MOHAVE COUNTY LIMITED COURTS
CIVIL TRAFFIC DOCUMENTARY HEARING

In order for the Court to grant a Documentary Hearing, the defendant must plea Not Responsible and explain why personally attending a civil traffic hearing would cause a hardship by submitting a Request for Documentary hearing form (including your phone number, mailing and email address). If the Request is granted, the Court will set a Civil Traffic Hearing date. The defendant will be notified by mail/email of the court date and the defendant will need to submit the Declaration for Documentary Hearing before the hearing date.

Rule 10.2. Request for a Documentary Hearing

Arizona Revised Statutes Annotated Rules of Court Procedure for Civil Traffic and Civil Boating Violations

Arizona Revised Statutes Annotated
Rules of Court Procedure for Civil Traffic and Civil Boating Violations (Refs & Annos)

17C A.R.S. Traffic Violation Cases Civil Proc.Rules, Rule 10.2

Rule 10.2. Request for a Documentary Hearing

(a) At the time of denial of responsibility, or such other time as the court determines appropriate in the interest of justice, the defendant may file a written request for a documentary hearing.
(b) For the court to grant a request for a documentary hearing, the defendant must show why personally attending a civil traffic hearing would cause a substantial hardship. A substantial hardship is more than mere inconvenience and must be based on extraordinary circumstances. Along with the request, the defendant may tender the civil sanction listed in the court's deposit schedule for the civil traffic violation(s) at issue in the hearing.
(c) If the court grants the request for a documentary hearing, the court shall set the matter for hearing and notify the defendant, the citing officer, and any counsel in the case of the date, time, and place for the hearing.
(d) Prior to a scheduled documentary hearing, the defendant shall file a statement or statements made under the penalty of perjury, along with any other evidence the defendant requests the court to consider. Other evidence may include such things as diagrams, photographs, or physical evidence. The court may allow the State's witnesses to testify through written statements or in person on the date, time, and place scheduled for the hearing. The State shall file prior to the hearing any statements, made under penalty of perjury, along with any other evidence the State requests the court to consider.
(e) Failure to personally appear, or file a statement or statements prior to the hearing, shall result in default pursuant to Rules 21 and 22.
(f) If a defendant requests a documentary hearing, the defendant waives the following rights: to personally appear to present evidence; to review evidence before the hearing (Rule 13(b)); to compel production of any citing officer notes (Rule 13(c)); to testimony under oath (Rule 16(a)); to cross examine the State's witnesses (Rule 16(c)); to present rebuttal evidence (Rule 19(d));

to present a closing argument (Rule 19(e)); and to immediate delivery of written notice of appeal following judgment and imposition of civil sanction (Rule 25(a)).
(g) If a documentary hearing is held, the 14-day period for filing a notice of appeal pursuant to Rule 28(a) is extended by 7 calendar days. The record of a documentary hearing for purposes of Rule 29(b)(vii) shall also include the statements and other evidence, as well as the recording or transcript, if any, of the hearing.

Credits

Added Aug. 27, 2015, effective Jan. 1, 2016.
17C A. R. S. Traffic Violation Cases Civ. Proc. Rules, Rule 10.2, AZ ST CIV TRAF Rule 10.2
Current with amendments received through 05/01/16

End of Document	© 2016 Thomson Reuters. No claim to original U.S. Government Works

Reset

Print

Mohave County Limited Jurisdiction Courts, State of Arizona

SELECT A COURT FROM THE DROP DOWN ARROW AT RIGHT >>>>

STATE OF ARIZONA, Plaintiff, vs. _____ Defendant	)))))))	DEFENDANT'S REQUEST FOR A DOCUMENTARY HEARING AND WAIVER OF RIGHTS Case No._____

Defendant's name: _____

State in detail why attending a civil traffic hearing would be a substantial hardship. A substantial hardship is more than mere inconvenience. Examples of substantial hardship may include residing a considerable distance from the court or having a medical or physical condition that significantly impairs the ability to participate in a hearing.

_____

_____

_____

_____

_____

If the Court grants my request and conducts a documentary hearing, I waive the following rights: to personally appear to present evidence; to review evidence before the hearing (Rule 13(b)); to compel production of any citing officer notes (Rule 13(c)); to testimony under oath (Rule 16 (a)); to cross examine the State's witnesses (Rule 16 (c)); to present rebuttal evidence (Rule 19 (d)); to present a closing argument (Rule 19 (e)); and to immediate delivery of written notice of appeal after the imposition of any civil sanction (Rule 25 (a)).

I acknowledge that if the Court does not receive my declaration of the facts by the hearing date, a default judgment may be entered against me, a civil sanction may be imposed, and my driving privileges may be suspended.

_____ _____

Date Defendant's signature