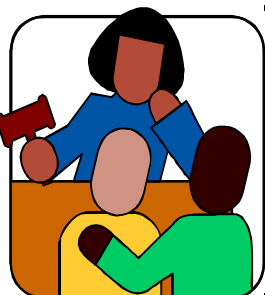
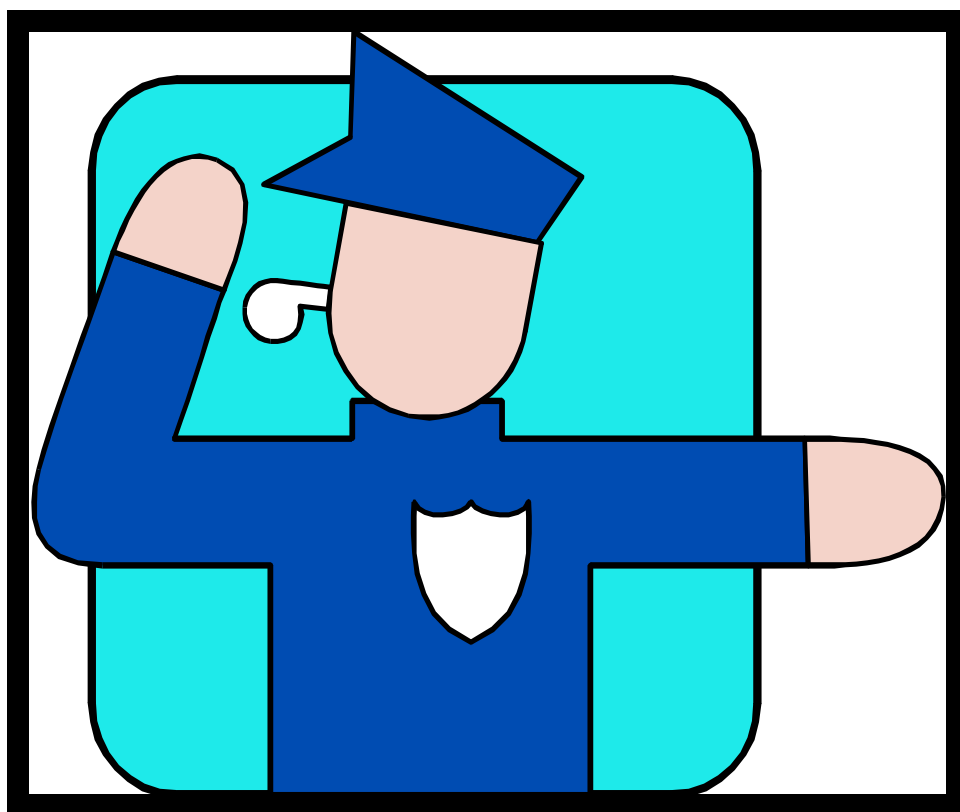


# Traffic Court in Illinois©

Police #3  
July 1, 1998



The Self Help Legal Center  
Southern Illinois University School Of Law  
Carbondale, IL 62901  
(618) 453-3217

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# Disclaimer — Please read

This packet of information was prepared to answer general questions and give general advice about the law in Illinois. This packet may or may not also include forms that you can use. When reading this packet or using the forms, keep in mind that the advice, information, and forms were created to assist readers with general issues, not specific situations, and as such does not replace the advice or representation of an attorney licensed to practice in the State of Illinois. Because of this and because of unanticipated changes in the law, the School of Law at Southern Illinois University and the person, institution, or agency who gave you this packet make no claim as to whether the use of this packet will achieve the result you desire and disclaim any responsibility for the consequences of any form prepared or action taken in reliance upon the information in this packet. If you are concerned or do not understand whether this packet will be of assistance to you or will apply to your specific situation, you should talk to an attorney who is licensed to practice in the State of Illinois. If you have any questions about this disclaimer, call the Self Help Legal Center.

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Look for these symbols to tell you when to:



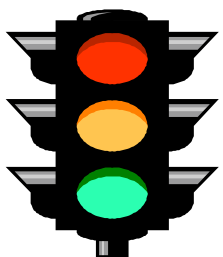
**STOP!**

You need legal representation or advice to continue.



