

KANE COUNTY JUSTICE COURT

76 North Main Street
Kanab, Utah 84741
(435) 644-2351 – Telephone
(435) 644-2052 – Fax
jckane@utcourts.gov
www.kane.utah.gov/justice

TRAFFIC CITATION - PLEA IN ABEYANCE

You are eligible to apply for a Plea in Abeyance, under the prosecutor's standing motion, for a traffic citation issued for this Court if you meet the below criteria. Any deviation from these criteria must be made by a written or verbal request to the office of the Kane County Attorney by one of the following methods: Mail - 76 N Main ST, Kanab, UT 84741, Email - cheaton@kane.utah.gov, or Telephone - (435) 644-5278, and by the filing of a written waiver of these conditions by that office with the Court.

CRITERIA

1. You were cited for no more than one class C misdemeanor, such as speeding, improper lane travel, etc., and/or nor more than one infraction, such as a seat belt violation.
2. You were not involved in an accident.
3. You do not have a Commercial Driver License (CDL).
4. You have no more than one traffic violation on your driving history during the year preceding the citation.
5. You have not had a Plea in Abeyance in the Kane County Justice Court during the past 2 years.
6. If you were cited for a Speeding violation, the speed cited, not observed, was not more than 20 miles over the posted speed limit, except for a School Zone where a Plea in Abeyance is not offered.

If you want a Plea in Abeyance, you will need to strictly comply with the following terms and conditions:

TERMS AND CONDITIONS

1. You will file a Request for a Plea in Abeyance with the Kane County Justice Court. This form is available to you at the Kane County Web Site: kane.utah.gov/justice (click on the forms/downloads tab) or you can request a copy by one of the following ways: Call the Court at (435) 644-2351, Email the Court at jckane@utcourts.gov, or Fax (435) 644-2052 attention Justice Court. **The completed Request must be received and acted on by the Court before you pay online or you will cancel the request.**
2. In addition to the recommended bail amount for your citation, you will pay the Court an additional fee of \$25.00. The total Plea in Abeyance fee must be paid within a 6-month plea in abeyance period.
3. You will complete, during the 6-month period, an online traffic school with either GoToTrafficSchool.com [www.gototrafficschool.com; phone no. (888) 329-7069], or the Utah Safety Council [www.utahsafetycouncil.org/secure/ddreg.asp; Court Access Code: defense; phone no. (800) 933- 5943] and obtain and **provide** to the Court a copy of a certificate showing the completion of this school. You will pay the cost of this online traffic school directly to the provider.
4. You will have no traffic violations during the 6-month plea in abeyance period.
5. At the end of the 6-month period you will obtain a copy of your driving history, (an informal online history is sufficient), and **provide** it to the Court. The purpose of this document is to show you were originally eligible for the Plea in Abeyance and that you have had no traffic violations during the plea in abeyance period.

COMPLETION

If you qualify for, apply for and successfully complete this plea in abeyance program, at the end of the 6-month plea in abeyance period, your guilty plea to your traffic citation will be withdrawn and your case dismissed. If you fail to comply, the Court will issue an Order to Show Cause, requiring you to show why your Plea in Abeyance agreement should not be terminated and why a judgment of conviction and sentence should not be imposed. You should respond to the Order to Show Cause as the filing of an Affidavit-PIA and Order to Show Cause does not automatically mean that your Plea in Abeyance will be terminated.