

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Traffic Department, Central Division 2317 Tuolumne Street Fresno, California 93721-1220	FOR COURT USE ONLY
NOTICE OF ELECTION FOR TRIAL BY WRITTEN DECLARATION (ETBD) AND INSTRUCTIONS TO DEFENDANT	CASE NUMBER

You have now failed to appear on your case. Pursuant to VC 40903, you have now elected to plead not guilty and have a trial by written declaration. The following instructions will explain the Election for Trial by Written Declaration process and provide you with your due date.

1. You must return the Election for Trial by Written Declaration by _____ .
2. Complete the Election for Trial by Written Declaration form (TR-205.2). You may submit written statements. Please type or print clearly. Any written statement must include the following language: "I declare under penalty of perjury that this statement is true and correct." Written statements must be signed and dated by the person making the statement. You may also include evidence such as photographs, diagrams, records, etc. You should describe any evidence that you submit.
3. The Court will conduct the trial in your absence and make a decision based on the following documents that are in the file at the time of trial: the 'Notice To Appear' issued pursuant to Vehicle Code section 40500; an Election for Trial by Written Declaration (form TR-205.2) by the defendant, any business record or receipt; and the sworn declaration of the arresting officer.

NOTE: If your Election for Trial by Written Declaration is not received by the Court on the due date listed above, it will not be considered in the decision.

4. The Clerk's Office will mail the *Decision and Notice of Decision* to you indicating the result of the hearing. If there is an amount owing, payment of the fine/fees will be due on the date indicated on your notice.
5. 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.

<p align="center">SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Traffic Department, Central Division 2317 Tuolumne Street Fresno, California 93721-1220</p>	FOR COURT USE ONLY
<p align="center">PEOPLE OF THE STATE OF CALIFORNIA vs.</p> <p>DEFENDANT:</p>	
<p align="center">ELECTION FOR TRIAL BY WRITTEN DECLARATION – (ETBD) (Vehicle Code, Section 40903)</p>	CITATION NUMBER:
	CASE NUMBER:

A. **DUE DATE:** (for receipt of this form)

B. Date mailed or delivered by clerk:

C. Mail or deliver completed form, evidence, and mail to the Clerk of the Superior Court of California, County of Fresno, 2317 Tuolumne Street, Fresno, California 93721-1220

ELECTION FOR TRIAL

1. I have reviewed the *Notice with instructions (Election for Trial by Written Declaration)* (form TR-206).
2. I understand and agree that because I failed to appear in court as required by my signed Notice to Appear (citation), I am deemed to have elected to proceed with a written trial by declaration.
3. The facts contained in the Declaration of Facts on the reverse are personally known to me and are true and correct.
4. 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. _____ photographs (*specify total number*)
 - b. _____ medical records
 - c. _____ registration documents
 - d. _____ inspection certificate
 - e. _____ diagram
 - f. _____ car repair receipt
 - g. _____ insurance documents
 - h. _____ other (specify):

(Declaration continued on next page)

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 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)