

WAHAKIAKUM DISTRICT COURT LOCAL COURT RULES

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WAHKIAKUM COUNTY LOCAL COURT RULES

DISTRICT COURT

ORDER IMPOSING DEFERRED PROSECUTION FEE

RULE 0.1

THIS MATTER having come before the Court on its own Motion and the Court having determined that a One Hundred Fifty Dollar (\$150.00) fee to defray the cost of processing a case involving a deferred prosecution NOW THEREFORE,

IT IS HEREBY ORDERED:

1. That there is hereby imposed by Local Court Rule a One Hundred Fifty Dollar (\$150.00) fee for filing a Petition for Deferred Prosecution in the District Court of Wahkiakum County; and
2. That the Clerk of the Court is directed to pay said monies monthly to the Wahkiakum County Treasurer for crediting to the current expense fund to defray the costs of such program.

DONE IN OPEN COURT this 17th day of July, 1991.



JUDGE

**WAHKIAKUM COUNTY LOCAL COURT RULES
DISTRICT COURT**

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) **ORDER IMPOSING PROBATION FEE**
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RULE 0.2

THIS MATTER having come before the Court on its own Motion pursuant to RCW 10.64.120:

IT IS HEREBY ORDERED that LCrRLJ Rule 0.2 is repealed and replaced as follows:

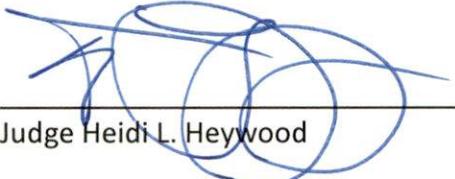
1. The following sliding fee schedule for supervision services is implemented forthwith:

<u>Gross Monthly Income</u>	<u>Monthly Supervision Fee</u>
≤ \$1,300	\$15.00
\$1,300 to \$2,500	\$20.00
\$2,500 to \$3,400	\$30.00
≥ \$3,400	\$40.00

2. That the Clerk of the Court is directed to pay said monies monthly to the Wahkiakum County Treasurer for crediting to the current expense fund to defray the costs of such program; and
3. That when supervising individuals who earn less than \$1,300.00 per month, the probation officer will closely review the client's finances, provide a payment recommendation to the Court and obtain approval from the referring Judge to assess a fee less than \$15.00 per month, if appropriate.

This Order shall be effective nunc pro tunc to February 1st, 2018.

Dated this 23rd day of April, 2019.



Judge Heidi L. Heywood

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
FOR WAHKIAKUM COUNTY

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) COURT RULE 0.3
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) COURT SECURITY
) RESTITUTION ASSESSMENT
) RCW 3.66.067/3.66.120
) RCW 10.01.160(2)/10.46.200
) RCW 9.94A.753(3)
) RCW 10.46.190
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THIS MATTER having come before the Court on its own Motion and the Court finding:

1. Violence in the community has increased the risks of confrontation and violence in the courts and in court probation services;
2. Without adequate and proper security services the risk to participants in court proceedings and to probation and court staff is unacceptably high;
3. An adequate funding mechanism is required for court security at arraignment, pre-trial, trial, and post trial proceedings;
4. The imposition of a court security assessment upon offenders convicted of a crime is a form of restitution for expenses which would not otherwise be incurred;

NOW THEREFORE it is hereby Ordered as follows:

1. On each judgment and sentence for a criminal case there is imposed a court security restitution assessment as follows:
 - A. The sum of \$25.00 for a misdemeanor
 - B. The sum of \$50.00 for a gross misdemeanor

2. For each Defendant placed upon formal probation following the conviction of a crime there is imposed a court security restitution assessment as follows:

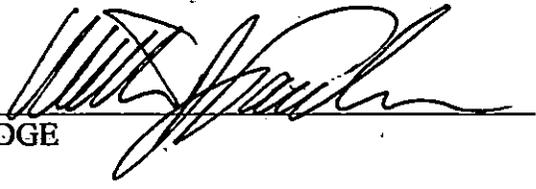
- A. The sum of \$5.00 per month for a misdemeanor
- B. The sum of \$10.00 per month for a gross misdemeanor

3. Restitution assessments collected shall be used solely for defraying the cost of security services approved by the Presiding Judge of the courts and shall be deposited in the Trial Court Improvement Fund.

