

TRAFFIC TRIAL INFORMATION

COURT TRIAL: (non-jury)

A court trial for a Traffic Infraction is a hearing whereby the issuing officer and the defendant appear in court to offer testimony and present all relative evidence to support their case. The judge will issue a decision based on the facts presented at this hearing.

DEFENDANT'S RIGHTS: (Traffic Infractions)

DEFENDANTS HAVE THE FOLLOWING RIGHTS:

1. Subpoena witnesses or records pertinent to the case
(Subpoena forms are available at the clerk's office room 109J)
2. Request a court interpreter be provided
3. To obtain a court reporter **at their own expense**
4. To obtain an attorney **at their own expense**

DEFENDANTS **"DO NOT"** HAVE THE RIGHT TO:

1. A Public Defender
2. A Jury Trial
3. A court reporter at county expense

EFFECTS OF THE TRIAL:

Defendant present:

1. Defendant may be found guilty
2. Defendant may be found not guilty
3. Defendant's case may be taken under submission, reviewed by the judge, and a decision mailed to the defendant.
4. The case may be dismissed

Defendant not present:

1) If the issuing officer is present and a trial is held, the defendant may be found **guilty in absentia**. Notification of this judgement will be mailed to the defendant. The defendant will have thirty (30) calendar days to file a Declaration and Motion To Vacate Judgment form with the clerk's office at room 109J. (forms may be obtained at room 109J)

If the motion is granted:

A new trial date is set and the defendant is notified by mail.

If the motion is denied:

The defendant is mailed a letter confirming or modifying the original judgment, based upon the content of the defendant's motion.

2) **If the issuing officer is also not present:** The trial may be reset and the defendant will be mailed notification of the new trial date.

RESCHEDULING YOUR TRIAL DATE:

If the defendant or the officer can **show good cause** why they cannot make the trial date, the court may allow one reset each. Please contact the Traffic Court Trial Desk at 521-6684 **after 9:30 a.m.** for any information regarding trial resets. Any request for a trial reset must be at least ten (10) calendar days **before** the set trial date.