

LIRLJ 3.5  
DECISION ON WRITTEN STATEMENTS

(a) The court will consider requests for contested or mitigation traffic hearings by mail.

(b) To contest a hearing by mail the individual requesting the hearing must:

- 1) submit full payment with their request;
- 2) include a statement that they understand that there is no appeal for a decision based on written statements;
- 3) include a sworn statement of the circumstances of the incident and any other evidence they wish the judge to consider;
- 4) include a brief justification for the need for a hearing by mail rather than a personal hearing.

Once these items are submitted, the court will examine the officer's report and matters submitted by the individual requesting the hearing. This examination will be done in chambers and will take place within 120 days after the individual submits the required information and tenders payment. The hearing is not governed by the rules of evidence. The court will determine whether the plaintiff has proved by a preponderance of all evidence submitted that the infraction was committed. If the court determines that it was committed it may assess a penalty in accordance with IRLJ 3.3. The court will notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

(c) To request a mitigation hearing by mail, the individual requesting the hearing must:

- 1) submit full payment with their request;
- 2) include a statement of the circumstances of the incident and any other evidence they wish the judge to consider;
- 3) include a brief justification of the need for a hearing by mail rather than a personal hearing.

Once these items are submitted, the court will review the submission and the individual's driving record. This review will be done in chambers and will take place within 120 days after the individual submits the required information. If the court believes that mitigation is proper it will mitigate the penalty and return the amount tendered in excess of the penalty.

(d) No Appeal Permitted. No appeal may be taken from a decision on written statements on either contested or mitigated traffic infractions.

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