Rule 5

(a) A defendant charged with an infraction who requests a hearing to explain mitigating circumstances, pursuant to Rule 2.4 of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ), and pursuant to Section 46.63.070 of the Revised Code of Washington (RCW), shall appear before the Municipal Court at the time of date for which such hearing is scheduled. The judge's determination of the disposition shall be final, and is not subject to review before any court.

(b) A defendant charged with an infraction who requests a hearing to contest the .determination that an infraction occurred shall first appear before the Municipal Court for a prehearing/settlement conference, at the time and date for which such hearing is scheduled (normally on a mitigation calendar) in accordance with IRLJ 2.3(a). The judge may waive the prehearing/settlement conference on his/her own motion. If the prehearing conference is waived the case will be set for a contested hearing. If the defendant fails to waive or appear at the prehearing conference, a default judgment shall be entered.

(c) If the defendant who requests a hearing to contest the determination that an infraction was committed has a criminal charge pending in Auburn Municipal Court, and said criminal charge arises out of the same occurrence as the infraction, the hearing on the infraction may be heard at the same time as the trial on the criminal charge at the request of the defendant, the City Attorney or the court and as authorized by the Infraction Rules for Courts of Limited Jurisdiction.

(d) A defendant who requests a hearing to contest the determination that an infraction was committed may file upon the court a written demand that the court subpoena the officer who caused the notice to be issued or whose written statement was the basis for the issuance of the notice if the demand is filed with the court at least fifteen (15) days prior to the contested hearing. Upon receipt of such a demand to assure the officer's presence, upon written notice to the defendant. A defendant is responsible for obtaining and serving subpoenas in accordance with IRLJ 3.1 in all other circumstances.

(e) The plaintiff need not be represented by a lawyer at a contested hearing unless witnesses have been subpoenaed to appear for the hearing.

(f) A motion to set aside a judgment entered upon a failure to appear, per IRLJ 3.2(b), shall be presented into the Municipal Court at a walk-in calendar.

(g) If a defendant fails to respond to a notice of infraction within fifteen days, fails to satisfy a judgment, or fails to

appear for a contested or mitigation hearing, the delinquent judgment may be referred to a collection agency pursuant to RCW 3.02.045. Remuneration for collection services will be assessed as costs, at the rate agreed to between the Court and the collection agency, and added to the judgment.