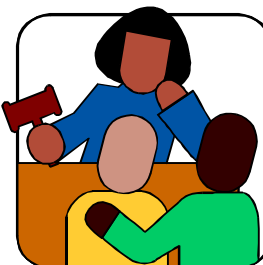
**USE CAUTION!**

This is very important so pay attention.



**GO!**

You can proceed to the next step.



**CHECK IT OUT!**

This issue is discussed in another packet.

# Warning to all readers



Before you proceed with using this packet, you should ask yourself the following questions:

## 1. Have I tried to consult a private attorney?

No self-help publication, packet, or form can replace the advice and experience of a licensed attorney. An attorney may not cost as much as you think, especially if you just need to ask questions. Before you proceed on your own, call several local attorneys, compare prices, and find out whether you can pay an attorney or not.

## 2. If I cannot afford an attorney, have I tried to find a free source of legal assistance?

There are several agencies which provide legal assistance for free to certain groups of individuals. Some of these agencies are listed to the right. While they may not be able to help you with a particular problem, it does not hurt to call them to find out before you proceed on your own.

## 3. Is this something that I can do on my own?

If you have trouble following directions, or have difficulty reading, writing, or speaking in public, you may not be able to follow the directions and advice in this packet. If this is the case, find a friend or someone who can help you before you proceed on your own.

Free sources of legal help

### Land Of Lincoln Legal Assistance

Serves the 65 southernmost counties in Illinois

618-462-0036

### Prairie State Legal Services

Serves most of northern and north central Illinois outside of Cook County

815-965-2134

### Coordinated Advice and Referral Program for Legal Services

serving Cook County

312-738-9494

### West Central Legal Assistance

Serves Knox, Henderson, Stark, Warren, McDonough, and Fulton counties

800-331-0617

### Will County Legal Assistance

Serving Will County

815-727-5123



It is very important that you read each section of this packet completely before you take any action in regard to a legal problem including using any forms that supplement this packet.

Because this packet discusses terms and actions you are likely not familiar with, you will need to refer back to the following sections from time to time when reading this packet:

## People you should know

This section describes people that you may come into contact with in regard to a particular legal problem. It is important that you understand who these people are and what they do and don't do.

## What these legal terms mean

This section defines commonly used legal terms in words that you can understand. To use the rest of this packet and any supplemental forms, you need to understand exactly what these terms mean.

## Summary of the law in this area

This section contains summaries of important areas of the law that you need to know.

## How to file a document in a court file

This section answers commonly asked questions about filing documents.

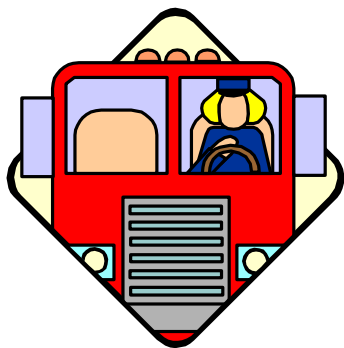
## Myths and Tips

These two sections discuss commonly held misbeliefs about the law and steps that you should take (or not take) that could make your task easier.



## Who should not use this packet

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### Commercial driver's license owners

This packet does not discuss how some options and offenses available to persons who have a regular driver's license can affect individuals who own a commercial driver's (CDL) license. If you are concerned about how traffic court could impact your CDL license, you should seek the assistance of an attorney



### Persons with a past criminal conviction or facing jail time

If there is any chance, even remote, of you ending up in jail or prison because of the offense you have been charged with, you should not use this packet and should seek the assistance of an attorney. Similarly, if being convicted of an offense that normally doesn't carry a punishment of jail time could still land you in jail because it would be a violation of your parole or probation, you should not use this packet and seek the assistance of an attorney.



# Who these people are



## Judge:

The judge is the person who presides over the courtroom. In most cases, including traffic court, the judge makes all of the final decisions and approves all agreements. When a judge makes a decision or a finding, it has the force of law. The judge also sets and enforces court rules (like dress codes) and in some courthouses, the judge decides when cases are scheduled.



