



INFRACTION BASICS

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Email:

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Infraction Rules for Court of Limited Jurisdiction (IRLJ)

- IRLJ 2.1 Notice of Infraction
 - Name, address, phone number of the court where the infraction will be filed-IRLJ 2.1(b) (1);
 - Name, address, D.O.B, sex, physical characteristics, and (for the notice of infraction) the license # of the defendant - IRLJ 2.1(b) (2);
 - For the notice of infraction, the vehicle make, year, model, style, license #, and state in which licensed- IRLJ 2.1(b) (3);
 - The infraction the defendant is alleged to have committed, along with statutory citation or ordinance, date, time and place the infraction was committed
 - The date the notice was issued, the name and badge number of the citing officer (if applicable)-IRLJ 2.1(b) (4)

IRLJs Continued

- IRLJ 2.2 (c) – Service of Notice
 - (1)-on the defendant at time of stop
 - (2)- officer can leave it on the vehicle in a conspicuous place (only if infraction is violation of a parking, standing, or stopping statute
 - (3)- citing officer or prosecutor can file notice of infraction with the court, in which case the court **“shall”** serve the infraction personally or by mail, prepaid postage, on the person named in the infraction at his or her address. If the notice is “returned to the court at undeliverable, the court **shall** issue a summons.”
- IRLJ 2.2 (d) – Filing of Notice
 - When an infraction has been issued, the notice should be filed with the court having jurisdiction within five (5) days of issuance excluding weekends and holidays. If the infraction was filed later than 5 days, upon a motion, it must be dismissed with prejudice, absent good cause showing.

IRLJs Continued

- IRLJ 2.4 – Response to Notice
 - (a) – A defendant has 30 days to respond to the infraction if personally served and 33 days if the infraction was served by mail.
- IRLJ 2.5 – Failure to Respond
 - If a defendant fails to respond within the time, the court “shall enter an order finding that the defendant” committed the infraction, assess any monetary penalties, and notify the DOL of the failure to respond.
- IRLJ 2.6 – Scheduling of Hearings
 - (a) When a defendant elects to have a contested hearing, the court shall **schedule** a hearing not less than 14 days from the date the written notice of hearing is sent by the court, nor more than 120 days from the date of the notice of infraction or the date a default judgment is set aside.
 - (2) The court shall send the defendant a written notice indicating the time, place, and date of the hearing within twenty-one (21) days of receipt of the request for a hearing.

IRLJs Continued

- IRLJ 3.1 – Contested Hearings - Preliminary Proceedings
 - (a) **Subpoenas** -The defendant and the prosecutor may subpoena witnesses for appear at contestedd hearings. The subpoena(s) should be served on the witness at least seven (7) days before the hearing.
 - (b) **Discovery**- Defendants can request discovery.
 - Must be done at least 14 days before a contested hearing.
 - The written demand for discovery must be served on the prosecutor’s office and filed with the court.
 - The prosecuting office must provide copies of the discovery to the defendant at least 7 days before the hearing.
 - Failure to provide discovery (or any portion of it) less than 7 days before the hearing, the untimely discovery shall be suppressed but only upon showing of prejudice in the presentation of defendant’s case.

Most Common Issues

- General v. Specific statute
 - Example: fail to obey traffic control device: (RCW 46.61.050)



RCW 46.61.050

Obedience to and required traffic control devices.

(1) The driver of any vehicle, a person operating a bicycle, and every pedestrian shall obey, and the operation of every personal delivery device shall follow, the instructions of any official traffic control device applicable thereto, and as specified in this chapter, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exception granted the driver of an authorized emergency vehicle in this chapter.

