

## **57th District Court - FAQ**

### **What is an informal hearing?**

An informal hearing is a court proceeding held to decide whether you committed and/or whether you are responsible for the traffic offense with which you were charged. It is your opportunity to defend yourself, to ask questions, and to have witnesses testify on your behalf. The testimony is under oath but the hearing is much less formal than a trial.

### **How is an informal hearing different from a trial?**

The magistrate, rather than the district judge, usually presides over the hearing. Neither side may be represented by an attorney. There is no jury and no court reporter. In general, the atmosphere will be less formal than that of a trial.

### **How do I defend myself at the hearing?**

You may testify on your own behalf, have witnesses testify on your behalf, and ask questions of the witnesses called against you. It is expected that questions will be concise, courteous, and not argumentative. You should also present any documents or other physical evidence you have that supports your case. In general, remember that your hearing is your "day in court", so come prepared. Have your defense and questions ready.

### **How do I get my witnesses to appear?**

You may ask witnesses to come in voluntarily, or if necessary, you may use the subpoena power of the court to obtain their attendance. Subpoena forms may be obtained [here](#).

### **Must I pay witnesses for appearing?**

Yes, if you are the party subpoenaing the witness. A witness who attends a court proceeding shall be paid \$6.00 for each half day and \$12.00 for each full day plus 10 cents per mile from the residence of the witness to the court.

### **May the citing officer bring witnesses?**

Yes.

### **What are the possible outcomes of the hearing?**

You may be found:

- Not responsible
- Responsible
- Responsible for a lesser infraction than the one charged

### **What happens if the citing officer fails to appear?**

If the officer does not appear, the case will be dismissed "with prejudice", which means you are not responsible for the offense charged and cannot be charged again in connection with the same incident.

### **What happens if I fail to appear?**

If you fail to appear, the court will enter a default judgment against you. This means the court will automatically find you responsible for the infraction charged, assess the fine and costs, and mail you a judgment notice requiring you to pay. If you do not pay the judgment within 28 days, the court will send you a 14-day notice. If you do not pay within 14 days of receiving the notice, your driver's license will be suspended by the Secretary of State.

### **What about violation points?**

Points are assessed by the Secretary of State's office when it receives notice from the court that you committed a traffic offense. The magistrate who finds you responsible cannot reduce the number of points assessed against you by the Secretary of State.

### **Do I have the right to appeal?**

If you are found responsible by the magistrate after an informal hearing, you have the right to appeal to a formal hearing before a district judge. If the judge finds you responsible after a formal hearing, you have the right to appeal to circuit court.

### **How do I appeal the decision made at an informal hearing?**

Within seven days of the judgment, you must complete an appeal form and file it with the court, together with an appeal bond in cash equal to the fine and costs of the original charge. You do not have to pay a filing fee for the appeal.

### **How do I contact the Probation Department of the 57th District Court?**

The Probation Department is located on the top floor of the County Building. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

### **How do I get information about personal protection orders?**

Contact the 48th Circuit Court at 269.673.0300.

### **As a victim or witness, how do I get information and assistance regarding a case?**

Contact the Victim/Witness Coordinator of the Allegan County Prosecutor's office at 269.673.0280.