## Circuit Clerk:

The Circuit Clerk is responsible for creating, managing, and updating court files. When you want to put something in a court file, see a court file, or make a copy of something in a court file, you talk to the Circuit Clerk's staff. In some courthouses, the Circuit Clerk also decides when cases are scheduled.



## Police

The Police officer's main duty is to keep the peace and to enforce the law. His/her role in the legal system, however, is usually to issue citations or complaints (tickets) when a person breaks an ordinance passed by the city, county, or a state law. An officer usually can only give tickets within his/her jurisdiction, whether it be city, county, or state.



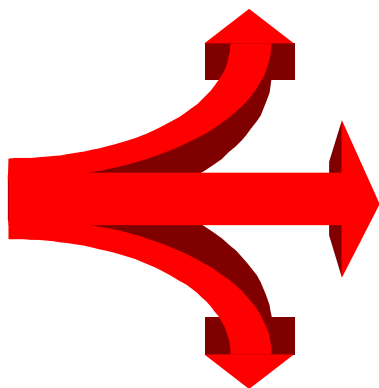
## Attorney:

An attorney is someone who can help you with your legal problem by providing you with advice about the law, the legal system, and the merits of your case. An attorney can act as your advocate and can represent you in court and in negotiation settlements.



## State's Attorney or City Attorney

The State's Attorney and City Attorney represent the interests of the state and the city, respectively. In traffic court, the State's and City's Attorney are the prosecutors. As a self-represented litigant, you would negotiate with or argue against the City or the State's Attorney in traffic court.



### Court supervision

If you agree to plead guilty to a particular offense you may be eligible for court supervision.

If you receive court supervision, your ticket will not be reported to the Secretary of State or your insurance company if you do not receive another ticket during your supervision period. Whether you receive court supervision is up to the judge and if granted, most supervisions last between 90 days and six months.

In most jurisdictions, you can ask for court supervision if you have not been on supervision for a period of time (usually 12 months). Please note that getting court supervision does not mean that you won't have to pay court costs or a fine as in most cases you will have to pay both.

### Traffic school

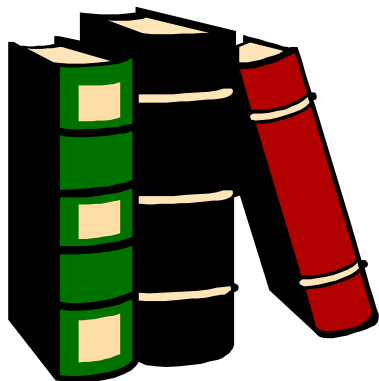
Similar to court supervision, if you agree to plead guilty to a particular offense you may be eligible for traffic school.

Like court supervision, if you go to traffic school, your ticket will not be reported to the Secretary of State or your insurance company if you do not receive another ticket within a certain period of time — usually 3 months. Whether you can go to traffic school may be up to the judge and if granted, you will have to pay a fee in addition to your fine.

In most jurisdictions, you can ask to attend traffic school if you have not been on supervision for a period of time (usually 12 months) nor attended traffic school within a period of time (usually 12 months). Please note that going to traffic school does not mean that you won't have to pay court costs or a fine as in most cases you will have to pay both.

### Paying a fine by mail

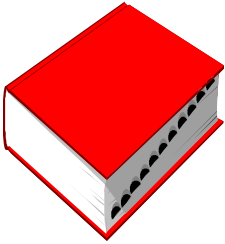
In some jurisdictions, if you agree to plead guilty to a particular offense, you can pay a fine by mail instead of appearing in court. Please note that in most cases, paying your fine by mail waives your right to ask for court supervision or traffic school.



## Disclaimer: Please Read !!

The following is a list of publications which discuss the issues of traffic court. Some of these publications are specific to Illinois and others are more general in nature. Because of this and because of unanticipated changes in the law, the School of Law at Southern Illinois University and the person, institution, or agency who gave you this packet make no claim as to the accuracy of the content of these publications including whether they will achieve the result you desire. The School of Law at Southern Illinois University and the person, institution, or agency who gave you this packet disclaim any responsibility for the consequences of any action taken in reliance upon the information in these publications. If you are concerned or do not understand whether a particular publication will be of assistance to you or will apply to your specific situation, you should talk to the publication's publisher or an attorney who is licensed to practice in the State of Illinois. If you have any questions about this disclaimer, call the Self Help Legal Center.

