

## **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 this criteria must be made by a written or verbal request to the office of the Kane County Attorney, 76 North Main Street , Kanab, Utah 84741, telephone no. (435) 644-5278, and by the filing of a written waiver of one or more 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 past year.
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 this website or you can call the Court at (435) 644-2351 and request a copy.
2. You will provide the Court with a 3-year copy of your driving history from your current home state and any other state that you have lived in during the past 3 years. You can obtain this history from your local Department of Motor Vehicles or Driver License Division office.
3. 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.
4. You will complete, during the 6-month period, an on-line traffic school with either GoToTrafficSchool.com ([www.gototrafficschool.com](http://www.gototrafficschool.com); phone no. (888) 329-7069), or the Utah Safety Council ([www.utahsafetycouncil.org/secure/ddreg.asp](http://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.
5. You will have no traffic violations during the 6-month plea in abeyance period.
6. At the end of the 6-month period you will obtain a new copy of your driving history and provide it to the Court.

### **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.