you and it is probable that a dismissal will be granted by the court.

The following information is important to know prior to using this defense:

1. Prepare a thorough document requesting all pertinent information relating to the traffic ticket (request for Discovery)
2. Send the Request for Discovery to the correct parties, usually the prosecuting attorney and the court
3. Confirm the deadline to deliver this document
4. Confirm how the documents should be delivered (directly filed, emailed, fax, mail or in person)
5. Prepare a Declaration of Service.

Procedure

PROCEDURE DEFENSE

EXAMPLES



Request for Discovery



(b) Discovery. Upon written demand of the defendant at least 14 days before a contested hearing, filed with the court and served on the office of the prosecuting authority assigned to the court in which the infraction is filed, the prosecuting authority shall at least 7 days before the hearing provide the defendant or the defendant's lawyer with: (1) a copy of the citing officer's sworn statement; (2) a copy of video or photographic evidence ... and (3) the names of any witnesses not identified in the citing officer's sworn statement. If the prosecuting authority provides any portion of the discovery less than 7 days before the hearing, such untimely discovery shall be suppressed only upon a showing of prejudice in the presentation of the defendant's case. (IRLJ 3.1 Wash. State)

NOTE: Be certain you request "Discovery" timely, confirm delivery and bring confirmation of timely delivery and service to the court.



Filing of Notice



(d) Filing of Notice. When a notice of infraction has been issued, the notice shall be filed with a court having jurisdiction over the infraction or with a violations bureau subject to such courts supervision. The notice must be filed within five (5) days of issuance of the notice, excluding Saturdays, Sundays, and holidays. In the absence of good cause shown, a notice of infraction not filed within the time limits of this section shall, upon motion, be dismissed with prejudice. (IRLJ 2.2 Wash. State)

NOTE: The ticket must be filed with the proper court within 5 days (excluding weekends/holidays etc.) in Washington State. Please check your individual State's Rules. Always check when it was filed. You can ask the clerk or even, ask the Judge when the notice was filed.



TECHNICAL DEFENSE

Focusing on details and mistakes is how you find fault in the case and how you win arguments. It's time to focus on finding technical issues that dismiss cases.

Individual officers issue hundreds or even thousands of tickets a year. And guess what, they make mistakes, they cut and paste facts, they get distracted or they are sloppy. They are HUMAN. Whatever the reason, mistakes exist and it is your job is to find those mistakes.

The first thing you need is the police report. To get this you must properly request the report - correctly known as "Discovery" - from the proper source.

This source is usually the prosecuting attorney but if you're not certain, phone the Court Clerk and ask where you can get the "Discovery" or go to the court website to find out where you can correctly request "Discovery."

Be careful as you must request discovery timely - meaning, you must do so a certain number of days prior to the court date.



TECHNICAL DEFENSE

Such technical defenses that may result in the dismissal of your case include:

- The incorrect name of the driver
- Wrong license plate number
- Wrong vehicle description
- Wrong street or highway.
- The officer failing to sign the ticket
- Wrong gender
- Wrong traffic code you were cited for violating – it is very important you look up this statute and confirm it is the same code for which you were actually ticketed.

Technical issues are a great way to fight a traffic ticket. Be sure you thoroughly go through the ticket and the Discovery and locate errors, omissions and inconsistencies.

Admittedly, some technical issues are more powerful and successful than others.

Some of the issues I mentioned will work in some courts and others will not but, they are all fair game.



TECHNICAL DEFENSE

EXAMPLES



Errors on Ticket



Last Name SMITH		First Name JOHN		M.I. D.	
Number and Street 123 MAIN ST.			Apt. No.	Photo Lic Show?	
City MUKILTEO		State WA	Zip Code 98275	Owner is Oper?	Lic. Class/ID Type
Client ID Number			Sex M	Date of Birth 1-1-1999	
Lic. State WA	License Expires WDL1234	Veh. Type SEDAN	Veh. Year 2015	Veh. Make FORD FIESTA	Veh. Color W
Plate Number XYZ 123		Reg. State WA	Registration Expires 2022		

→ WRONG D.L. NUMBER

Actual Facts

Defendant's License Number is: WDL 56HDX



Errors on Ticket



Last Name SMITH		First Name JOHN		M.I. D.	
Number and Street 123 MAIN ST.			Apt. No.	Photo Lic Show?	
City MUKILTEO		State WA	Zip Code 98275	Owner is Oper?	Lic. Class/ID Type
Client ID Number			Sex M	Date of Birth 1-1-1999	
Lic. State WA	License Expires WDL1234	Veh. Type SEDAN	Veh. Year 2015	Veh. Make FORD FIESTA	Veh. Color W
Plate Number XYZ 123		Reg. State WA	Registration Expires 2022		

WRONG NAME AND DATE OF BIRTH.