Your rights if arrested; Illinois State Bar Association



## **affidavit**

A sworn statement by a person. Lying in an affidavit can result in a charge of perjury which could mean a fine, imprisonment, or both.

## **answer or response**

The written response to a complaint or a petition that is filed by the defendant (the person being sued) in a lawsuit. In traffic court, you are not required to file an answer as long as you show up to the first scheduled hearing on the State's or City's complaint.

## **circuit**

The judicial system in Illinois is divided into circuits. Each circuit defines a geographic area in Illinois.

## **default**

If a person who is sued fails to appear at the first scheduled hearing (or any subsequent hearings) and/or if he/she fails to file an answer to a complaint, petition, motion, etc. filed against him/her, he/she can be held in default. Being held in default means that you will be found guilty.

## **defendant**

A person who is sued.

## **directed verdict**

A verdict given by a judge after one side has presented his/her case as to whether he/she has proven their case even if everything they have said or shown is true.

## **first appearance**

The first time you appear in court. It is usually at this time that you inform the court of your intention to plead guilty or not guilty and/or request a trial by jury.

## **hearing (trial)**

An opportunity for both parties to tell the judge or jury their side of a dispute. Some hearings are court ordered so missing them can result in being held in contempt of court. For hearings which are not court ordered, failure to appear can result in the other side getting what they want in relief.

## **jurisdiction**

Whether the court in a particular state has the power to hear a case or to order someone to do something depends upon whether it has "jurisdiction". Jurisdiction can be either over a person or over a thing. For a state court to have jurisdiction over a person, generally, the person must either reside in the state or have committed an act in the state that gave rise to the case.

## **misdemeanor**

A misdemeanor is an offense which carries a penalty of a fine and/or imprisonment of a period not to exceed 6 months.

## **motion**

A written or oral request to the judge after a lawsuit has been started (see petition).

## **petition or complaint**

A written request to the court. A petition usually starts a lawsuit and contains the facts that one person alleges has happened along with the relief that they are requesting from the court.

## **petty offense**

In Illinois, an offense which carries a punishment of a fine but not time in jail.

## **plea**

Your response to a charge made against you.

## **plea bargain**

An agreement between you and the State's or City Attorney as to how you will plead and what punishment the State's or City Attorney will recommend to the judge.

## **pro-se**

A person who is not represented by an attorney and is involved as a party in a lawsuit.

## **public defender**

If a person who is charged with a crime faces the possibility of time in jail, and he/she cannot afford to hire their own attorney, the court will appoint them an attorney to represent them. This attorney is called a public defender.

## **revocation of a driver's license**

If your driver's license is revoked, it means that your driving privileges have been taken away indefinitely. If your license is revoked, you cannot reapply for your license for 1 year.

## **statute**

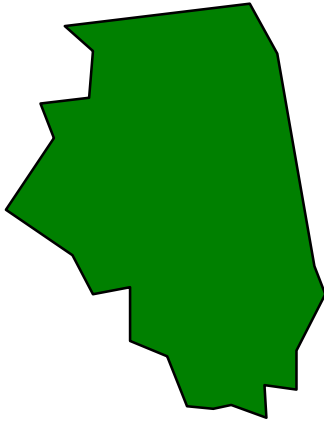
The law that the state legislature or federal government enacted on a particular subject.

## **subpoena**

A formal written request by a party to a lawsuit for an individual to appear in court. If a person fails to appear despite being subpoenaed, they can be held in contempt of court.

## **suspension of a driver's license**

If your driver's license is suspended, it means that you have temporarily lost your driving privileges for a designated period of time or until you meet certain requirements.



Traffic violations in Illinois are discussed in the Illinois Vehicle Code. The Vehicle Code can be found in Chapter 625, Act 5 of the Illinois Compiled Statutes. A city or municipality's power to enact their own motor vehicle ordinances is discussed in the Illinois Municipal Code. The Municipal Code can be found in Chapter 65 Act 5 of the Illinois Compiled Statutes.

