

Entering a Plea

Guilty Plea

Be sure you are actually guilty before you enter a guilty plea. You cannot have a trial if you plead guilty; however, you may explain to the judge what happened. The judge will consider your explanation and your driving record when deciding the penalty. Both a fine and assessments will be imposed. If you cannot pay at this time, make sure the judge is aware of this so a payment agreement can be set up.

Not Guilty Plea

You must enter a not guilty plea if you want to have a trial. This may be done in one of the following ways:

1. You may come to court on your scheduled court date and tell the judge you want to enter a not guilty plea. If you cannot post your entire bail, you can ask for a payment agreement.
2. You may send your full bail to the court with a letter saying that you wish to plead not guilty. Do not include any explanations about what happened at this time. Save all explanations for your trial so as to not prejudice your case.
3. You may pay your bail at the court on or before your court date and tell the court clerk that you wish to plead not guilty.

You should be ready to pay bail. Your trial date may be given to you when you enter your not guilty plea in court. A trial notice will be mailed to you if you are not given a trial date at court or if you pay your bail and enter your not guilty plea by letter. You are responsible for telling the court your present address. You are also responsible for letting the court know if your address changes. Not receiving your correspondence from the court because your address has changed is not an acceptable defense should you be found guilty by default or are given an alternate court date.

Entering a Plea by Mail: Bail Forfeiture

You must pay the bail on or before your court date if you do not wish to appear in court. If you want, you may write a letter to the judge to explain your side of the case when you pay your bail. You may either give this letter to the court clerk or send it in the mail.

If bail is posted, the judge will read your letter and order part or all of the bail to be kept by the court (forfeited). If only part of the bail is kept by the court, the rest of the bail will be returned by mail within two to three weeks.

You cannot be found not guilty when you write a letter to the judge. The only way to be found not guilty is to enter a not guilty plea and have a trial.