

A COMPLAINT WILL BE FILED AGAINST YOU IN THE COURT SHOWN ON THE FRONT OF THIS CITATION.

READ CAREFULLY.

OPTION 1. Enter a plea of NO CONTEST and pay the court the amount of the presumptive fine. If the Court accepts your plea, **the court may not impose a fine that is more than the amount of the presumptive fine.**

OPTION 2. Enter a plea of no contest and send a letter of explanation. **You must do all of the following** before the day and time this citation requires you to appear in court. If you respond by mail the mail must arrive at the court before you are required to appear.

- A. Sign/date here _____ **AND**
- B. Send or take to the court this citation and the full amount of the presumptive fine **AND**
- C. Attach a written statement explaining the circumstances of the violation (s) charged.

OPTION 3. Enter a plea of NOT GUILTY and request a trial by doing one of the following:

- A. Go to the court on or before the day and time written on the front of this citation to plead not guilty and request a trial.
- B. Submit a written request for a trial by doing all of the following before the date and time this citation requires you to appear in court. If you respond by mail the mail must arrive at the court before you are required to appear.

IMPORTANT: You have a right to a trial. The court will give you notice of the time and place when you **MUST APPEAR IN PERSON**, and may impose penalties if you do not appear. The court may require you to deposit money to assure your appearance if you failed to appear on any offense charges in the past. If the court finds at trial that you are guilty the court cannot impose a fine that is less than the minimum fine amount. **The court will not impose a fine if it finds you NOT GUILTY.**

OPTION 4. Contact the court before the day and time this summons requires you to appear to determine you qualify for a trial by affidavit. If so the trial will be based upon sworn written statements. Future court appearances may not be necessary. If you do not qualify, or the court does not offer this option you must comply with one of the other options listed above.

- A. If you fail to follow these instructions, the court may issue a warrant for your arrest and/or may suspend your license if you fail to appear on a citation for a traffic offense.
- B. The Court may send you a notice and require you to appear at the court for a hearing.
- C. For traffic offenses, this record will be sent to the licensing authority of the state where you are licensed to drive to decide if a license suspension is appropriate.
- D. For violations, you must notify the court and the prosecuting attorney's office before you are required to appear in court if you are going to have an attorney represent you.
- E. For violations, if you do not pay the full presumptive fine amount in advance and do not appear, the court may enter a conviction and a judgment against you for more than the presumptive fine and up to the maximum penalty allowed by law for the charged offense(s) including the maximum fine, restitution and other costs.

MAIL CORRESPONDENCE OR WRITTEN APPEARANCE AND MAKE CHECKS PAYABLE TO:

HARNEY COUNTY JUSTICE COURT
450 N. BUENA VISTA AVE #9
BURNS OR 97720
541-573-2346
www.co.harney.or.us (pay on line).

**IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR HARNEY COUNTY**

STATE OF OREGON,
Plaintiff,

v.

Defendant

) Date: _____
) Case No. _____
) Due by: _____

) **REQUEST FOR TRIAL**
) **BY AFFIDAVIT AND WAIVER**
) **OF ORAL TESTIMONY**

COMES NOW the above named defendant who certifies the following:

1. That I have pled or do hereby plead NOT GUILTY to the violation(s) for which I am charged herein and that I do hereby WAIVE MY RIGHTS to have testimony presented in open court and I hereby request and authorize testimony of any person to be given in the form of an affidavit.
2. That I understand by signing this waiver that any witness, including the citing officer, may give testimony by affidavit and need not appear in person for trial. I also understand that I need not appear for trial in person but that I shall appear for trial by affidavit.
3. That I hereby waive my right to be present at the trial of this matter and declare that I shall submit to the court my affidavit containing my testimony and the affidavits of witnesses containing the testimony of any witness appearing on my behalf, if any, to the Court within by the date set for trial, and, that if I fail to submit said affidavit(s) within such time, I understand that the Court shall enter judgment against me and impose a fine not less than the scheduled base fine for the violation(s) charged herein.
4. That I understand that the testimony given at the trial may be by affidavit, oral testimony or both. I also understand that the citing officer and any other plaintiff's witness need not be personally present at the trial, but may submit testimony by affidavit, provided that such testimony is received by the time set for trial.

I CERTIFY THAT I HAVE READ AND UNDERSTAND THE ABOVE AND WAIVE MY RIGHT TO HAVE TESTIMONY PRESENTED IN OPEN COURT AND I REQUEST THAT THIS MATTER BE DECIDED AS STATED ABOVE.

Dated this _____ day of _____, 20__.

Signature of Defendant