## **What is Traffic Court?**

In most jurisdictions, traffic court is where cases involving violations of the motor vehicle code are held. In some jurisdictions, however, there is no separate court for traffic offenses, but rather, traffic cases are held on a certain day or time.

## **What kind of offenses can land you in traffic court?**

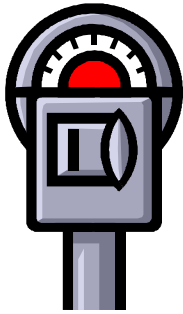
In most jurisdictions, violations ranging from petty offenses like parking fines to felonies like driving under the influence (DUI) can land you in traffic court. In some jurisdictions, only petty offense cases are held in traffic court.

## **Do you need an attorney to represent you in Traffic Court?**

No. as in all cases, you have the right to defend yourself in court without the assistance of an attorney. If the punishment for your traffic violation includes the possibility of time in jail, you will be offered the assistance of the public defender if you cannot afford to hire your own attorney. You also have the right to have an attorney to defend yourself in cases that do not carry a jail punishment, although the court does not have to provide an attorney for you in those cases.

## **Jury demands**

In most jurisdictions, a person can have a jury in traffic court if he/she requests a jury before they show up to the first scheduled hearing in court. Please note that in almost all cases, you will have to pay a fee for a jury trial.



## STEP 1: FIND OUT WHAT YOU HAVE BEEN CHARGED WITH

Look at your ticket. The law requires the arresting officer to state on the citation or ticket that you receive the exact offense that you have been charged with. The citation should include a specific reference to the Illinois Compiled Statutes so you can look up the law. If you are uncertain as to what it is that you have been charged with, call the State's or City Attorney.



## STEP 2: FIGURE OUT WHAT IT TAKES TO PROVE THAT OFFENSE

Before you can determine what your chances are of winning or losing your case, you need to know what it is that the State or City must prove to a judge or jury for you to be found guilty of committing that offense. You can do this by looking at the law (or municipal ordinance) and seeing exactly what conduct is made illegal. In most cases, illegal conduct is defined not generally, but as specific conduct at specific times and in specific places. These specifics are called elements and the State's or City Attorney must be able to prove each of these elements to show that you have committed a particular offense.



## STEP 3: FIND OUT WHAT THE PUNISHMENT FOR THAT OFFENSE IS:

Before you can determine whether you should proceed with a trial or accept a plea bargain, you need to know what the worst punishment you could receive if you went to trial and lost. Most of the time, the same statute or ordinance where you found your offense will include a reference to a section which lists the maximum and minimum punishment for that offense. If you are uncertain, however, as to what the punishment is for a particular offense, contact the State's or City Attorney or consult an attorney.



## STEP 4: DETERMINE YOUR OPTIONS

In most cases, your options are the same. You can either plead guilty and work out a plea bargain with the State or City Attorney; or you can plead not guilty and proceed with a trial by judge or by jury. For a discussion of plea bargaining, consult page 15.



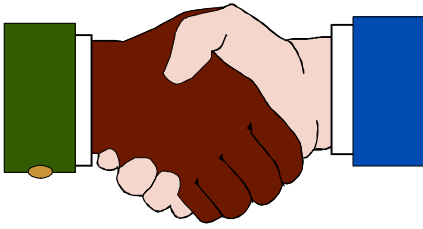
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## STEP 5: LET THE CLERK KNOW ABOUT YOUR PLEA

In most jurisdictions, you need to inform the Clerk at least 10 days before your first appearance of your decision whether to plea guilty or not guilty, and if pleading not guilty, whether you want a trial by jury. Informing the Clerk of this before your first appearance can save you having to appear in court multiple times.



# Negotiating a plea



In some cases, you may decide that it is in your best interests to negotiate or work out an agreement with the State's or City Attorney instead of going to court and trying your case before a judge or jury.

You should consider the following factors when deciding whether or not to enter into a plea bargain.

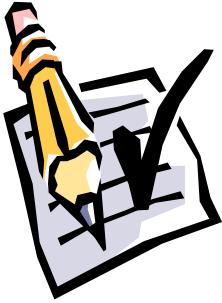
- 1) The chances of you losing your case if you go to trial,
- 2) The chances of you winning your case if you go to trial,
- 3) What would happen to you if you lost your trial — would you lose your license? would you pay a fine - both?



