

I JUST RECEIVED A TICKET—NOW WHAT?

You've just received a traffic ticket. There are certain steps that you can take in order to fight the ticket or help you prepare a defense. This is a basic guide with general information on what you can do to help win your case.

1. Make note of the surrounding events

Take copious notes of the events surrounding your ticket. Make sure you note the time of day, weather conditions, how many cars were on the road, the condition of the road, and any other information that may be important to your case. Document any statements that the officer may have said or his demeanor and behavior. Make sure you write it down as soon as possible so it's still fresh in your memory.

2. Take pictures or video when available

This can be crucial in a lot of cases. For example, it can be used to show that the stop sign was obscured by bushes and therefore you couldn't see it to stop. Or it can be used to show the curvature of the highway which may account for inaccurate radar or laser readings, or to show the width of the lanes or the conditions of the road, any of which may be important in presenting a defense. Make sure that the pictures are taken during the same time of day and similar conditions as when you were pulled over.

3. Don't Miss Your Deadline to Request a Hearing

It is important that you contact the court and request a hearing within the timeframe your state allows or else you will get a default judgment against you which means that you will be automatically held responsible and that you will have to pay the entire fine amount as well as any points that may go along with it. The information on the deadline and who to contact is usually on the back of your ticket. Some courts you can merely call the clerk and request a hearing and others you will have to send in a written request.

In Michigan, you have 10 days to request a hearing.

4. Informal vs formal hearing

An informal hearing is one with just you and the magistrate where you will have a chance to plead your case as to why you should not be held responsible for the citation. The police officer is not required to be there and you will have no chance for cross-examination. After you have made your argument, the magistrate will decide if you are responsible or not. You cannot be represented by a lawyer at this hearing; you are completely on your own.

A formal hearing is in front of the judge and the police officer will be required to be there. Often times if the police officer does not show up, the judge will dismiss the case. You will have the opportunity to cross examine the police officer as well as call your own

witnesses and present your own evidence. You are also entitled to be represented by a lawyer at this stage and it is recommended that you hire an experienced traffic law attorney.

5. Make sure you know what you are being ticketed for

Look at the citation on the ticket to make sure exactly what you are being ticketed for as it could be very crucial to your defense and how you plan on proceedings. Often times the ticket will give a citation number for the law so you can look it up if you wish. It is recommended that you do this so you know exactly what the elements of the charge is and what the prosecution will have to prove to hold you responsible.

6. Check to see if your state allows for discovery

Some states allow for discovery in traffic ticket cases. That means you can make requests to the prosecution for any documents or evidence that they may have relating to your case. You could, for example, request the officer's note book, training manual, manual for the radar or laser equipment that the officer used, cruiser cam video, etc. This can greatly help you prepare for your case and even win your case in some instances.

Michigan, however, does not allow for discovery in traffic ticket cases.

7. Consider Delaying

You may want to consider delaying the case. This can help give you more time to prepare and the longer the case goes on, the more likely that the officer's memory of the event fades. It also increases the likelihood that the officer won't show which will often result in a dismissal. Most states call such delays a "continuance." Michigan calls them an "adjournment." Just call up the clerk and tell them that you need to delay the case and they will usually do this at least once or twice without a problem. Beyond that, they will probably get suspicious and require a showing of good cause before they'll grant it.

8. Start preparing your case and making an argument

How you prepare for your case and mount a defense will depend on what you have been ticketed for. The best way to start is to look up the citation to see what the elements are that the prosecution has to prove. Then determine what elements, if any, the prosecution will have trouble proving. If you have been ticketed for speeding, ask if the officer was using a laser or a radar gun. Ask him question about the equipment such as how it works, what his training consisted of, when the last time he read the manual for the equipment, when was the last time the equipment was calibrated. Based on his answers, you can make an argument as to why the radar or laser reading could be inaccurate or untrustworthy or perhaps that the officer doesn't possess the knowledge or the proper training on how to use it. It's worth a try.

9. Balance costs and risks of is it worth fighting

You will have to decide if the ticket is worth fighting. Traffic court, like most other court dates, will not go quickly and you can expect to be waiting around for quite a while. Sometimes as long as half a day. If you hire a lawyer to represent you, expect to pay him at least a few hundred dollars. If you have a lot of points on your license and you're getting close to sanctions or suspension, then it might be a good investment to hire a lawyer and contest the ticket. If nothing else, they can usually plea bargain it down to where you will get a no-point infraction, a lower point infraction, or get the fine reduced. If there is little damage, other than the fine, which can be done to your driving record, then the investment in money and time may not be worth it. Or you just may want to consider representing yourself and negotiating with the prosecutor on your own. It's just like anything else: the more serious the consequences, the more beneficial it is to bring in professional reinforcements.

10. Contact a lawyer if you have any doubts

If you have any doubts as to what you should do or if you should hire a lawyer, call up a lawyer that does traffic tickets to ask. Most attorneys will offer a free consultation so take advantage of it. Most lawyers who are experienced with traffic ticket defense should be able to tell you rather quickly if you need professional legal representation or how you should proceed with your case.