



ISLAND COUNTY DISTRICT & MUNICIPAL COURT

800 SE 8th Avenue, Oak Harbor, WA 98277

(360) 675-5988

District_Court@islandcountywa.gov

PRESIDING JUDGE

Ronald A. Costeck

COMMISSIONER

Eric M. Ohme

COURT ADMINISTRATOR

Norma Allain

REQUEST TO MITIGATE/CONTEST INFRACTION BY MAIL

Name: _____ Infraction No.: _____

Address: _____ Violation Date: _____

City/State/Zip: _____ Telephone No: _____

Count #1 _____ Count #2 _____ Count #3 _____

- I want to mitigate (I committed the violation but ask the court for leniency). I want the Court to consider my written statement explaining the circumstances surrounding this incident. Please see my statement below.
- I want to contest (challenge) this matter. I want the Court to consider my written statement to support my belief that I did not commit the violation. Please see my statement below.

I have read and agree to the rules and procedures described below in Infraction Rule 3.5 for Courts of Limited Jurisdiction. I agree to pay any penalty imposed in the time period set by the court. I understand that I cannot appeal the court's decision based upon written statements.

I understand making a false statement under oath is a gross misdemeanor. I declare under penalty of perjury under the laws of the State of Washington that the following statement is true and correct.

Date and Place of signing (City)

Signature

SUMMARY OF INFRACTION RULE 3.5 FOR COURTS OF LIMITED JURISDICTION.

For Contested Hearings, I understand that the court shall examine my sworn statement and the citing officer's report. This will occur within 120 days after I file my written response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence. **Factual Determination:** The court will determine whether it has been proven by a preponderance of the evidence submitted by the parties that I have committed the infraction. **Disposition:** If the court determines that the infraction has been committed, it may assess a penalty. **Notice to Parties:** The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed. **No Appeal Permitted:** There shall be no appeal from a decision on written statements. **For Mitigation Hearings**, decisions based upon written statements may be made in chambers.

THE COURT MUST RECEIVE THIS STATEMENT WITHIN THIRTY (30) DAYS OF THE CITIATION (TICKET) DATE. IF YOU HAVE REQUESTED AN IN-PERSON HEARING WITHIN THE THIRTY (30) DAYS OF THE CITIATION AND HAVE BEEN GIVEN AN ACTUAL COURT DATE BUT WISH TO CHANGE TO A 'HEARING BY MAIL', THIS STATEMENT MUST BE RECEIVED PRIOR TO YOUR COURT DATE.

DEFENDANT'S WRITTEN STATEMENT

Should my ticket be committed, I am requesting a payment plan. A payment plan is subject to an additional fee of \$10.00 fee.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true. I also understand that I am waiving any right to appeal a decision based upon written statements.

DATE AND PLACE SIGNED

SIGNATURE

I incorporate the attached documents:

1. _____

2. _____