Keep in mind that when you agree to a plea bargain with the City or State's Attorney you are:

- a) pleading guilty to one or more offenses which means that you will likely have to pay a fine plus court costs;
- b) giving up your right to a trial by jury or by a judge,
- c) giving up your right to plead not guilty;
- d) giving up your right to confront witnesses that would testify against you; and
- e) giving up the right to call witnesses to testify in your behalf.

If you want to work out a plea bargain with the State's or City Attorney, you should contact their office before the date of your first appearance.



If you decide to plea not guilty and go forward with a trial, you should seek the assistance of an attorney as this packet does not discuss all of the options available to you. If, however, you cannot afford an attorney, the following are steps you should take.

## **STEP 1: INTERVIEW AND SUBPOENA WITNESSES**

You should talk to any pedestrians or others who may have witnessed the events leading up to your being charged with an offense.

If you need certain evidence to prove your claim, do not rely on a written statement from a person even if it is a sworn statement like an affidavit. Instead, you should ask the person to appear at your trial and if they refuse or you are uncertain as to whether they may appear or not, you should subpoena them to appear.

Do not assume that the judge will give you a continuance (postpone the hearing) so that you can subpoena or ask witnesses to appear in court. Most judges will not do this. Instead, you should prepare for your hearing (including having your witnesses ready to testify) as if you will have your hearing on the date scheduled by the Clerk.

## **STEP 2: GET DOCUMENTATION, INCLUDING PICTURES OR VIDEO**

In addition, you should take whatever documents, notes, receipts, pictures that you need to prove your claim. Keep in mind, however, that in some cases, documents or written statements cannot be used as evidence unless the person who wrote the document or took the picture or video appears in court as well.

## **STEP 3: GET A COPY OF WHATEVER THE CITY OR STATE'S ATTORNEY HAS**

Finally, you should request whatever documents, notes, receipts, pictures that the State or City may have to prove their claim. You should also request a copy of the police report or the ticket if you do not already have a copy.



## **You are presumed innocent**

As in all criminal cases, you are presumed innocent of any crime or offense you are charged with. It is the burden/responsibility of the State or City to prove that you committed a crime or an offense. It is not your burden to prove that you have not.

Keep in mind, however, that just because you are presumed innocent it does not mean that you do not have to put on a case — you do. If you do not put on your case, the judge or jury will have to assume that whatever evidence or version of events that the State or City put on is true.

## **The State or City has the burden of proving you are guilty**

The State or City has the burden of proving that you committed an offense either “beyond a reasonable doubt” or by “a preponderance of the evidence.” These standards are different so it is important for you to find out which burden of proof the State or City must carry.

“Preponderance of the evidence” means that the State must prove that it is more probably true than not true that you committed the offense you are charged with.

“Beyond a reasonable doubt” means that the State must prove that a reasonable person could not have a reasonable doubt that you committed the offense you are charged with.

In deciding whether they have met their burden, the judge and or jury will look at the evidence in the light most favorable to the State or the City.

## **You have the right to confront your accusers**

You have the right to cross-examine (ask questions) of any witness that the State or City calls to testify against you at trial.

## **You have the right to testify about your version of the events**



You have the right to testify in your own defense. You also have the right in criminal (not civil) cases to remain silent and not testify. If you are uncertain as to whether you should testify or not, you should seek the assistance of an attorney.

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## **You have the right to call witnesses**

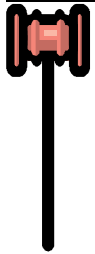
As a defendant in traffic court, you have the right to request individuals to come to court to testify in your behalf. These individuals can be witnesses, relatives, employers, etc. You may have to subpoena a witness to appear to get them to come to court. Keep in mind that it is your responsibility, not the State's or City Attorney's or the judge's to see that your witnesses appear in court on the day of your hearing.

## **You have the right to request documents/exhibits/records**

You have the right to see what evidence that the State or City has against you. For example: police reports, witness statements, radar reports, etc. In most cases, this information is not sent automatically to you. Rather, if you want this information, you must request it, usually in writing.

