

extortion *n.* 1. (law). the wrongful taking of a person's money or property with his consent but by the use of threat or violence or under color of office. 2. oppressive or illegal exaction, as of excessive price or interest.

Why should you always fight your traffic ticket?

When you receive a traffic ticket, the court will usually suggest that you must appear twice to contest it: first to appear and plead not guilty and second to stand trial with the officer present. This is not true. You can contest your ticket by mail without making a single court appearance. Contesting your citation through the mail gives you a better chance of winning your case than at a court trial. Even if you seem to be guilty of violating the law, the procedural hassles for the prosecution will often lead to a dismissal. If the prosecution does not submit its version of events in writing to the court by the deadline date, your case will be dismissed regardless of your guilt or innocence. Dismissals due to lack of prosecution are won in approximately 30% of written defenses.

The law allows you to contest any traffic infraction entirely by mail. You can appear via mail through a Written Not Guilty Plea pursuant to CVC 40519(b). In your plea you can request a Trial by Written Declaration pursuant to CVC 40902. In this way you can contest your citation without appearing at all and, for reasons already discussed, will have a better chance of winning than at trial. Further, if you lose your trial by declaration, you have 20 days to request a Trial de Novo (new trial) pursuant to CVC 40902(d). You then can appear in court for the first time for your second chance of winning.

Why doesn't the court inform every defendant of their legal right to appear in court via mail (Written Not Guilty Plea), contest via mail (Trial by Written Declaration), and have a new trial (Trial de Novo) if they are not happy with the outcome of the first trial? **Money.** Most courtesy notices hardly mention or do not mention these rights at all. Many courtesy notices from the courts in San Diego begin, "To avoid the inconvenience and long lines associated with a court appearance... pay the bail amount listed above." Imagine this, the justice system itself using its own bureaucratic inefficiency to discourage you from even trying to seek justice. Nice. And if they even mention the possibility of contesting a citation, they also mention that this generally requires two court appearances, one to plead not guilty, a second for the actual trial. If you do appear in person to plead not guilty, most courts will make these defendants enter their pleas last, inconveniencing them to the maximum. Then it will ask the defendant to return to court for a separate trial date. The two days pay lost through these two separate appearances amounts to more than the traffic fine for most people. This is why less than 1% of cited motorists ever bother to contest their citation. Ignorant of their legal rights, confused and intimidated by the courts and police, 99% of Californians ticketed simply pay up.

The California Traffic Court System extorts over a billion dollars a year from California citizens by keeping us ignorant of our rights. They confuse and intimidate us with a muddled courtesy notice mentioning license suspension and jail as possibilities (these are only possibilities for those who ignore the citation entirely). The courts also benefit from the inherent respect most people have for the police that keeps them from questioning the officers' often-arbitrary decision to issue a citation. This system uses the formality of the courthouse to further intimidate those brave enough to appear into pleading guilty or accepting an assignment to attend traffic school. The court strong-arms the rest of us into abject surrender; we collapse like a piece of Ikea furniture and meekly mail in the protection money hoping the bullies will leave us alone. By sustaining this racket, the California traffic courts rake in a small fortune for state, county, and local governments. Al Capone would be proud.

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