

**Island County District Court**  
**800 SE 8<sup>th</sup> Ave**  
**Oak Harbor, WA 98277**  
**(360) 675-5988**

THIS FORM MAY BE USED IF YOU CANNOT OR DO NOT WISH TO APPEAR IN COURT FOR A HEARING ON AN  
INFRACTION CASE. DO NOT USE THIS FORM IF YOU WILL BE APPEARING IN COURT.

**Hearing by Mail, Mitigation/Contested**

Instead of appearing in court for either a contested hearing or a mitigation hearing, you may submit your case in writing to the court. This is called a “hearing by mail”. For hearing by mail you must complete the Defendant’s Statement below and the declaration on the reverse side of this form and mail them to the court within 15 days of the citation issuance. For **Contested hearings** contact the court by mail or email: [district\\_court@islandcountywa.gov](mailto:district_court@islandcountywa.gov) to request the officer’s affidavit before completing and submitting your statement. Failure to do this will result in consideration without your viewing of the officer’s affidavit. If you choose this procedure you will not appear before a Judge in the courtroom. Everything will be handled through the mail. Also, if you were charged with No Proof of Insurance under RCW 46.30.020, AND you have proof that you were properly insured **on** the date and at the time of the violation, please include a copy of that proof along with your declaration.

You must choose either a contested hearing or a mitigation hearing. Remember, except in the case of a deferred finding, your case cannot be dismissed if you request a mitigation hearing. Also, normally, if a finding of committed is entered at a contested hearing, the penalty will not be reduced. If there is more than one violation set forth on the notice of infraction and you contest one, or some, but not all of them, you should request a contested infraction hearing and clearly identify in your statement those violations that you admit. If you fail to file this declaration and statement prior to the hearing date, the infraction will be found committed, a \$52 default penalty will be added, and the finding will be reported to the Department of Licensing. Unpaid fines may also result in a referral to a collection agency and suspension of your privilege to drive. The court will review your declaration and the police officer’s sworn statement and render a decision. Any finding will be reported to the Department of Licensing. Any penalty imposed will be based on the facts of the case. You agree to pay the court-ordered penalty within the specified time ordered by the Judge. **(There is no right to appeal.)** You may request a payment plan in your statement (in which case a \$10.00 fee will be added). In all other cases a 30 day promise to pay will be setup and mailed with the Judge’s decision.

**Optional: Petition for Deferred Finding**

You may also use the hearing by mail process to petition for a deferred finding. A deferred finding may be granted, if you are legally eligible. If you petition for a deferred finding and are not eligible your statement will go before the Court for either a mitigation hearing or contested hearing according to your request. No further hearing will be conducted if the deferred finding is granted. Because the deferred finding may not be granted, be sure to complete the statement whether or not you petition for a deferred finding. To defer a citation in Island County you must pay the Court the full amount of the citation plus a \$25 administrative fee. You will then be required to complete a Court approved defensive driving course which costs approximately \$40. (\$40 fee paid directly to the school, documents will be sent, if eligible)

**The Court must receive your declaration within 15 days of the citation issuance date**

If, after reading this information sheet, you wish to proceed with an infraction hearing by mail, please fill in the rest of this form and return it to the court. If, on the other hand, you decide you wish to personally appear at a hearing, simply mark the appropriate box on the citation and mail it or bring it to the court to schedule a hearing. Declarations, which are not received prior to the 15 day required response, shall not be considered. If the court does not receive a declaration or hearing request within the 15 day response time, a \$52 default penalty will be added and the finding of “committed” will be reported to the Department of Licensing. Unpaid fines may also result in a referral to a collection agency and suspension of your privilege to drive.

**Defendant’s Statement**

I wish to submit my case to the court on written statements. I have read and agree to abide by the rules and procedures governing hearings by mail. I agree to pay any penalty imposed in the time provided by the court.

Signature Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Date: \_\_\_\_\_ Address: \_\_\_\_\_  
Ticket Number (required) \_\_\_\_\_ Phone: \_\_\_\_\_  
(please print)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true. I also understand that I am waiving any right to appeal a decision based upon written statements.

(See reverse side)

