

Your Rights

Civil Division

TEMPE MUNICIPAL COURT

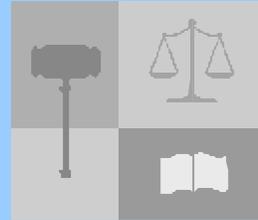
Civil Division

140 East 5th Street, Suite 150

Tempe, Arizona 85281

(480) 350-8184

(480) 350-2790 Fax



UPON RECEIVING YOUR TRAFFIC OR OTHER CIVIL COMPLAINT

The civil complaint you received includes a Court date and time. You must decide how you want to plea to the violation(s) you have been cited for by the time of your Court date. You may enter two possible pleas.

Responsible (Guilty)

This plea means that you committed the violation stated on the complaint. (The word “Responsible” is used with civil violations while the word “Guilty” is used with criminal violations.)

Not Responsible (Not Guilty)

This plea means that you deny that you committed the violation stated on the complaint and that the State must prove its charges against you at a hearing.

If you received a complaint with more than one charge, you will need to enter a plea for each charge. You are not required to enter the same plea for all charges.

ONCE YOU HAVE DECIDED UPON YOUR PLEA, YOU HAVE THE FOLLOWING OPTIONS:

If your plea is “Responsible”, you may:

Pay the amount of the sanction/fine on or before your Court date, unless otherwise stated on the information envelope given to you by the police officer.

If your plea is Not Responsible, you may:

Request by mail that the complaint be set for a hearing.

Appear in Court on or before your assigned date to have your complaint set for a hearing.

Civil Traffic Defensive Driving Program

You may also have the option of attending a Defensive Driving Program and receive a dismissal for one violation. However, not all violations are eligible for this program. The envelope you received from the police officer will tell you if your violation is eligible. It also contains other eligibility and registration information. For instance, if you have attended a Defensive Driving Program for an Arizona violation within the last 24 months, you are not eligible. If you have been cited for more than one violation on your complaint, only one can be dismissed by attending the Defensive Driving Program. You will have to plea “responsible” or “not responsible” for the other violation(s).

If you attend a Defensive Driving Program, you waive your right to a hearing on that violation.

IF YOU REQUEST A HEARING

If you request a hearing, it will be scheduled about three weeks from the date your request was received.

You may be represented by an attorney or you may present your own case at your hearing. If you decide to have an attorney represent you, you must notify the Court and the City Attorney's Office, in writing, at least 14 days prior to your hearing. You cannot be represented by someone who is not an attorney.

A hearing is similar to a trial, but there usually will be no prosecutor present to represent the State. The State's witnesses will testify first. After each witness has testified, you will have an opportunity to ask the witness questions. After the State's witnesses have testified, you may present your case. You may call other witnesses who know something about the incident to testify for you. You may testify on your own behalf. In addition, you may present other evidence such as documents, photographs, etc. The Hearing Officer or Judge may also question you, the police officer, and other witnesses, to find out what happened. The burden of proof required for a Hearing Officer/Judge to make a finding of responsible is preponderance of the evidence. The Hearing Officer/Judge will listen to the facts presented at your hearing and decide whether it is more probable than not that you committed the civil violation alleged on your complaint.

If you are found "responsible", the Hearing Officer/Judge will indicate what your penalty will be. This penalty may be different from the amount listed on the fine schedule given to you by the Police Officer. If the Hearing Officer or Judge's sentence includes a fine, **payment in full is expected on the day of sentencing.** Payment may be made by cash, check, money order, or credit/debit card. If you meet certain financial requirements, you may be allowed some time to pay. However, a time payment fee will be added to the amount that you owe.

IF YOU FAIL TO PAY YOUR FINE OR APPEAR FOR YOUR COURT DATE:

If you fail to appear on your assigned Court date, or fail to comply with the Hearing Officer/Judge's sentencing requirements, a default judgment of responsible will be imposed. For civil traffic violations, the Court will notify the Motor Vehicle Department that you are in default. They will suspend your driver's license and/or your privilege to drive. If your driver's license or privilege to drive is suspended as the result of a default judgment, you will be required to pay the fine, a default fee, and additional fees to the Motor Vehicle Department in order to have your driver's license or privilege to drive reinstated. If you drive while your license or privilege to drive is suspended, you will be subject to criminal penalties and additional sanctions.

In addition, for all Civil violations for which a default judgment has been imposed, the Court may notify a credit bureau of any outstanding and delinquent balances, notify the Arizona Department of Revenue to attach your tax refunds, and take any other legally appropriate collection action against you, your income, or your property. If the Court refers your account to a collection agency or the Arizona Department of Revenue, additional collection fees will be added to your account balance.

YOUR RIGHT TO APPEAL

You have the right to appeal a final decision of this Court by filing a Notice of Appeal within fourteen(14) calendar days of the judgment of responsible.

You are not required to pay the fine or post the bond to exercise your right to appeal. However, if you choose not to pay the fine or post the bond on the day the final judgment is entered or make arrangements to pay with the Court, the Court will enter a default judgment against you and additional fees will be assessed.

An appeal is a legal process in which a higher court (Maricopa County Superior Court) reviews the decision of the lower court (Tempe Municipal Court) based on the audio record of your hearing. An appeal is not a retrial of your case and you cannot present new evidence or testimony. You are responsible for all appeal charges/fees.