

How to Fight a Jaywalking Ticket

If you got a jaywalking ticket, you might feel like you were just getting picked on by the police officer who wrote the ticket. If you believe you didn't deserve the ticket and weren't in the wrong, you can always go to court and fight it....

Gathering Evidence

1. **Talk to any witnesses who were on the scene.** People who you don't know who were in the area when you were ticketed likely left the area before you could get a chance to talk to them. However, if you were with friends, they might be willing to talk about what they saw when you were ticketed for jaywalking.^[2]
 1. You might also talk to anyone who was working in the area and might have seen the incident. For example, if there was construction going on at the intersection, one of the construction workers might be able to provide an account of what they saw.
 2. Ask witnesses if they are willing to testify on your behalf. Get their full name and phone number so you can contact them with more information when you schedule the court hearing.

Tip: If you have a smartphone, record the witness as they tell you what they saw. That way, you'll have the recording to review later and may even be able to submit it as evidence.

2. **Take pictures of the location where you got the ticket.** You can use photos as evidence if you're arguing that you shouldn't have been ticketed for jaywalking because of roadway or intersection conditions. Photos are best if you take them immediately after you get ticketed. However, they can still be evidence if you return to the scene a short time afterward.^[3]
 1. For example, suppose there was a crew repairing a pothole in the crosswalk, so you walked just to the right of the sidewalk and got a ticket for jaywalking. A photo of the crew blocking the crosswalk to repair the pothole would prove that you didn't deserve a ticket for jaywalking because the crosswalk was blocked and unsafe at the time.
 2. Keep in mind that if you return to the scene several days after you've been ticketed, the condition you wanted to photograph may be repaired or removed. Even if it's still there, you'll have to establish not only that it was there on the date you took the photo but also on the date you were ticketed.
3. **Make copies of financial documents if you can't pay the fine.** Even if your defense against the jaywalking ticket doesn't prevail, you might be able to get the judge to waive the fine if you can prove that paying it would be an undue financial burden on you. To prove this, you'll need documents that demonstrate your financial status, including income statements or proof that you're receiving public benefits.^[4]
 1. If you're homeless or don't have a bank account, these facts alone might be enough for the judge to waive your fine.
 2. If a judge waives or reduces your fine for jaywalking, they may order you to perform community service instead.

Appearing in Court

- 1. Respond by the date listed on the ticket.** Your ticket will typically have a date listed. The significance of this date varies depending on where you got the ticket, but the traffic court always requires some sort of response by that date.^[5]
 1. The significance of the date will typically be explained on the ticket. For example, if the date is a deadline for payment, you should probably contact the court before that date to schedule a hearing if you plan to contest the ticket. In many places, your deadline to pay isn't extended simply because you schedule a hearing that takes place later.
 2. Many cities and towns have a website where you can get more information about your ticket. You may even be able to enter your plea (not guilty, if you want to fight the ticket) and schedule your hearing directly from the website.
- 2. Contest your ticket by mail if possible.** In some cities, you can submit your argument and evidence to the court by mail, rather than attending a court hearing. If this option is available to you, it's typically quicker and easier than appearing in court.^[6]
 1. If you have evidence that you also want to present to the judge, submit originals as well as photocopies. You may be required to certify the copies by dating and signing them.
 2. Some cities require you to write a sworn affidavit. Everything you write in an affidavit is considered the same as testimony in court, meaning that you're subject to perjury laws if you lie. Often, you have to sign your affidavit in the presence of a notary.
 3. Some cities also allow you to submit a written statement rather than appearing in person at the hearing.^[7]
- 3. Schedule a hearing with the traffic court.** A hearing typically isn't required for a jaywalking ticket unless you request one. If you want to contest the ticket, though, you usually have to attend a hearing unless it's possible for you to contest the ticket by mail.^[8]
 1. Most courts hear pedestrian ticket cases on specific days and times each week. Generally, you'll pick one of these hearing windows that works best for you, then show up at that time. Hearings are typically called on a first-come, first-served basis.
 2. Some courts allow hearings on evenings or weekends if you can't come on a weekday. You may have to pay an additional fee to schedule your hearing outside of normal court hours.
- 4. Go to court on the date of your hearing.** Organize all of the evidence that you want to present to the judge and show up to the court at least 30 minutes before the starting time for your hearing slot. This gives you enough time to get through security and find the right courtroom.^[9]
 1. If you're not sure where to go when you get to the courthouse, ask one of the security guards at the door. If they don't know, they can point you to someone who will.
 2. If the judge is holding hearings on a first-come, first-served basis, you might want to get there even earlier so you can have an early slot and be done sooner.
 3. If you're planning on having witnesses testify, make sure they come to court on the date of your hearing. You might want to meet them somewhere beforehand so you can go to court together.

