



Sacramento Superior Court
Traffic Division
301 Bicentennial Circle, Room 100
Sacramento, CA 95826
Telephone: (916) 875 – 7800

You have requested a Written Trial by Declaration pursuant to vehicle code 40902. This packet contains everything you need to file your declaration. Please review the instructions on the next page. All forms must be completed and returned with the full bail amount due. Failure to return the completed forms along with the requested bail by the due date may result in denial of your request.

In addition, if your citation was issued as the result of a red light camera violation, and you are contesting that you were the driver, a trial by declaration is not available. To obtain a trial by declaration for a red light camera violation, you must complete the ***Red Light Camera Statement Regarding Identification*** included in this packet. If you are contesting that you were the driver, you have the right to an in person trial before a Judge. See the clerk for instructions on requesting a court trial.

Mail your payment and completed forms to:
Sacramento Superior Court, Attn: Written Trial by Declaration
301 Bicentennial Circle, Room 100
Sacramento, CA 95826

It can take up to six to eight weeks for you to receive a final disposition of your case, once you have submitted your bail amount and completed forms. If you have further questions regarding your request, you may contact the court at the telephone number listed above.

INSTRUCTIONS TO DEFENDANT
(Trial by Written Declaration)
(Vehicle Code, 40902)

TR-200

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 case number or 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: SACRAMENTO SUPERIOR COURT STREET ADDRESS: 301 BICENTENNIAL CIRCLE, ROOM 100 MAILING ADDRESS: CITY AND ZIP CODE: SACRAMENTO, CA 95826 BRANCH NAME: CAROL MILLER JUSTICE CENTER	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA VS.	
DEFENDANT:	
REQUEST FOR TRIAL BY DECLARATION (VEHICLE CODE, 40902)	
TO BE FILLED OUT BY COURT CLERK	CITATION NUMBER
A. DUE DATE (for receipt of this form and any unpaid bail) (<i>specify</i>):	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):*
Sacramento Superior Court, Carol Miller Justice Center, 301 Bicentennial Circle, Room 100, Sacramento, CA 95826

REQUEST FOR TRIAL

1. I have reviewed the *Written Trial by Declaration Instructions* (form TR-200)
2. I request to have a trial by written declaration.
3. The facts contained in the Declaration of Facts on the second page are personally known to me and are true and correct.
 - h. 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>):	e. <input type="checkbox"/> diagram
b. <input type="checkbox"/> medical record	f. <input type="checkbox"/> car repair receipt
c. <input type="checkbox"/> registration documents	g. <input type="checkbox"/> insurance documents
d. <input type="checkbox"/> inspection certificate	h. <input type="checkbox"/> other (<i>specify</i>):

(Declaration continued on next page)

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 previous page and tell how they support your case. You may add additional pages.)

(Name):

(Current mailing address):

STATEMENT OF FACTS (begin here):

7. Number of additional 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 Sacramento
301 Bicentennial Circle, Sacramento CA 95826
(916) 875-7800

RED LIGHT CAMERA STATEMENT REGARDING IDENTIFICATION

(Complete only if your citation is a result of a red light camera violation)

I am not contesting the allegation that I was the driver of the vehicle pictured in the automated enforcement photograph.

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

Signature

Date

Case number

Citation Number