Actual Facts

Defendant's Name is Samuel J. Smith with a DOB of October 1, 1985



TECHNICAL DEFENSE

EXAMPLES



Errors on Ticket

Last Name SMITH		First Name JOHN		M.I. D.	
Number and Street 123 MAIN ST.			Apt. No.	Photo Lic Shown <input type="radio"/>	
City MUKILTEO		State WA	Zip Code 98275	Owner Is Oper. <input type="radio"/>	Lic. Class/D Type
Client ID Number				Sex M	Date of Birth 1-1-1999
Lic. State WA	License Expires WDL1234	Veh. Type SEDAN	Veh. Year 2015	Veh. Make FORD FIESTA	Veh. Color W
Plate Number XYZ 123		Reg. State WA	Registration Expires 2022		

Actual Facts WRONG VEHICLE
WRONG LICENSE PLATE NO.

Defendant's Vehicle was a Ford F150 Truck & License Plate #MYBGTRK

FACTS

FACTUAL DEFENSE

The defense that you did not commit a traffic ticket based on your testimony that it didn't happen, is traditionally weak. During my time as a prosecutor I heard thousands of defendants argue that they didn't do it - that they didn't speed, they did signal, they did come to a complete stop and so forth.

Very few defendants prevail using this approach. That being said, these arguments can win if you approach them in the correct manner. You need to prepare and the argument will be stronger if the officer's notes lack detail.

For instance, if you're arguing that you were not speeding and the officer cited you for speeding based on pacing your vehicle, the lack of detail in the officer's notes can be defeated by you supplying testimony that attacks this lack of detail.

If you wish to use the factual defense you must prepare ahead of time, attack the officer's lack of detail and give testimony that adds information or facts where the officer lacked such descriptions.

FACTS

FACTUAL DEFENSE

EXAMPLES



Facts in Police Report

On May 5, 2021 I observed the defendant's vehicle driving southbound on Harbour Pointe Blvd in Mukilteo, Washington. I observed the defendant's vehicle fail to stop at the intersection when it turned right at St. Andrews Drive and Harbour Pointe Blvd.

Actual Facts

There is no stop sign at this intersection. Be sure to take photos that show the intersection names and the lack of a stop sign.

FACTUAL
DEFENSE



Facts in Police Report

On May 5, 2021 I observed the defendant's vehicle driving southbound in the 100th block of 45th Avenue in Seattle, Washington. I visually observed the defendant's vehicle traveling in excess of the posted speed limit of 25 mph. I used my radar (see speed measuring device affidavit) and obtained a reading of 35 mph.

Actual Facts

The speed limit is not 25 mph, it is 35 mph. Take photos of this area and if need be, take a video of this area with the closest speed limit sign. Take this evidence to court.

FACTUAL
DEFENSE



M U T C D

MUTCD stands for the “**Manual on Uniform Traffic Control Devices**” and is a document issued by the Federal Highway Administration (FHWA) of the United States Department of Transportation (USDOT).

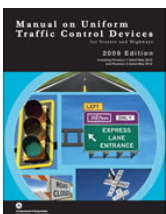
This manual standardizes traffic signs, road surface markings and signals and the manner in which they are designed, installed, and used. Such specifications include the shapes, colors, and fonts used in road markings and signs. In the United States all traffic control devices must generally conform to these prescribed standards.

While some state agencies have developed their own set of standards, including their own MUTCDs, these must substantially conform to the federal MUTCD.

When using this defense in court be prepared as it may have to educate the prosecutor, police officer, and even the Judge. Not everyone understands this marvelous defense.

The MUTCD defense can be used for most every moving violation defense that involves posted directions and controlled intersections.

Such moving violations include general speeding, school and construction zone speeding tickets, failing to yield or stop, only to name a few.



FREE MUTCD DOWNLOAD: Click the Book for a Free Guide



MUTCD



Facts in Police Report

On July 15, 2020, near the Amangani Hotel in Jackson, Wyoming I observed a BMW X7 fail to stop at a clearly marked stop sign.

The Argument

The MUTCD has a designated stop sign (see below). This stop sign in Wyoming, while amusing, does not comport to the regulated sign demanded by the MUTCD.



Facts in Police Report

On May 26, 2121, the reported vehicle failed to stop at a clearly designated stop sign.

The Argument

Section 2A.18 (Mounting Height) of the MUTCD states in part: *The minimum height, measured vertically from the bottom of the sign to the elevation of the near edge of the pavement, of signs installed at the side of the road in rural areas shall be 5 feet and of signs installed at the side of the road in business, commercial, or residential areas where parking or pedestrian movements are likely to occur, or where the view of the sign might be obstructed, shall be 7 feet. Clearly this sign is too short!*





M U T C D



Facts in Police Report

On July 15, 2020, the reported vehicle failed to stop at a clearly designated stop sign.

