



Example Script - For a Hearing

Not all citations require hearings, some simply involve paying fines, but if your citation includes a hearing and your Motion to Dismiss isn't granted before the scheduled hearing date, **you must attend the hearing** to avoid a default ruling against you, which could enforce fines or other penalties. Don't worry—you're well-prepared with a strong motion, Exhibits A (photocopy of your citation with "without recourse" signature) and B (Wex definition printout from https://www.law.cornell.edu/wex/without_recourse), and the legal principles outlined in the book.

This example hearing script, based on my successful dismissal of Citation No. 3DTC-25-021902 under Hawaii County Code (HCC) 4-30, shows how to present your arguments confidently in court.

Customize this script to your citation's details, statute, and state-specific rules using the Motion to Dismiss template.

Practice reading the script beforehand to stay calm and clear. You don't need a law degree—your arguments (no injured party, "without recourse," and, if applicable, officer errors) are rooted in universal legal principles that judges nationwide recognize. With this script, you're ready to win, just as I did, protecting your rights and saving hundreds or thousands in legal fees.

Example Hearing Script

You: Good [morning/afternoon], Your Honor. My name is [Your Name], and I'm here on special appearance to discuss, Citation No. [Your Citation Number]. I've filed a Motion to Dismiss, and I respectfully request the court dismiss the citation without prejudice based on clear legal grounds.

You: First, the citation shows no injured party. Exhibit A, a photocopy of Citation No. [Your Citation Number], notes "No" injury, confirming no one was harmed when [YOUR CITATION ISSUE] on [DATE]. Without an injured party, the state lacks standing to enforce penalties.

You: Second, I signed the citation “without recourse.” Exhibit B, a printout from the Legal Information Institute’s Wex webpage, defines “without recourse” as barring the state from seeking relief when no legal claim exists. This signature, shown in Exhibit A, nullifies the state’s claim under **HCC 4-30**.

You: Third, the officer falsely labeled this a “criminal offense,” when HCC 4-30 is a minor infraction with fines of \$25–\$100. This material defect, per Hawaii Rules of Penal Procedure Rule 12(b), further invalidates the citation. [Note: If your citation has no officer errors, omit this point and focus on the first two arguments.]

You: The state may claim “without recourse” only means non-admission of guilt, that **HCC 4-30** authorizes enforcement, or that evidence like a neighbor’s complaint supports the violation. These fail because no injured party exists, “without recourse” bars relief per Exhibit B, and evidence is irrelevant without a valid claim. [Customize: Replace HCC 4-30 with your statute.]

You: I request dismissal without prejudice under **District Court Rules of Civil Procedure Rule 12(b)(6)** for failure to state a claim, and a decision “on the papers” under **DCRCR Rule 7**, as the issues are purely legal. [Customize: Replace with your state’s equivalent rules.] I have copies of my motion and exhibits for the court.

You: Thank you, Your Honor, for considering my motion. I’m confident these arguments warrant dismissal.

Notes for Customization:

- Replace citation details (number, date, statute, incident) with yours.
- If no officer errors exist, omit the third point and focus on no injured party and “without recourse.”
- Replace Hawaii-specific rules (HRPP Rule 12(b), DCRCRP Rule 12(b)(6), DCRCR Rule 7) with your state’s equivalents, as outlined in Chapter 4’s “Hawaii-Specific Rules to Replace.” and use Appendix D: Equivalent Replacement Rules Listed by State
- Practice the script to deliver it calmly, keeping it under 2 minutes.
- Bring multiple copies of your motion, Exhibits A and B, and this script to court.

Key Takeaway: This script, tailored to your citation, equips you to confidently present your case in court if a hearing is required. You **must** attend to avoid a default ruling, but your motion’s strength and clear arguments—no injured party, “without recourse,” and (if applicable) officer errors—make victory likely.