

## RULE IRLJ 3.5

### DECISION ON WRITTEN STATEMENTS

(a) Contested Hearings. A person who has received a traffic or civil infraction may request by U.S. Mail or e-mail to contest their infraction. The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(1) Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

(2) Disposition. If the court determines that the infraction has been committed, it may assess a penalty in accordance with rule 3.3.

(3) Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

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

(b) Mitigation Hearings. A person's mitigation hearing will be by U.S. Mail or e-mail. The hearing shall be held in chambers and shall take place within 120 days after the defendant's request for a mitigation hearing was received by the court. Individuals unable to appear by U.S. Mail or e-mail may appear in person for a mitigation hearing; upon request, the court will send notice of the hearing date. The hearing will be conducted on the record. The court shall notify the defendant in writing of its decision, including any penalty imposed. There is no appeal from a decision in a mitigation hearing.

[Adopted as JTIR effective January 1, 1981. Changed from JTIR to IRLJ effective September 1, 1992; amended effective September 1, 1997; amended effective January 3, 2006; amended effective September 1, 2021]