

GCDCLR 3.5 Mitigation Hearing on Written Statement

Mitigation Hearings may be submitted to the Court in writing, and the Court will consider and rule on mitigation if all of the following conditions are met:

- (1) The submission must contain a brief explanation of the need for a hearing by mail rather than an in-court, personal hearing.
- (2) The submission must contain a written explanation of the mitigating circumstances to be considered.
- (3) The submission must contain the following:

I declare under penalty of perjury under the laws of the state of Washington that the information I have supplied is true and correct.

Executed this _____ day of _____, 20__, at _____ (city)

_____ (state).

signature

- (4) The submission must be signed on the "signature" line.
- (5) The submission must be accompanied by a cashier's check or money order (no personal or business checks) in the full, exact amount specified on the notice of infraction.

If all of the above conditions are met, the Court will (within 60 days) examine (in chambers) the officer's report (if any) and the explanation from the defendant. The process is not governed by the rules of evidence.

If the Court considers mitigation appropriate, it will reduce the original penalty and will return to the defendant any amount submitted that is in excess of the adjusted penalty.

No appeal may be taken from a decision rendered on a mitigation hearing on a written statement.

Rule ordered June 23, 2004
Effective date September 1, 2004



G. Paul Miller, Presiding Judge
Garfield County District Court