The Argument

Section 2B.01 Application of Regulatory Signs Standard: Regulatory signs ... shall be designed and installed to provide adequate visibility and legibility in order to obtain compliance. Signs that are obscured by vegetation and not adequately visible are not in compliance with the MUTCD.





LEGAL DEFENSE

Legal arguments can prevail in court and are a great way to get your traffic ticket dismissed. Finding a flaw in the evidence when compared to the statutory citation or finding an obscure legal case on point, can deliver the goods in a contested hearing.

But, you must start by thinking like a lawyer (sorry!).

If you haven't already, you must request the Discovery (police report) in your case. It's important to read what the officer has written in order to determine your legal defense.

Once you have done this, you should then find the statute you were cited for violating. Every State has their own traffic codes and statutes. Cities also have their own Municipal Traffic Code, so be sure you reference the right law. This code should appear on the face of your ticket.

You should also find the specific section that you allegedly violated. Once you have read the statute you must then reference this code to the facts or evidence submitted by the police officer.

If the statutory arguments fails, you still might be able to find an interpretation of your offense that can still assist. I'm referring to "caselaw."



LEGAL DEFENSE

Case law is law that is based on judicial decisions rather than law based on constitutions, statutes or regulations. Case law concerns unique disputes resolved by courts using the concrete set of facts of a case.

It's not likely you will have a database of cases to draw from. What you can do however, is do your own research on the internet to see if anything does pop up.

You may get fortunate as some attorneys do provide applicable cases on their websites and there are some Judicial Bench Books that are available online that give a list of applicable cases for contested hearings.

Remember, you should cite the right cases that have "authority." For example, a California case may have not authority for New York traffic ticket.

If you decide to fight your ticket using caselaw and statutory interpretation, you are now thinking like a lawyer.

TIP: Be sure you understand the law and be certain you know how to apply it as the Judge and Prosecutor most certainly will.



LEGAL DEFENSE

EXAMPLES



Facts in Police Report



I visually observed the defendant's vehicle take a right hand turn onto St. Andrews Drive in the City of Mukilteo. As the vehicle turned, I could not see the vehicle indicate or signal the turn. This is a violation of RCW 46.61.305.

The Law

RCW 46.61.305(2) states: *A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.*

The Argument

The law states the signal to turn must be given "before turning," not during the turn. There is no evidence that the defendant failed to signal before turning. Case dismissed.



Facts in Police Report



I visually observed the defendant's vehicle driving in the City of Bellingham. The sun had just set and the vehicle did not have its headlights on, in violation of RCW 46.37.020

The Law

RCW 46.37.020 states in part: *Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise ... shall display lighted headlights ...*

The Argument

The statute requires headlights half an hour after sunset and the report states "the sun had just set." There is no evidence that the time noted is half an hour after sunset as required by statute. Case dismissed.



LEGAL DEFENSE

EXAMPLES



Facts in Police Report



I visually observed the defendant's vehicle to be exceeding the speed limit. I used my radar device (BEE III unit), which is reliable, and obtained a speed on the defendant's vehicle of 42mph in a 30 mph zone. (No info about radar)

The Law

In Washington State (for example), Bellevue v. Lightfoot, 75 Wn. App. 214 states: The reliability of a radar device requires: (1) testimony of the police officer who used the device to measure the speed of the defendant's vehicle that the device was functioning properly when so used and (2) testimony from a qualified expert that the device passed the requisite tests and checks to ensure its operational accuracy.

The Argument

The prosecution must provide evidence (often a Speed Measuring Device Affidavit) that confirms the device used was functioning and accurate.



ARGUMENTS THAT FAIL

The arguments and defenses that typically fail are the ones most commonly used in court. If you have ever sat in a court room and watched a contested hearing - traffic court - then you would have heard some very weak arguments.

Here is a list of just a few of the many defenses and arguments that do not typically work in a court of law:

Officer Not Appearing:

Sometimes an officer doesn't appear, this is true. But if you want to use this argument you must be sure you properly subpoena the officer prior to court, otherwise the officer not appearing will have no bearing on your case. Furthermore, most officers do appear when properly subpoenaed. It is true that this defense can work, but it doesn't work very often.

Officer is Wrong.

Arguing the officer is wrong is a weak argument without some form of validation. A judge will look at the documentation provided by the officer and undoubtedly see it was signed "under penalty of perjury." You need strong facts or officer omissions to successfully prevail with this argument.

I Didn't Do It.

The I didn't do it defense is one of the most common in contested hearings. Unless you have some evidence that you did not do it, you'll rarely succeed with this defense unless the evidence is seriously flawed or the Judge is in a very generous mood.



