KMC-IRLJ 3.5
DECISIONS ON WRITTEN STATEMENTS

(a) Request for Decision on Written Statement. If the defendant submits a timely request for a hearing to contest or mitigate an infraction, the defendant may elect to seek a decision on written statement pursuant to the provisions of IRLJ 3.5 and KMC-IRLJ 3.5. A defendant who elects to contest or mitigate an infraction by decision on written statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.

(b) Time for Submitting Request for Decision on Written Statement. The request for a decision by written statements shall be submitted no later than fourteen (14) days prior to the date set for the in-court mitigation or contested hearing.

(c) Declaration for Written Statement Required. A defendant wishing to proceed by decision on written statement shall provide a written statement which sets forth the facts and/or defense(s) that the defendant would like the court to consider. A written statement submitted pursuant to this rule shall be submitted by declaration as follows: "I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct," and shall be in substantially the following form:

Name of Defendant:
Address:
Infraction Number (upper right corner of citation):
Violation Date:

I wish to mitigate the infraction [ ]
I wish to contest the infraction [ ]

Statement:

_____
_____
_____
_____
_____
_____
_____
_____

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

Executed this _____ day of _____,
20____ at _____ (city/state).

_____
Signature

The written statement shall be submitted at the same time as the request for decision on written statement.

(d) Time for Examination, Factual Determination, Disposition and Notice to Parties. The time for examination, factual determination, disposition and notice to parties shall be pursuant to IRLJ 3.5(a)-(d).

(e) No Appeal Permitted. There shall be no appeal from a decision on written statements.

(Effective September 1, 2002)