

PORTER SUPERIOR COURT #4

TRAFFIC COURT

YOUR LEGAL RIGHTS IN TRAFFIC COURT

Your ticket should charge you with either an infraction or an ordinance violation. Infractions and ordinance violations are not criminal charges, but are civil complaints. You cannot be sent to jail for committing an infraction or ordinance violation, but the Court may impose a fine. The Court may also suspend your driver's license if you are charged with a driving offense.

When you come to traffic court on Wednesdays at 4pm, you may admit, deny or plead no contest to the allegation. If you wish to deny the allegation, you have the right to have a trial and have the right to be represented by an attorney of your choice. In a civil case in traffic court, the Court is not required to appoint a public defender for you. If you wish to admit or plead no contest to the violation, and dispose of your ticket, you will be given the chance to talk to the Court and explain why you committed the offense. Or, you can simply pay the ticket on the day of court.

If you are told to see the Judge for traffic court, and you wish to admit the allegations, the fine will be set by the Court, based upon the seriousness of the offense.

If you choose to deny the complaint, your trial will not be held that night, but the Court will give you a court date to come back and produce any witnesses or evidence. At trial, you may have an attorney present to represent you. At trial, the prosecutor will present evidence through the officer. *Some people deny the violations in traffic court in the hope that the police officer will not appear for trial. These people are disappointed when they find out that police officers in Porter County take their jobs seriously and do show up for trial. In its discretion, the Court may reset a trial date if the police officer is called away on an emergency, for training, or other good cause.*

You should also know that since your case is a civil case, and not a criminal case, the prosecutor has the burden to prove by a preponderance of the evidence that you committed the charged offense. This is a much easier burden of proof than "beyond a reasonable doubt", which is the State's burden in a criminal case. In other words, the State must prove that it was more likely than not that you committed the offense. Also, since this is a civil case, you have no right to remain silent, and may be called upon to give testimony against yourself at trial.

Some people also deny a speeding violation because they do not agree with the exact speed for which they were charged by the officer. Proof of a speeding violation

does not require the proof of a specific speed, but only a showing by a preponderance of the evidence that you were in fact exceeding the posted speed limit.

If you disagree with the ticket issued, but believe that you do not have sufficient evidence to counter the evidence submitted by the police officer, you can plead "no contest." However, a no contest plea is submitted to the Indiana Bureau of Motor Vehicles in the same fashion as an admission.

Most tickets are Class C Infractions. The fine range for a Class C Infraction is \$0-\$500. If you cannot pay the fine and costs at traffic court, you will be given up to 30 days to pay the amount due. You may mail in the amount due but you cannot mail a personal check.

As of July 1, 2005, the court costs are \$109.50. Because these costs change continuously, please call the County Clerk at 219-465-3413. Speeding in a work zone carries an additional \$25.00 in costs. Also, adult seatbelt violations carry no court costs, and child restraint violations carry no court costs if you show proof of acquiring a child seat. If you are charged with Expired Plate, or Expired License, and you show the Court through a receipt that you purchased new plates or renewed your license within a reasonably close time frame from the ticket, the Court may dismiss the ticket, in its discretion.

If you are charged with Driving While Suspended as an infraction, you may be fined up to \$5000.00, and your license must be suspended between 90 days and 2 years. If you are able to get your driver's license reinstated within a reasonable time, the Court may reduce the Driving While Suspended charge to a lesser offense called No License in Possession (Indiana Code 9-24-13-3), a Class C Infraction. No License in Possession does not require a mandatory license suspension and will not put any points on your license.

If you admit or plead no contest to a traffic violation, please make sure the Bureau of Motor Vehicles has your current address. In certain circumstances, the Bureau will require you to show proof of financial responsibility or insurance in effect on the date of your violation. The Bureau will send this notice to your listed address and the Post Office will not forward the notice to your new address. Please avoid any unnecessary suspension of your license by making sure that the address listed on your license is your current address.

If you choose to admit or plead no contest to the ticket, you should be prepared to pay your fine and costs that day. You may pay by cash, money order or cashier's check. The Clerk's Office will not accept personal checks. If you cannot pay on your court date, let the Court know so that we can work out arrangements for you to pay later

or to pay by mail. You do not need to deny your ticket and request a trial only because you may need time to pay your fine and costs. However, if you admit or plead no contest to the ticket and fail to pay the fine and costs as arranged, the Bureau of Motor Vehicles will suspend your license.

ALL PERSONS UNDER 18 YEARS OF AGE MUST APPEAR BEFORE THE JUDGE ON THE COURT DATE AND MUST APPEAR BY A PARENT OR GUARDIAN (except for seatbelt violations). Beginning August 15, 2006, the Court has implemented a Program entitled "High School Speeders Ride the School Bus." All infractions given to high school students whereby guilt is found will result in the forfeiture of the right to drive to school and a mandatory riding of the school bus. Students or their parents may no longer pay the ticket but must be seen by the judge. If you are given a ticket for Minor in Possession of Tobacco, you may be required to attend an anti-smoking program established by the American Lung Cancer Association.

SPEEDING

	FINE	COSTS	TOTAL
1-25 mph Over Limit	\$10.50	\$109.50	\$120.00

26 mph and Over Limit **Must Appear in Court**

There are certain offenses for which you must appear in Court: Speeding over 26 mph Over Limit; Driving While Suspended; Passing a School Bus While Loading/Unloading; No Insurance; Child Restraint Violations; accident offenses; and any offense in which the arresting officer, court personnel, or Clerk's Office tells you to appear before the Judge.