Evidence

PREPONDERANCE OF EVIDENCE

When you are fighting your traffic ticket the court will be considering if the State or City has met their burden. In civil (non criminal) hearings the burden is called a preponderance of the evidence.

Black's Law Dictionary describes a preponderance of the evidence "As standard of proof in civil cases, is evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it."

Simply, this means that if the State or City finds that it is more likely than not that you committed the offense, you will lose.

In these State's it is far easier for the prosecuting attorney to prove the case against you as the burden on them is less than in a similar criminal setting.

Therefore, absent a procedural defense you must have more evidence that you did NOT commit the offense than the prosecutor has that you DID.



IMAGE IS EVERYTHING?

Your image and the impression it gives is valuable in court. Whether you are in court for a criminal case or an infraction, follow protocol and don't give the Judge a reason to dislike you.

Such rules usually include conservative clothing, no hats unless they are permitted for a religious reason, no food or drink. And of course, don't be late and don't cause disruptions in court.

So, what should you wear? You don't need to wear your Sunday best but wear nice, clean clothes. Avoid clothing that have graphics with messages. Remember, conservative is usually a smart choice.

When you are in front of the Judge, be polite, courteous, prepared and do not interrupt the Judge. When representing yourself for an infraction, the Judge will expect you know what you are doing and that you understand the basic court rules and rules of evidence.

Judges are impressed by those who are prepared, present well and articulate their case.

When it comes to contested hearings a good impression may give you and your case more credibility and may ultimately persuade a Judge to rule in your favor.



EXAMPLES

SPEED MEASURING DEVICE AFFIDAVIT

CERTIFICATION CONCERNING DESIGN AND CONSTRUCTION
OF ELECTRONIC SPEED MEASURING DEVICES OR LASER
SPEED MEASURING DEVICES

I, _____ do certify under penalty of perjury as follows:

I am employed with _____ as a _____. I have been employed in such a capacity for _____ years. Part of my duties include supervising the maintenance and repair of all electronic and laser speed measuring devices (SMD's) used by _____ (name of agency).

This agency currently uses the following SMD's:

(List all SMD's used and their manufacturers and identify which SMDs use laser technology.)

I have the following qualifications with respect to the above stated SMD's:

(List all degrees held and any special schooling regarding the SMD's listed above.)

This agency maintains manuals for all of the above stated SMD's. I am personally familiar with those manuals and how each of the SMD's are designed and operated. On _____ (date) testing of the SMD's was performed under my direction. The units were evaluated to meet or exceed existing performance standards. This agency maintains a testing and certification program. This program requires:

(State the program in detail.)

Based upon my education, training, and experience and my knowledge of the SMD's listed above, it is my opinion that each of these electronic pieces of equipment is so designed and constructed as to accurately employ the Doppler effect in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator or, in the case of the laser SMDs, each of these pieces of equipment is so designed and constructed as to accurately employ measurement techniques based on the velocity of light in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator.

(Signature)

Dated: _____

EXAMPLES

REQUEST FOR DISCOVERY

IN THE MUNICIPAL COURT FOR THE CITY OF *****
STATE OF *****

CITY OF *****,)	
)	
Plaintiff,)	
)	Cases No. *****
v.)	
)	
(YOUR NAME),)	DISCOVERY REQUEST
)	
Defendant.)	
_____)	

DISCOVERY REQUEST

PLEASE TAKE NOTICE that (YOUR NAME) demands discovery, pursuant to (INFRACTION RULE) of a copy of the notice of infraction, a copy of the Law Enforcement Officer's sworn statement, the identity of any witnesses the prosecutor will call at a hearing in this cause, a copy of video or photo evidence the prosecutor may introduce or the address to a website where such evidence is accessible to the defendant, if it will be offered into evidence at that hearing.

Dated this ___ day of (Month), (YEAR).

(YOUR NAME)

EXAMPLES

DECLARATION OF SERVICE

IN THE MUNICIPAL COURT FOR THE CITY OF *****
STATE OF *****

CITY OF *****,)	
)	
Plaintiff,)	
)	Cases No. *****
v.)	
)	
(YOUR NAME),)	DECLARATION OF SERVICE
)	
Defendant.)	
_____)	

I, _____, hereby declare as follows:

1. I am over the age of 18 years.
2. On _____ (Date), I served _____ (Name) with the following documents:
3. Address(es) of service:
4. Service was made as indicated below:
 - By delivery to the person named by a peace officer.
 - By mailing to the person named at the address(es) of service.

I declare under penalty of perjury under the laws of the State of (STATE) that the foregoing is true and correct.

Signed at _____ (Place), (STATE) on _____ (Date).

Signature

Type or Print Name