

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.

Pursuant to California Rule of Court 4.105(b), **you have the option to appear for arraignment and trial without posting bail.** Under rule of Court 4.105(c), **bail is required** to be deposited if you elect to proceed with trial by written declaration without appearing in court (VC 40902) and/or written not guilty plea (VC 40519(a-b)), or elect to pay bail and not contest the citation or appear in court (VC 40510 and 40521).

NAME OF COURT: STANISLAUS SUPERIOR COURT STREET ADDRESS: 2260 FLOYD AVE MAILING ADDRESS: 2260 FLOYD AVE CITY AND ZIP CODE: MODESTO, CA 95355 BRANCH NAME: TRAFFIC DIVISION	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*): Stanislaus Superior Court at (*mailing address*):
Stanislaus County Superior Court
Traffic Division
2260 Floyd Ave
Modesto, CA 95355

REQUEST FOR TRIAL

1. I have reviewed the *Instructions to Defendant (Trial by Written Declaration)* (form TR-200).
2. I request to have a trial by written declaration.
3. The facts contained in the Declaration of Facts on the reverse are personally known to me and are true and correct.
4. 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.
5. **EVIDENCE** The following evidence supports my case and includes everything I want the court to consider in deciding my case:

a. <input type="checkbox"/> photographs (<i>specify total number</i>): b. <input type="checkbox"/> medical record c. <input type="checkbox"/> registration documents d. <input type="checkbox"/> inspection certificate	e. <input type="checkbox"/> diagram f. <input type="checkbox"/> car repair receipt g. <input type="checkbox"/> insurance documents h. <input type="checkbox"/> other (<i>specify</i>):
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(Declaration continued on reverse)

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



**Superior Court of California
County of Stanislaus
Traffic Division**

For Use By Clerk

**WRITTEN NOT GUILTY PLEA AND REQUEST FOR
TRIAL BY WRITTEN DECLARATION**

In order to request a Trial by Written Declaration, you will need to complete this form and return it to the Court for filing as directed. **This form, along with a completed TR-205 - Request for Written Trial by Declaration form, and full payment of bail must be received by the Court on or before your due date.**

Once your completed forms are received and full payment of bail is paid, your forms will be filed and calendared for review by the Judicial Officer. The law enforcement officer will be notified to prepare a written statement. You will receive a notice of the Court's decision on your case after the Judicial Officer considers the case and determines an outcome.

If you are not satisfied with the outcome, please note that you will have only 20 days from the date the decision was mailed to you to file a Request for Trial De Novo (New Trial) with the Court.

Your Name: _____

Your Mailing Address: _____ City _____ State _____ Zip _____

Phone #: (_____) _____ Other phone/cell #: (_____) _____

Sign, date, and return your completed forms along with your full bail amount to:

Superior Court of California,
Traffic Division
Attention: Trial By Declaration Clerk
2260 Floyd Avenue, Modesto, CA 95355

Phone: (209) 530-3100
Email: traffic.requests@stanct.org

Bail amount: \$ _____

Citation Number: _____ Court Case Number: _____

I hereby waive arraignment pursuant to Section 40519(b) of the California Vehicle Code, and plead NOT GUILTY to violation of: _____.
I request a Trial by Written Declaration pursuant to CVC 40902. I have enclosed a check for the full bail amount as required by the court.

Defendant's Signature: _____ Date: _____

Defendant's Printed Name: _____