

## CIVIL HEARING INFORMATION

The following contains some basic information about the civil traffic or local ordinance (parking or code compliance) hearing that has been requested. Please read this **BEFORE** going to court.

### 1. What is a Civil Traffic Hearing?

Under Arizona law, if a person denies the allegations filed in a citation or complaint, the Court must set the matter for a hearing. During the hearing, witnesses will testify, evidence is presented by both sides, and after all evidence and testimony has been presented, a final order will be issued by the judge.

### 2. What issues can be contested in a civil traffic hearing?

The issues to be contested in a hearing will depend on the specific violation(s) written on the ticket. The Statutes and City Codes can be found in most public libraries and online. The civil traffic hearing is only about whether this alleged traffic law was violated. The State does not have to prove that you committed the act intentionally.

### 3. Who determines which issues are relevant to the hearing and the outcome of a civil traffic hearing?

A civil traffic case is decided by applying the standard of proof provided by law which is a "preponderance of the evidence". If the State proves that the preponderance of the evidence demonstrates it is more likely than not that a violation was committed, the State prevails. If the evidence does not support the allegation in the complaint, the defendant prevails. A judicial officer decides what is relevant evidence and the outcome of the case. There is no right to a jury trial for these cases.

### 4. What types of evidence can be presented to the court?

Types of evidence that may be offered include witness testimony, prior witness statements or sworn testimony, diagrams, exhibits, photographs, or evidence on a cell phone or computer. Please note the Court must retain all offered and accepted evidence until the appeal period has expired or through the time the case is pending appeal. If evidence is stored on a phone or another electronic device, the evidence will have to be transferred to a CD or flash-drive using compatible formatting (formatting examples: MP3/MP4, .wav, or JPEG); otherwise, the Court will retain phones and/or other electronic devices through the duration of the appeal process. Evidence may also be printed to present to the Court. All evidence must be "relevant and material and have some probative value to a fact at issue". Before considering what evidence to present, consider the facts that are at issue, and whether the proposed evidence helps prove these facts.

### 5. What is the procedure for the hearing?

The Court will call the case to order and verify that the parties are ready to proceed. The judicial officer will read aloud the complaint, identify evidence and witnesses that will be testifying, and the hearing will begin. The order of testimony is as follows: testimony of State's witnesses, testimony of defense witnesses, testimony of State's rebuttal witness, if any, and surrebuttal testimony by defense witnesses if needed. The defendant may ask questions of any witnesses regarding what they have presented in their testimony. During questioning, the defendant will not be allowed to argue with or contradict the witness, or otherwise make any statements about his or her case. The defendant will be given a chance to make statements about the case if he chooses to testify under oath.

### 6. When does the hearing conclude?

After each side has had an opportunity to present their respective cases, the judicial officer will announce a "close to the evidentiary portion of the proceedings." This means that the time to present each side's case has come to an end and the judicial officer will no longer consider any further statements, argument, or any other presentation by either side. The judge will advise the parties of the judgment.

### 7. If a defendant is found "Responsible" for the violations, and a fine is imposed, when must the fine be paid?

Any fine that is imposed is due and payable at the time the judgment is entered. Therefore, a defendant must pay the fine(s) before the close of that business day.

### 8. Can a defendant appeal the decision of the court?

If the State prevails, the defendant does have the right to appeal the case to Superior Court. Superior Court will review the record of the case for any legal errors that may have occurred during the hearing. You do not have another hearing to relitigate the facts before the appellate judge.