

## Faulk, Camilla

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**From:** Devin Poulson [DPoulson@east-wenatchee.com]  
**Sent:** Thursday, April 17, 2008 1:11 PM  
**To:** Faulk, Camilla  
**Subject:** Comment on proposed amendments to the Criminal Rules for Courts of Limited Jurisdiction.

At his promotion party, Microsoft Millionaire celebrated his new promotion and his new stock options by drinking too much. Then he decides to put the good people of Kirkland at risk by driving his Mercedes home to his locked-gate condo. But he did not make it all the way home. Although tired from lack of sleep, Officer Smith sees Mr. Millionaire's erratic driving and pulls him over for drunk driving. After Microsoft Millionaire blows a .09, barely over the legal limit, Officer Smith takes him to the local jail, where Microsoft Millionaire spends a pleasant night sleeping it off.

The next day, Officer Smith transports Microsoft Millionaire to the local municipal court where the judge asks him,

“Have you been able to obtain an attorney?”

“No sir, I have been in jail all night and haven't had time to contact one. Besides, I just want to plead guilty and get this over with. I was drunk, I made a bad decision. Now I feel that I should simply take my medicine.”

“Well I can't let you do that until an attorney fully explains your legal rights to you.”

“Your honor, I am a member of MENSA. I understand my legal rights perfectly well. I don't need some lawyer to explain my rights to me.”

“Well, sir, the Supreme Court begs to differ. CrRLJ 4.1(b) says I can't ask you whether you are guilty or not guilty if you are not represented and are unable to obtain counsel. And you already told me you couldn't obtain one.”

“That's ridiculous.”

“The law is the law and you can't change it.”

“So what happens next?”

“Well, you will have to go back to jail. Once you obtain an attorney, we'll set up another hearing.”

“You mean I have to pay a couple thousand bucks just so some DUI attorney can drive over here and watch me plead guilty.”

“I can't give you legal advice, sir. I am just telling what the law says.”

“What if I refuse to obtain counsel?”

“Well, then the Supreme Court says you have to sit in jail for 14 days and then I would be forced to dismiss the case against you.”

“Are there any other options?”

“The court could appoint an attorney to represent you at your arraignment.”

“But I am not indigent. I am actually quite rich.”

“Doesn't matter. Counselor Defender has been sitting here all morning just in case he needs to help people like you who can't obtain a lawyer and need their legal rights explained to them?”

“You have got to be joking?”

“No. No. The Supreme Court is very serious about this. If I don't force you to speak to that attorney that you don't want to speak to, I will lose my job.”

“This is ridiculous, but okay. So Counselor what do you think I should do?”

“Well,” says Counselor Defender, “It does not look good. You have already admitted on the record that you were drunk, but until an attorney reviews the complete police report, I would advise you to plead ‘not guilty.’”

“Could you come up the podium and stand by me?”

“Sure.”

"Your honor, I have been able to obtain an attorney."

"Well in that case," says the judge, "Do you plead guilty or not guilty?"

"Guilty."

"But that is against the advice of counsel."

"Is there anything in the court rules that say I have to follow the advice of counsel?"

"Well no. No there's not."

"Well like I said before I am guilty."

On the ride back to the jail, Microsoft Millionaire noticed that that transport officer looked very, very tired and then realized it was the same officer that arrested him the night before.

"Hey. Aren't you the guy who arrested me last night."

"Yep."

"Well how come you are still working? That was 14 hours ago."

"The city had to lay off the morning shift officer, so it could hire the guy who just represented you?"

"That's crazy."

"Hey. It's the Supreme Court. You get used to it."



## CITY OF EAST WENATCHEE

DEVIN POULSON \* CITY ATTORNEY

271 9<sup>th</sup> Street NE \* East Wenatchee, WA 98802

Phone (509) 884-9515 \* Fax (509) 884-6233

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