RCW 46.61.055

- [RCW 46.61.055: Traffic control signal legend.](#)

OFFICER REPORT

5A0160732

VIOLATION DATE
ON OR ABOUT: 1/22/2025 8:20:00 AM

In the city of Bellevue on 1/22/25 at approximately 0820 hrs. at the intersection of 102nd Ave and Main Street the following did occur. At the time of the collision, I was working on duty in full police uniform in an unmarked "slicktop" police vehicle equipped with lights and sirens. I am assigned to the Traffic Unit, specifically the Collision Investigation unit. I have approximately 8 years of experience. I am ARIDE certified and have been trained up to Reconstructionist. I have investigated over 700 collisions.

U1 entered the intersection making a left turn on a steady green signal failing to yield the right of way to U2. U2 entered the intersection on a steady green signal. U1 and U2 collided in the intersection.

U1 driver (U1D) stated that they were traveling NB on 102nd Ave at Main Street making a left turn onto WB Main Street. U1D stated that they had a steady green signal and collided with U2 in the intersection.

U1D reported no injuries.

U2 driver (U2D) stated that they were SB on 102nd Ave at the intersection of Main Street. U2D stated that as they were approaching the intersection, the signal was green. As they got to the intersection U1 turned into the side of U2.

U2D reported no injuries.

I reviewed Bellevue Transportation camera footage of the collision. The camera footage showed U1 traveling NB on 102nd Ave making a left turn. U2 was SB on 102nd Ave. U1 turned directly in front of U2. U2 collided with U1 in the intersection. A copy of the footage was booked into evidence.

U1 Damage: U1 had damage to the driver side front fender/bumper. No airbags were deployed. Photos were taken for documentation.

U2 Damage: U2 had damage to the driver side of the vehicle. No airbags were deployed. Photos were taken for documentation.

Based on statements and vehicle damage the proximate cause of the collision was U1D, identified via a WA Driver License photo, failing to yield to U2 as they made a left turn with a green signal. U1D was issued a notice of infraction for RCW 46.61.050 which was mailed via the court.

By this reference I am incorporating the information in/on Bellevue Police case #2025-00004174 and citation #5A0160732 to this attached narrative and/or affidavit.

The aforementioned was written as a summary of my involvement in this incident, to the best of my knowledge and belief at the time of writing this report. I activated my department-issued body worn camera (BWC) during response to this incident and uploaded the captured video to evidence.com. Please refer to my BWC video recording associated with this case number for exact quotes and

...NARRATIVE CONTINUES ON NEXT PAGE...

TRAFFIC	WEATHER		STREET		LIGHT	
WITNESS NAME (LAST, FIRST, M.I.)	PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)	PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE ZIP
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ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)	PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE ZIP

INFRACTION # 5A0160732 BEP IT



TOHNI, ERIC N 070288

Issues continued

- Citing an infraction that is not supported by the narrative.
- Electronic Device - Often the citation is just a repeat of the statute.
- Narratives that lack enough supporting facts for the citation:
 - ✓ Modified Exhaust
 - ✓ Speed too Fast for Conditions
 - ✓ Following too Close -*Szukay v. Cozzetti*, 37 Wash. App. 30, 35, 678 P.2d 358 (1984)

✓ **Negligent 2nd Degree
(RCW 46.61.525)**

✓ A person is guilty of negligent driving in the second degree if, under circumstances not constituting negligent driving in the first degree, he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property.

✓ **Negligent 2nd Degree Vulnerable User
(RCW 46.61.527)**

✓ A person is guilty of negligent driving in the second degree if, under circumstances not constituting negligent driving in the first degree, he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property **and he or she proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable user of a public way.**

✓ **Vulnerable user is defined under RCW 46.61.527(11) (C)**

In the city of Bellevue on 1/8/25 at approximately 0917 hrs. at the intersection of 145th PL SE and SE 16th Street the following did occur. At the time of the collision, I was working on duty in full police uniform in an unmarked "slicktop" police vehicle equipped with lights and sirens. I am assigned to the Traffic Unit, specifically the Collision Investigation unit. I have approximately 8 years of experience. I am ARIDE certified and have been trained up to Reconstructionist. I have investigated over 700 collisions.

U1 entered the intersection against a red signal and collided with U2 which had a green signal.