4. Restitution assessments for court security are in addition to, and not in lieu of, any other financial obligations.

5. The court may modify restitution as to amount, terms, and conditions at anytime the Defendant remains under the court's jurisdiction. Restitution shall be ordered whenever the offender is convicted of any offense unless extraordinary circumstances exist which would make restitution inappropriate in the court's judgment.

DONE IN OPEN COURT this 22nd day of March, 2011.



JUDGE

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
FOR WAHKIAKUM COUNTY

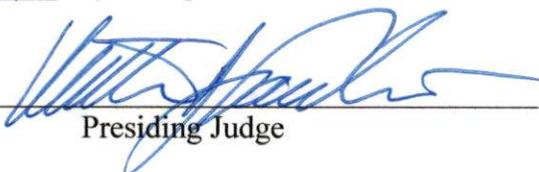
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) COURT RULE 0.4
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) SUBSISTENCE ASSESSMENT
) RCW 10.46.200
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THIS MATTER having come before the Court on it's own Motion and the Court recognizing that RCW 10.46.200 requires the charges for subsistence of a convicted Defendant, while in custody, to be taxed and paid as other costs and charges in such cases; NOW THEREFORE:

IT IS HEREBY ORDERED:

1. At sentencing the Court shall impose charges for subsistence for a convicted Defendant.
2. Charges for subsistence shall not exceed \$20.00 a day in custody.
3. The Court shall consider the financial status of the Defendant and the Defendant's present and future ability to pay and may waive or reduce subsistence charges in the interest of justice.
4. No subsistence charges shall be imposed upon an acquitted Defendant or one whose charges are dismissed.

DONE IN OPEN COURT this 14 day of September, 2011.



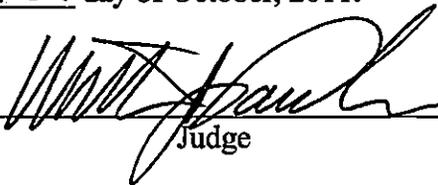
Presiding Judge

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
FOR WAHKIAKUM COUNTY

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) COURT RULE 0.5
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) APPENDIX A REQUIRED FOR
) DISTRICT COURT PROBATION
) OF SUPERIOR COURT
) DEFENDANTS
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Wahkiakum District Court Probation Office will only supervise Superior Court Defendants when the Judgment and Sentence contains a properly completed Appendix A detailing probation conditions.

DONE IN OPEN COURT this 12 day of October, 2011.



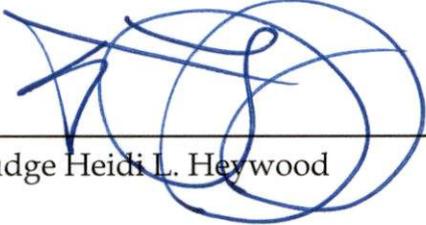
Judge

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON FOR
WAHKIAKUM COUNTY

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) COURT RULE 0.6
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) CONFERENCE HEARING FEE
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Pursuant to CRLJ 7 (b) (4) and CrRLJ 1.6 and 8.2 there is hereby imposed a \$25.00 conference hearing fee for telephonic hearings. The fee is waived in criminal matters in which the defendant has been appointed counsel at public expense.

DONE IN OPEN COURT this 11th day of June, 2019.



Judge Heidi L. Heywood

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
FOR WAHKIAKUM COUNTY

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) COURT RULE 0.7
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) WARRANT COSTS ASSESSMENT
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THE COURT on its own Motion does hereby order as follows:

1. A One Hundred Dollar (\$100) warrant fee shall be added to all criminal time pays upon issuance of the warrant, and to all bench warrant amounts ordered at issuance.
2. The Court may at a future hearing waive the One Hundred Dollar (\$100) warrant fee in the interest of justice.

DONE IN OPEN COURT this 5 day of February, 2015.



William J Faubion, JUDGE

WAHKIAKUM DISTRICT COURT

LOCAL CRIMINAL RULES

LCrRLJ 1.5

COMBINING DOCUMENTS

The notice of appearance and plea of not guilty may be in one document. A waiver of a jury trial or speedy trial shall be separate and signed by the defendant or the defendant's attorney if the attorney certifies that the waiver has been expressly approved by the defendant. A demand for the appearance of a breathalyzer/verifier maintenance operator shall be by a separate document. Discovery demands shall be by a separate document.

