

LIRLJ 3.5

DECISION ON WRITTEN STATEMENTS

- (a) **Contested Hearings.** Contested hearings based on written statements, as provided for in IRLJ 2.4(b)(4) and IRLJ 2.6(c), are authorized.
- (1) *Timeliness.* Written statements must be received by the court at least three (3) business days before the scheduled hearing.
 - (2) *Procedure.* 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.
 - (3) *Factual Determination.* The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant committed the infraction.
 - (4) *Disposition.* If the court determines that the infraction was committed, it may assess a penalty in accordance with IRLJ 3.3.
 - (5) *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.
 - (6) *No Appeal Permitted.* The judge's decision based on written statements is final and may not be appealed.
- (b) **Mitigation Hearings.** Mitigation hearings based on written statements may be held in chambers.

(Effective September 1, 2015)