U1 driver (U1D) stated that they were traveling SB on 145th PL SE at the intersection of SE 16th Street. U1D stated that they saw the light was red, knew what to do at a red signal, but their "body froze" and they entered the intersection against the red signal. I asked if they had experienced a medical event, they stated that they had not. I asked if they wanted to be evaluated by Bellevue Fire, they declined.

U1D reported no injuries.

Negligent driving—econd degree.

(1)(a) A person is guilty of negligent driving in the second degree if, under circumstances not constituting negligent driving in the first degree, he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property.

(b) It is an affirmative defense to negligent driving in the second degree that must be proved by the defendant by a preponderance of the evidence, that the driver was operating the motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent.

(c) Negligent driving in the second degree is a traffic infraction and is subject to a penalty of two hundred fifty dollars.

(2) For the purposes of this section, "negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

(3) Any act prohibited by this section that also constitutes a crime under any other law of this state may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this section.

U2 driver (U2D) stated that they were WB on SE 16th Street. U2D stated that they had a steady green signal when they entered the intersection and that U1 had gone through the intersection on a red light. U2D stated that the incident happened too quickly to attempt to

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INFRACIION # 3A0160709 BEL I
BROWNEBAUGH, ZACHARY N 121408

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U1D reported no injuries.
Negligent driving—second degree.

(1)(a) A person is guilty of negligent driving in the second degree if, under circumstances not constituting negligent driving in the first degree, he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property.

(b) It is an affirmative defense to negligent driving in the second degree that must be proved by the defendant by a preponderance of the evidence, that the driver was operating the motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent.

(c) Negligent driving in the second degree is a traffic infraction and is subject to a penalty of two hundred fifty dollars.

(2) For the purposes of this section, "negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

(3) Any act prohibited by this section that also constitutes a crime under any other law of this state may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this section.

U2 driver (U2D) stated that they were WB on SE 16th Street. U2D stated that they had a steady green signal when they entered the intersection and that U1 had gone through the intersection on a red light. U2D stated that the incident happened too quickly to attempt to

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ADDRESS	CITY STATE ZIP	ADDRESS	CITY STATE ZIP
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ADDRESS	CITY STATE ZIP	ADDRESS	CITY STATE ZIP

INFRACTION # 5A0160709 REP IT

BROMBAUGH, ZACHARY N 121406

STATE OF WASHINGTON POLICE TRAFFIC COLLISION REPORT 1591971

REPORT NO. EF58914

CASE # 2025-0004174

LOCAL AGENCY CODING 42.09.01

TOTAL # OF UNITS 02 **OBJECT STRUCK**

DATE OF COLLISION 01 - 22 - 2025 **TIME (2400)** 0820 **COUNTY #** 17 **MILES** **N S E W** **IN OF** **CITY #** 0075

ON (PRIMARY TRAFFIC WAY) INTERSECTION **NON INTERSECTION**

102ND AVE **BLOCK NO.** **000**

DISTANCE **MILES** **FEET** **N S E W** **OF (REFERENCE OR CROSS STREET)** **MAIN STREET**

UNIT 01 **MOTOR VEHICLE** **PEDAL-CYCLE** **DAMAGE THRESHOLD MET** **PHONE** **D: 4256237693**

LAST NAME **TOHNI** **FIRST NAME** **ERIC** **MIDDLE INITIAL** **N**

STREET **150 102ND AVE SE UNIT 403** **CITY** **BELLEVUE** **ST** **WA** **ZIP** **980046290**

CDL **IGNITION INTERLOCK** **REQUIRED** **PRESENT** **MEDICAL TRANSPORTED**

DRIVER'S LICENSE # **WDL63789C03B** **STATE** **WA** **SEX** **M** **D.O.B.** **07** **MMDDYY** **02** **1988**

ON DUTY **STATUS** **AIRBAG** **2** **RESTR** **4** **EJECT** **1** **HELMET USE** **INJURY CLASS** **1** **NATURE OF INJURIES**