LCrRLJ 4.1

PRE-TRIAL HEARINGS

(A) HEARINGS:

All cases scheduled for a jury trial shall be set for a pre-trial hearing not less than two weeks prior to the trial. The Prosecuting Attorney, the defendant and the defense attorney, if any, shall attend the hearing. If a defendant not represented by counsel fails to appear for the hearing, a warrant for his or her arrest shall issue, and the jury trial setting stricken. If a defendant represented by counsel fails to appear, a warrant for the defendant's arrest may issue, and the jury trial setting may be stricken. In any case where a defendant fails to appear for the hearing, the period of time from that hearing to the defendant's next personal appearance in court shall not be included in any time limitation requirements.

(B) MOTIONS:

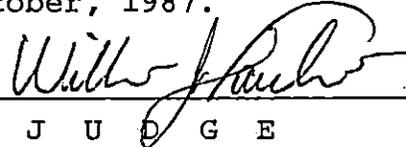
All amendments to the charges, pleas or other motions shall be heard at the pre-trial hearing. Motions may not be considered at the time of trial unless they could not have been raised at the pre-trial hearing, or the court, on its motion, continues a matter to the time of trial. The party wishing the attendance of a witness at the pre-trial hearing shall be responsible for subpoenas of such witness except that the Prosecuting Attorney shall subpoena necessary witnesses for a CrRLJ 3.5 hearing if the defendant or his attorney has requested in writing such attendance.

LCrRLJ 4.7

DISCOVERY

"Blanket" discovery forms may be used provided that each item requested shall contain a box or square in the left margin and shall be checked by the demanding party if that item is to be applicable to the particular case. Demands not applicable shall not be checked. Sanctions may be imposed for violation of this rule including, but not limited to, the quashing of the entire demand. Failure to provide discovery materials, including bills of particulars, shall be deemed waived unless the court is notified in writing not less than two weeks prior to trial.

ADOPTED this 9th day of October, 1987.



J U D G E

WAHKIAKUM DISTRICT COURT

LOCAL INFRACTION RULES

LIRLJ 2.4

Hearings on Written Statements

(a) The court authorizes mitigation hearings and contested hearings on written statements in lieu of a defendant's personal appearance. A written statement that does not clearly request to contest a notice of infraction will be treated as a request to explain mitigating circumstances.

(b) A defendant may submit a written statement as a response to a notice of infraction within 15 days of the date the notice is personally served or, if the notice is served by mail, within 18 days of the date the notice is mailed. Additionally, a defendant who has requested a mitigation or contested hearing may submit a written statement later in lieu of personally appearing at the hearing. The written statement must be received at least one day prior to the hearing.

(c) A written statement may be delivered to the court in person, by United States mail or any other delivery service, by facsimile, or by email. The court's contact information is as follows:

Address: Wahkiakum County District Court
 64 Main Street
 P.O. Box 144
 Cathlamet WA 98612

Facsimile: (360) 795-6506

Email: districtcourt@co.wahkiakum.wa.us

(d) A written statement shall contain the person's promise to pay the monetary penalty authorized by law if the infraction is found to be committed. The statement shall be executed in compliance with RCW 9A.72.085, in substantially the following form:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true. I promise that if it is determined that I committed the infraction

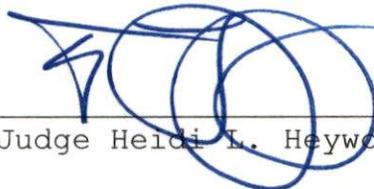
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LOCAL INFRACTION RULES
LIRLJ 2.4
Page Two

for which I was cited, I will pay the monetary penalty
authorized by law and assessed by the court.

(Date and Place)

(Signature)

ADOPTED this 07 day of July, 2020.



Judge Heidi L. Heywood

WAHKIAKUM DISTRICT COURT

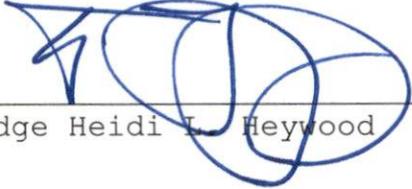
LOCAL INFRACTION RULES

LIRLJ 6.6

Request for Speed Measuring Device Expert; Remote Testimony

Any request to produce a speed measuring device expert must be filed in accordance with IRLJ 6.6(b). The request cannot be combined with a notice of appearance or any other pleading. The court may allow the speed measuring device expert to testify from a location other than the courtroom, via speakerphone or other remote means acceptable to the court.

ADOPTED this 8th day of July, 2020.



Judge Heidi L. Heywood