

Fife Municipal Court
3737 Pacific Highway East, Suite 100
Fife, WA 98424
(253) 922-6635

MITIGATION HEARING

You have requested a mitigation hearing to explain the circumstances surrounding the civil/traffic infraction. A mitigation hearing is an informal proceeding. There is no jury. You may bring an attorney at your own expense. You may ask witnesses to attend, but they cannot be subpoenaed or required to appear. You agree that you committed the infraction. You may not ask for a continuance on the day of your hearing.

You have an “in person” hearing on the date and time shown on the enclosed Notice of Hearing. You have the following options:

Personal Appearance: You and your witnesses must appear in person for your scheduled hearing. The Court will advise you of its decision, the penalty amount, and the date the penalty is due.

Hearing by Mail: You may present your circumstances to the court by mail. Please use the enclosed Hearing by Mail form. **The Court must receive your statement before the hearing date shown on the enclosed form.** You will be notified by mail of the Court’s decision, the penalty amount, and the date that the penalty is due.

In either option, the Court will review your case for a possible deferred finding that allows for dismissal of the infraction. Not all cases are eligible for a deferred finding and dismissal. If eligible, the infraction will be dismissed at the end of one year if you do not commit any traffic violations and you pay the costs imposed to monitor your case by the due date. A person is only allowed one deferral in a seven-year period for moving violations and only one in a seven-year period for non-moving violations. A finding of committed will be entered with the Department of Licensing if you receive a new violation during the deferral period or you fail to pay the costs by the due date.

If you are not eligible for a deferral as mentioned above, the Court will enter a finding that the infraction was committed. The Department of Licensing will be notified and the infraction will appear on your driving record. The Court shall determine, based on your statement/declaration and the officer’s statement, if a reduction in the monetary penalty is justified.

The Court must schedule your hearing within 120 days of the violation date unless you agree in writing to set the hearing on a later date.

If you elect not to appear at the hearing and do not submit your written statement before the scheduled hearing, you must pay the penalty on or before the hearing date or a late fee of \$52 will be added to the original amount.

Failure to respond, appear, or pay will automatically increase the monetary penalty. Your driving privilege will be suspended until you have made payment arrangements with the Court if this is a traffic infraction. The Court will notify the Department of licensing if you fail to appear, respond, or pay. Please review the reverse side of this letter to find out about possible monetary reductions. Proof must be filed on or before your hearing date in order to qualify for an automatic reduction.

There is no appeal allowed from a mitigation hearing.

CITY OF FIFE)
)
 Petitioner,)
)
 vs.)
)
 _____)
 (Name) Respondent.)
 _____)

CASE NO. _____

**DECLARATION FOR MITIGATION
OF TRAFFIC/CIVIL INFRACTION**

HEARING DATE _____

I agree I have committed the infraction(s) and submit this statement to explain the circumstances surrounding the incident. I understand there is no appeal allowed from the Court's decision or order in a mitigation hearing.

I promise that if a penalty is assessed against me, I will pay the monetary penalty authorized by law and assessed by the Court.

THE UNDERSIGNED, under penalty of perjury of the laws of the State of Washington

declares that the following statement is true and correct: _____

DATE: _____ SIGNED AT: _____
(city) (state)

SIGNATURE ADDRESS: _____

If you present proof to the Court prior to your scheduled hearing for the following violations, the Court may allow for an automatic reduction of the penalty amount and/or dismissal of the infraction.

RCW 46.16.010, 46.16.260 – Expired Vehicle License, No Registration Certificate in Vehicle: proof of a current vehicle registration may allow for reduction of the penalty amount.

RCW 46.16.381 – Parking in a Disabled Parking Zone/Fail to Display Permit: proof of valid/current permit or card may allow for dismissal.

RCW 46.20.015 – Driving without a valid license: proof of a valid/current license may allow for reduction of the penalty amount.

RCW 46.30.020 – Proof of Mandatory Insurance: proof of insurance at the time of the infraction may allow for dismissal upon payment of \$25.00 costs.

Proof of insurance purchased AFTER the infraction was issued may allow for a reduction of the penalty to \$250.00.

Proof of insurance is defined as an identification card issued by an insurance company covering either the driver of the vehicle (broad form) or the vehicle driven. Proof may also be documentation of self-insurance, a certificate of deposit, or a bond posted.

RCW 46.61.687 – Child Restraint Required: proof of the purchase or installation of an approved child safety restraint device may allow for dismissal.