LICENSE PLATE # **BYH4706** **STATE** **WA** **VIN #** **WBAJE5C31HG915982**

TRAILER PLATE # **STATE** **TRAILER PLATE #** **STATE**

TRLR VIN # **TRLR VIN #**

VEH. YEAR **2017** **MAKE** **BMW** **MODEL** **540** **STYLE** **VEHICLE TOWED DUE TO DISABLING** **TOWED BY** **GOVT. VEHICLE**

REGISTERED OWNER INFO **ERIC TOHNI 150 102ND AVE SE UNIT 403 BELLEVUE WA 98004**

LIABILITY INSURANCE IN EFFECT **INSURANCE CO & POLICY #** **PROGRESSIVE 006102730**

VEHICLE DAMAGE **CHARGE** **46.61.050**

UNIT 02 **MOTOR VEHICLE** **PEDAL-CYCLE** **PEDESTRIAN** **PROPERTY OWNER** **DAMAGE THRESHOLD MET** **PHONE** **D: 4256988453**

LAST NAME **MORELLI** **FIRST NAME** **KIMBERLI** **MIDDLE INITIAL** **C**

STREET **8454 W MERCER WAY** **CITY** **MERCER ISLAND** **ST** **WA** **ZIP** **980405633**

CDL **IGNITION INTERLOCK** **REQUIRED** **PRESENT** **MEDICAL TRANSPORTED**

DRIVER'S LICENSE # **WDL55NPJ023B** **STATE** **WA** **SEX** **F** **D.O.B.** **04** **MMDDYY** **13** **1969**

ON DUTY **STATUS** **AIRBAG** **2** **RESTR** **4** **EJECT** **1** **HELMET USE** **INJURY CLASS** **1** **NATURE OF INJURIES**

LICENSE PLATE # **CGT5995** **STATE** **WA** **VIN #** **5TDXBRCH6PS583244**

TRAILER PLATE # **STATE** **TRAILER PLATE #** **STATE**

TRLR VIN # **TRLR VIN #**

VEH. YEAR **2023** **MAKE** **TOYT** **MODEL** **HIGHLAN** **STYLE** **VEHICLE TOWED DUE TO DISABLING** **TOWED BY** **GOVT. VEHICLE**

REGISTERED OWNER INFO **GARDNER MORELLI 8454 W MERCER WAY MERCER ISLAND WA 98040**

LIABILITY INSURANCE IN EFFECT **INSURANCE CO & POLICY #** **FARMERS 512361356**

VEHICLE DAMAGE **CHARGE**

OFFICER'S NAME (PRINT) **JEFF SEBERS** **OFFICER PHONE** **P521** **BADGE OR ID #** **WA0770200**

PART A 300D-345-159 (R 11/18) **PAGE 01 OF 4**

Issues on Speeding Infraction

- Both the Radar and the Lidar must be calibrated every 2 years.
- Narrative must include if the device was used in stationary mode or moving (different tests/requirements apply.)
- Both the Radars and Lidars must be tested to make sure they are properly working at the beginning and end of the shift. *Thomas v. City of Norfolk*
- Moving mode devices require the Patrol Speed Verification Test (this test can be problematic)

What we do in Bellevue

- At the 1st hearing, we do not subpoena any witnesses.
- If defendant/attorney subpoenas any witnesses, no offer is made, move to contested hearing.
- We look at the individual's history.
- Generally, offers:
 - Defensive Driving Class (DDS): non-accident-related cases.
 - Only if no HX or any major dispositive issue
 - **No DDS to dismiss option for OVER 25+ MPH or ACCIDENT cases**
 - Amendment to non-moving violation (not wearing a seatbelt or expired tabs):
 - Always an option if no HX
 - If 1-5 prior infractions, only option
 - If more than 5, only option after completion of 8 hour (level 2 DDS)
 - Combination of the above:
 - Negligent 2nd Degree
 - Negligent 2nd Degree Vulnerable user

THE END