## **You have the right to bring and introduce documents/exhibits/records to/in court**

While not all cases need exhibits or documents, you have the right to bring with you any photograph, picture, video, document, or statement that you believe will help prove your case. Keep in mind, however, that just because you have an exhibit and use it during your trial, it does not mean that the judge or jury will be allowed to consider it as evidence. The reason for this is because without authentication, not all documents, pictures, statements, are admissible in court.



## When is the hearing?

In most cases, your first appearance in court will be within 14-60 days of your arrest. In some jurisdictions, you will have a first appearance where you will enter your plea of guilty or not guilty and a separate date for your hearing if you plead not guilty.

In some jurisdictions, the ticket, citation, or complaint will inform you as to when your first appearance will be in court. The time, date, and place of the hearing will be put on the ticket that is given to you. In other jurisdictions, a date will be given as to when you must notify the Clerk as to whether you are pleading guilty or not guilty. After you notify the Clerk of your plea, you will be given a hearing date.

While in most cases if you plead not guilty, your trial will be on a later date, you should not assume this will be the case and you should prepare (until told differently) as if your trial could be on the same date as your first appearance.

If you lose your ticket or Complaint or if you simply forget when your hearing is, call the Circuit Clerk and ask when your hearing is.

## What do I need to take to my trial?

You should take to trial any witnesses, papers, objects, or photographs you want the judge to consider.

## What will happen at the hearing?

When your case is called, the judge will usually ask you if you plead guilty or not guilty to the allegations made against you. If you have worked out a plea bargain with the State or City Attorney, it will be given to the judge for his/her approval at this time. If you plead not guilty, however, then another hearing or "trial" will be held. The trial can either be held immediately, later in the day, or even on another day later in the week, month, or year.

When the trial is held, the State or City Attorney will have the first chance to present his/her evidence and witnesses. When they are finished, you will have your chance to present evidence and witnesses. Don't try to talk when the other side is presenting their case, regardless of what they might say. Simply allow them to finish and then present your side of the story when it is your turn.

If, **after** the State or City Attorney has presented their side of the case and **before** you present your side of the case, you believe that the State or City has not proven that you have committed an offense even if everything that they have said is true, you should ask the

## A hearing in Traffic Court

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judge for a directed verdict. If the judge grants your motion for a directed version, — you win — even without putting on your side of the case. If the judge denies your motion, you will have to proceed with putting on your side of the case including testifying (if you choose to testify) and putting on your witnesses.

The judge can ask questions of either party as well as any of the witnesses. A judge, however, cannot help you put on your case.

After hearing all of the evidence, the judge and/or jury will then decide whether to find you guilty or not guilty and will require you to pay a fine. The amount of the fine may be different than what was asked for in the complaint and will be set by the judge and or the jury.

Of course, the best way to find out what will happen at your traffic court hearing is to go to court and watch someone else's traffic case. In most counties or cities, all the traffic cases are heard on a certain day by a certain judge. Call the Circuit Clerk in the county or city in which your case is filed and find out what that day is. Then go and watch and see how the judge handles traffic court cases.



## You will have to pay a fine and court costs

Depending upon the offense you were charged with, you will usually have to pay a fine and court costs. The amount of the fine and/or court costs varies depending upon the offense. Court costs are set by statute and are mandatory in that the judge cannot waive them.

If you need time to pay the amount you owe, you should ask the judge for an extension of time to pay your fine. The judge may or may not grant you such an extension. Keep in mind that your exemption rights (discussed in Packet 1 of the Consumer series) will not protect you from having to pay this fine.

## The Secretary of State of Illinois may suspend your license

The Secretary of State of Illinois, not the judge, State's, or City Attorney has the power to suspend or revoke your driving privileges in Illinois.

If you have received 3 or more tickets (citations) in a 12 month period, the Secretary of State will suspend your driving privileges. You will have to pay a fee to have your license re-instated once the term of suspension expires.

If your suspension is 3 months or less you may be eligible for a probationary license. To request a probationary license you must attend a driving class. You can request a probationary license from the Secretary of State.

