

## **Civil Infraction - Defendant's Options**

**Note: The following policies apply only to the 88th District Court. If your citation is from a court other than the 88th District Court, you must contact the court listed on your citation for processing instructions.**

The defendant has these options when a civil infraction is issued:

### **Admission of Responsibility Without Explanation**

If a defendant wants to admit responsibility without explanation for a civil infraction, he or she must make an appearance by mail, in person or by representation. Admissions of responsibility are not accepted by telephone.

To avoid late charges, all admissions of responsibility must be received within 10 days from the date you received your citation. You do not need to call the court to confirm this.

### **Admission of Responsibility With Explanation**

A defendant's admission of responsibility with explanation consists of the following:

- An admission of responsibility for the offense charged; and
- An explanation of the circumstances surrounding the offense.

A defendant's appearance to make admission with explanation may take place by mail:

- Appearance by mail is made when the defendant returns the citation to the court with A SIGNED ADMISSION OF RESPONSIBILITY (see back of citation). Mail the signed citation along with your letter of explanation to the court within 10 days from the date on your citation. If payment of applicable fine and costs are not enclosed, the court will notify you by mail of the amount due and the payment deadline.

If the defendant admits responsibility with explanation, or if the court finds the defendant responsible with explanation, it may reduce or suspend the civil fine and costs in light of the extenuating circumstances. The court may not reduce the charge or number of points assessed by the Secretary of State or dismiss the citation.

The defendant's appearance (by mail or in person) must occur within the time specified. Failure to make a timely appearance will result in entry of a default judgment against the defendant. Non-compliance with the judgment will result in suspension of the defendant's license as well as other possible sanctions.

## **Defendant Denies Responsibility**

To deny responsibility is to contest the case. The defendant must appear to offer a defense at an informal or formal hearing. Denials of responsibility or requests for hearings must be received within 10 days from the date your citation was issued.

Request for informal or formal hearings may be made in person or in writing.

## **By Representation**

Appearance by representation is made when a defendant authorizes another person to come before the court and admit responsibility or make payment on the defendant's behalf. Your representative should bring your signed admission of responsibility ticket with your signature on the back.

**Warning: Failure to make a timely appearance will result in entry of a default judgment against the defendant. Non-compliance with the judgment will result in suspension of the defendant's driver license as well as other possible sanctions. Failure to answer a citation or a notice to appear in court for a traffic violation can also result in license suspension.**

## **Informal and Formal Hearings**

There are two types of hearings for contested civil infraction cases:

- **Civil Infraction Informal Hearing:** A hearing conducted by a magistrate involving the police officer, the defendant and any witnesses, held without a prosecutor or defense attorney.
- **Civil Infraction Formal Hearing:** A hearing conducted only by a district court judge involving the police officer, defendant and all witnesses. The defendant may be represented by an attorney and a prosecutor must be present.
- To request an INFORMAL or FORMAL hearing, notify the court in person or in writing that you are denying responsibility for your citation and specify if you want to have an INFORMAL or FORMAL hearing. Inform the court of the address you want to have your notice to appear sent, if it is different from the address on your citation, and phone number where you can be reached.

Requests for INFORMAL or FORMAL hearings must be received 10 days from the date the ticket was issued. Failure to make a timely request for a hearing will result in entry of a DEFAULT JUDGMENT against the defendant.

## **What happens if I don't show up for a hearing?**

- If a defendant fails to appear at a hearing, the court will enter a default judgment of responsibility and impose appropriate sanctions.
- Failure to answer a citation or notice to appear in court for an informal or formal hearing can also result in license suspension.