SCMLR 5.4
DECISIONS ON WRITTEN STATEMENTS

The Court authorizes mitigation hearings and contested hearings on written statements in lieu of a defendant's personal appearance.

(A) 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 IRLJ 3.5. A person 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) If a hearing date is set, a request for a decision by written statement in lieu of personal appearance may be submitted no less than the day prior to that set for the in-court hearing.

(C) A written statement that does not clearly request to contest a notice of infraction will be treated as a request to explain mitigating circumstances.

(D) A defendant wishing to proceed by decision on written statement shall provide a 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 containing substantially the following form:

> I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true;
>
> I agree to pay any penalty imposed within 60 days of a decision date.

(E) If the charges are contested, the Court shall review the officer's sworn statement and declarations submitted by the defendant. The examination may be held in Chambers and shall not be governed by the rules of evidence. The Court will then determine whether the plaintiff has proved by a preponderance of evidence whether it is more likely than not that the defendant has committed the infraction.

(F) The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed, and the date by which such payment shall be made to the court.

(G) There shall be no appeal from a decision on written statements, and the decision of the Judge shall be final for all purposes.

(Effective: September 1, 2011)