## You have the right to appeal



Whenever you lose in court, you have the right to request the court to reconsider its decision and you have the right to appeal the decision to a higher court. Please note that in most cases you have 30 days or less from the date of the judge's decision to exercise these rights or you may lose your right to reconsideration or appeal. You should seek the assistance of an attorney to exercise these rights.



**Q: What is a court file?**

**A:** The file is the way that the courthouse keeps track of a lawsuit.

The file includes all of the documents that were filed, notices of hearings, notes by the judge and clerk, and letters to and from the judge and clerk.

**Q: When do you need to file a document in a court file?**

**A:** Generally, you will file a document when you want to:

have evidence that a task was completed; record an event or a statement; or give notice to someone about something.

**Q: What does it mean to file a document in a court file?**

**A:** Generally, filing a document means giving the Circuit Clerk a copy of a document so that he/she can place it in the court file you want it to go in. When the Clerk files the document, he/she will stamp it with a stamp that says the date (and sometimes the time) the document was filed.

**Q: Does filing a document make it legal?**

**A:** No. The Clerk will not check to make sure that your document is in compliance with the law. Most of the time you can file anything you want as long as you are willing to pay for the filing costs. It does not mean, however, that what you have filed is correct.

**Q: Why is filing so important?**

**A:** Most of the time, filing is the primary way to show that you have met the deadline for something — either to initiate a lawsuit or to notify someone of a lawsuit or a hearing. Filing is also the way that you notify the court of your answer (response) to lawsuit started against you.



Please note that failure to file something on time can cause you to lose your right to proceed with your claim or you may be forced to start over.



## 4 Commonly held beliefs about traffic court which are not true:

### **I cannot show up without an attorney**

Yes, you can. Many people appear in traffic court without an attorney. If you find that you need legal advice, however, you should seek the assistance of an attorney.

### **Attorneys are not allowed in traffic court**

Just because most people appear in traffic court without an attorney does not mean that you are prohibited from appearing with an attorney. In fact, given the punishments that some offenses carry if you are found guilty, it is a good idea for you to seek legal representation.

### **An affidavit or a written statement from a person is OK**

No, it is not. While a judge does have the power to relax the rules of evidence in some cases, most judges will not accept a written statement from a person (including an affidavit) as evidence. As such, if you need certain evidence or testimony to prove your case, you should either bring or subpoena that person to court on the date of the hearing or trial.

### **There is no way I can end up in jail over a petty offense**

Yes, there is. If you fail to make a good faith effort to pay a fine the judge can hold you in contempt of court and order you to serve time in jail for 6 months or until the fine is paid. Similarly, if you fail to appear at a court ordered hearing, a judge can issue a warrant for your arrest and you can be held until the hearing.



## If you don't have a case, work out a plea bargain

While it is not required, if you find that proving your case is going to be difficult, if not impossible, then you should consider working out a plea bargain with the State's or City Attorney. In most cases, the plea bargain will result in a lower fine than if you were to proceed to trial and lose.

## Go to other traffic court hearings before yours

If your county courthouse has a special date when they schedule the traffic court hearings, try to attend at least one hearing before the date of your hearing. This way, you can watch what happens, (including what mistakes others make) take notes, and be more prepared for your hearing date.

## Take whatever you need to prove your claim

Remember that you can only testify as to facts or events of which you have direct personal knowledge. If you need a witness, document, picture, etc. to prove something, make sure that you bring it with you on the date of your hearing. Do not assume that the judge will give you a continuance to get this information or that the judge will require the other party to give this information to you.



Similarly, keep in mind that documents like letters, estimates, and written statements may not be considered by a judge if the person who wrote the letter/estimate/or statement doesn't appear in court on the date of your hearing. If you need this evidence to prove your claim, you should either bring these people with you or subpoena them to appear in court.

## Get help if you need it

If you have trouble following directions, doing things on time, filling out forms, or keeping track of paperwork, appearing in traffic court may be much more stressful than it needs to be. If, however, you have a friend you can help you do these things, the job will be a lot easier. Keep in mind, however, that a friend cannot take the place of the advice and experience of an attorney licensed to practice in the State of Illinois. Consequently, if you need legal advice or if representing yourself in traffic court to be too difficult a task for you, talk to an attorney.

