

TRIAL BY WRITTEN DECLARATION

SELF-HELP FORM PACKET

SHC-T-01 (Rev. 7/21/2021)

Self-Help Services can review your completed forms before you file them with the Court. To request a review of your completed forms, visit your nearest Self-Help Center location:

- **Central Justice Center:** 700 Civic Center Drive West, Santa Ana, 92701
- **Costa Mesa Justice Complex:** 3390 Harbor Blvd., Costa Mesa, 92626
- **Harbor Justice Center:** 4601 Jamboree Road, Newport Beach, 92660
- **Lamoreaux Justice Center:** 341 The City Drive South, Orange 92868
- **North Justice Center:** 1275 N. Berkeley Ave., Fullerton, 92832
- **Stephen K. Tamura-West Justice Center:** 8141 13th St., Westminster, 92683

INSTRUCTIONS TO DEFENDANT

(Trial by Written Declaration)

(Vehicle Code, § 40902)

Vehicle Code section 40902 allows a defendant to contest citations in writing, without having to make a personal court appearance. This procedure is called a "trial by declaration." Trials by written declaration are available in cases involving infraction violations of the Vehicle Code or of local ordinances adopted under the Vehicle Code. The following instructions tell you how to obtain a trial by written declaration:

1. Completely fill out the *Request for Trial by Written Declaration* (form TR-205) and sign it (*type or print clearly*). You may include evidence such as photographs and diagrams. You should also attach your written statement of what happened (*type or print clearly*). In your statement, you must describe all the items of evidence (if any) that you are including with your request. Your written statement must include the following language: "I declare under penalty of perjury that this statement is true and correct." You must sign and date each written statement (these statements are called "declarations").
2. Return the completed and signed *Request for Trial by Written Declaration* and pay the required bail amount to the court. A completed *Request for Trial by Written Declaration* form and the required bail amount must be received by the clerk by the due date indicated. (*See item A on the request form for the due date.*) If the clerk receives the form after the due date, you will not be eligible for trial by written declaration. ***Failure to deposit bail by the due date may subject you to other charges, penalties, assessments, and actions.***
3. After the clerk receives the *Request for Trial by Written Declaration*, the clerk will notify the officer who issued you the citation. The officer will be given an opportunity to submit a declaration regarding the citation by a specified due date. You will be notified by mail of the court's decision.
4. If you are dissatisfied with the court's decision, you may ask for a new trial ("trial de novo"). In order to obtain a new trial, you must file the *Request for New Trial (Trial de Novo)* (form TR-220) within 20 days after the date the court's decision was mailed to you.
5. Always include your citation number in any correspondence with the court.
6. **IMPORTANT:** You have the right to an in-person trial before a judge (rather than a trial by written declaration). You also have a right to a new trial if you are dissatisfied with the court's decision in your trial by written declaration. At a court trial you have the following rights:
 - To be represented by an attorney employed by you;
 - To have a speedy and public trial;
 - To testify, to present evidence, and to use court orders without cost to compel the attendance of witnesses and the production of evidence on your behalf;
 - To have the witnesses against you testify under oath in court, and to question such witnesses;
 - To remain silent and not testify and not incriminate yourself.

By filing a declaration in a trial by written declaration, you are waiving and giving up the rights to remain silent and not to incriminate yourself.

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
REQUEST FOR TRIAL BY WRITTEN DECLARATION (Vehicle Code, § 40902)	
TO BE FILLED OUT BY COURT CLERK	
A. DUE DATE (for receipt of this form and any unpaid bail) (<i>specify</i>):	CITATION NUMBER:
	CASE NUMBER:

B. Bail amount required: \$

C. Bail amount already deposited by defendant: \$

D. Date mailed or delivered by clerk:

E. Mail or deliver completed form, evidence, and mail to the Clerk of the (*specify*):

Court at (*mailing address*):

REQUEST FOR TRIAL

- I have reviewed the *Instructions to Defendant (Trial by Written Declaration)* (form TR-200).
- I request to have a trial by written declaration.
- The facts contained in the Declaration of Facts on the reverse are personally known to me and are true and correct.
- I know that I have the right not to be compelled to be a witness against myself. I understand and agree that by making any statement, I am giving up and waiving that right and privilege.
- EVIDENCE The following evidence supports my case and includes everything I want the court to consider in deciding my case:

a. ☐ photographs (<i>specify total number</i>):	e. ☐ diagram
b. ☐ medical record	f. ☐ car repair receipt
c. ☐ registration documents	g. ☐ insurance documents
d. ☐ inspection certificate	h. ☐ other (<i>specify</i>):

(Declaration continued on reverse)

PEOPLE v. DEFENDANT (Name): _____	CASE NUMBER:
--	--------------

6. DECLARATION OF FACTS *(Type or print only. State what happened and explain all the items of evidence you checked in item 5 on the reverse and tell how they support your case. You may add additional pages.)*
(Name):
(Current mailing address):

STATEMENT OF FACTS *(begin here):*

7. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

..... (TYPE OR PRINT NAME)	 _____ (SIGNATURE)
-------------------------------	---

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA VS. DEFENDANT:	
REQUEST FOR NEW TRIAL (TRIAL DE NOVO) (Trial by Written Declaration—Vehicle Code, § 40902)	
CITATION NUMBER:	
CASE NUMBER:	

1. The clerk mailed the court's *Decision and Notice of Decision* (form TR-215) in my trial by written declaration to me on *(date)*:
2. I am submitting this request to the court within 20 days of the date in item 1. *(The court must receive this request within 20 days of the date in item 1.)*
3. I am dissatisfied with the court's decision. I request a new trial (trial de novo) for the following violations *(specify)*:

Date:

.....

(TYPE OR PRINT NAME)

▶ _____

(SIGNATURE)

IF YOU WISH TO REQUEST A NEW TRIAL, YOU MUST SUBMIT A *REQUEST FOR NEW TRIAL (TRIAL DE NOVO)* WITHIN 20 DAYS OF THE DATE STATED IN THE CLERK'S CERTIFICATE OF MAILING (see item 1 above).