Tip: Even though traffic court is typically more casual than other courts, you should still dress in clean, neat, professional clothing. The court's website will have a list of prohibited clothing and accessories. Generally, plan on dressing as though you're going to a job interview.

- 5. Present your evidence and argument to the judge.** When the judge calls your case, they'll determine if the officer who wrote your ticket is there. If the officer isn't there, your ticket will be dismissed. You don't have to present any evidence if the officer doesn't appear. If the officer does appear, the judge will

typically hear from them first.^[10]

1. You have the right to cross-examine the officer by asking them questions about their testimony. You can use your cross-examination to raise doubts about the officer's account of the situation that led to them issuing the ticket.
 2. After the officer speaks, you'll have a chance to speak in your defense. You can introduce your evidence and explain to the judge why you shouldn't have been issued a jaywalking ticket.
6. **Wait for the judge's decision.** In traffic court, the judge typically lets you know their decision immediately after you're done presenting your argument. If the judge agrees with you that you shouldn't have been issued the ticket, they'll dismiss it and you won't owe any money.^[11]
1. If the judge rules against you, you'll have to pay whatever fine was imposed — sometimes immediately. Typically, you can pay the fine at the traffic court clerk's office. The judge will tell you where to go.
 2. If the judge upholds the ticket and you can't afford to pay the fine, you may have the opportunity to present evidence of your financial situation. If you can demonstrate that paying the fine would be an undue financial burden, the judge may waive or reduce the fine in your case. The judge also typically has the discretion to order you to serve community service instead of paying a fine.^[12]

Avoiding a Pedestrian Ticket

1. **Obey all traffic control signals when walking.** If you're crossing a road that has crossing signs, start walking only when the sign says "walk" in solid letters. If the letters are flashing, this means that they're about to switch.^[13]
 1. In some places, you can get a ticket for jaywalking if you start crossing the road when the light is flashing, even if it still says "walk."
 2. Even if you're obeying all other pedestrian rules, you can still get a ticket for jaywalking if the "stop" sign is on, even if there's no traffic.
2. **Cross streets only on designated crosswalks.** Crosswalks are typically marked with white or yellow lines painted on the pavement. If there aren't crosswalks painted, the area at the corner of the street is still considered a crosswalk.^[14]
 1. Essentially, always cross streets at a corner — never in the middle of a block — and you'll be okay.
 2. Some states include the added requirement that, if possible, you should always cross on the right side of the crosswalk. This allows for the orderly flow of pedestrians crossing the street in both directions.^[15]

Warning: Don't cross a 4-way intersection diagonally unless there is a specific crosswalk painted for that crossing pattern.

3. **Yield to oncoming cars when not on a designated crosswalk.** Pedestrians have the right of way in a crosswalk. However, when you're not in a crosswalk, drivers on the road have the right of way.^[16]
 1. If you attempt to cross a road when a car is coming and doesn't have adequate time to stop, the accident would often be considered your fault, not the driver's fault.
4. **Walk on the sidewalk if one is available.** If a road has a sidewalk, you could get a ticket for jaywalking if you walk in the road. If the road doesn't have a sidewalk, you're typically safer walking on the shoulder rather than walking on the road itself.^[17]
 1. Always walk facing traffic and move out of the way when you see a car coming.
 2. Pedestrians are prohibited on some roadways, such as major highways and interstates, even on the shoulder. If you're walking on one of those roadways, you could still get a jaywalking ticket even if

you're obeying all other pedestrian rules.

5. **Refrain from standing in or near the road to solicit anything.** In most areas, it's illegal to stand on the side of the road and ask drivers for money, assistance, or a ride. Typically, this sort of activity will result in a jaywalking ticket, although you might also be ticketed for violating other local ordinances, such as an ordinance prohibiting panhandling.^[18]
 1. While exceptions are typically made for charitable causes, clear any charitable activity with local law enforcement before soliciting drivers on the roadway.

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