

Civil Infraction Appearance by Mail Checklist

- Examine case file for completeness. The case file will contain the court copy of the citation, and the respondent's letter of explanation, accompanied by the respondent's signed civil infraction copy of the citation. The file may also contain a copy of the incident report.
- Examine appearance date. If the respondent's letter of explanation is not postmarked by that date, a default judgment of responsibility may be entered. [MCL 257.743\(4\)](#); [MCL 257.748](#); [MCL 600.8727](#); [MCL 600.8827](#).
- Check for material defects.
 - Citations must be signed by the citing officer. [MCL 257.742\(1\)](#); [MCL 600.8705\(3\)](#); [MCL 600.8805\(3\)](#).
 - A speeding citation must specify the speed at which the respondent is alleged to have driven and the speed limit applicable at the location. [MCL 257.633\(1\)](#).
 - Other material defects may include (1) the incorrect identification of the respondent, (2) incomplete or incorrect identification of the offense, (3) failure to specify the location of the offense, (4) failure to specify the date of the offense or (4) inclusion of an incorrect date.
- In a traffic civil infraction case, compare contents of mailed explanation with the citation. Verify that the letter and citation refer to the same offense and offender and to the same time, location, and offending vehicle.
- Verify citation is signed by the respondent.

- Determine whether the respondent has admitted responsibility.
 - Determine whether the respondent is admitting facts that constitute responsibility for the infraction and whether the respondent is offering an explanation in mitigation of the civil sanctions.
 - Consult the statute or ordinance that creates the infraction.
- Evaluate the respondent's explanation.
 - Decide whether to reduce the applicable sanctions. See [MCL 257.745\(4\)](#); [MCL 600.8715\(4\)](#); [MCL 600.8815\(4\)](#) (all statutes state a magistrate may consider the respondent's explanation by way or mitigating any sanction).
 - Note that for traffic civil infractions, the court must still send an abstract of the judgment to the Michigan Secretary of State upon a finding of responsibility, regardless of the sanctions imposed. [MCL 257.732](#). Further, a court has no authority to reduce the number of points the respondent will receive for an offense from the Michigan Secretary of State. [MCL 257.732](#); [MCL 257.320a](#).
 - Where the respondent's admission with explanation is unclear or defective:
 - mail notice to appear in court regarding the letter of explanation, or
 - mail the respondent a judgment of responsibility, informing him or her of right to appeal, or
 - schedule an informal hearing, or
 - send the respondent a letter of nonacceptance of the admission with explanation, advising respondent to submit a revised response to the citation by a stated time deadline and informing respondent of the particular sanction that may be imposed and of the consequences of failure to reply within time deadline.
- Enter judgment. When the respondent has admitted responsibility, enter a judgment that finds the respondent responsible for the citation and impose the appropriate sanctions. [MCL 257.907](#); [MCL 600.8727](#); [MCL 600.8827](#). See also the Michigan Judicial Institute's [table](#) comparing civil infraction procedures and sanctions.

- Prepare an order on [SCAO Form CIA 02](#) (Judgment). File the original judgment with the court and mail a copy to the respondent.
 - If the respondent sent payment along with his or her mailed explanation, apply payment to the fine and costs upon entry of judgment.
 - If a balance is still owed, the mailed judgment should indicate the balance due.
- After judgment is entered, give the case file to the court clerk.

