

Chelan County District Court
Local Court Rules

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GENERAL RULES

LGRLJ 30(b)(4)(i)

ACCEPTANCE OF ELECTRONIC DISCOVERY

Pursuant to GR 30(b)(4) attorneys in infraction cases are required to accept electronic service of discovery via email unless there is an order finding good cause to allow paper service. Self-represented defendants may agree to accept electronic service by written request accompanying the demand for discovery.

[Effective September 1, 2024]

LGRLJ 59

RECONSIDERATION

Parties may move for reconsideration in accordance with the provisions of CR 59 and the hearing procedures set forth in these rules. A party should not file a response to a motion for reconsideration unless the Court requests a response. If the Court requests a response, the judicial clerk will inform the parties to provide deadlines for filing briefs in response.

Parties may only file one motion for reconsideration in a case without obtaining leave of the Court, and such leave will be granted only in rare circumstances.

The Court will hear oral argument on motions for reconsideration only if the Court specifically requests it, in which case the judicial clerk or the court will schedule a hearing. Parties should not file a note for motion/hearing/docket with their motion for reconsideration. Parties must file judges' copies of motions for reconsideration and any response or reply at the time of filing.

[Effective September 1, 2023]

CIVIL RULES

LCRLJ 38 CIVIL JURY TRIAL

(A) Demand. The request for jury trial in civil cases shall be by filing a demand with the clerk and paying the jury fee not later than seven days from the date of the trial setting notice issued from the court. Failure to comply with this rule is a waiver of the right to a jury trial.

(B) Imposition of Costs. Whenever any cause assigned for jury trial is settled or will not be tried by the jury for any reason, notice of that fact shall be given immediately to the court. If notification is not given forty-eight hours prior to the time of the trial, and in any event after the jury has been summoned orally or in writing, the court in its discretion may order payment of the actual costs of the jury panel by the offending party.

(NOTE: THERE IS NO PROVISION FOR REFUND OF THE JURY FEES.)

(C) Pre-trial Procedure. All cases set for jury trial shall be set for pre-trial conference, which shall be held at least two weeks prior to trial. The attorneys who are to conduct the trial and all parties shall be present to consider such matters as will promote a fair and expeditious trial. All discovery should be completed five days prior to said conference. Opposing counsel or party must be given five days' notice of pre-trial motions to be heard at the pre-trial conference. Any pre-trial motions requiring the testimony of witnesses for argument may, in the discretion of the court, be continued to the day of trial. All amendments, pleadings, and motions should be made or be completed at this conference. Upon failure to appear, the judge may proceed with the conference ex-parte, and enter any appropriate order including striking the jury demand and may impose terms.

Insofar as practical, the conference shall deal with any matter cognizable by Superior or District Court Rule and failure to raise the matter may result in the waiver of the same.

[Effective September 1, 2006]

LCRLJ 54
ATTORNEY FEES

In civil default cases where attorney fees are authorized by statute or by written agreement, the following fee schedule shall be deemed reasonable in all default cases unless the parties present evidence of circumstances that convinces the court that a larger or smaller fee should be awarded, provided, however, the court shall have authority to vary from this schedule on its own motion:

SCHEDULE FOR REASONABLE ATTORNEY FEES
IN DEFAULT CASES
(Unless limited by statute)

\$0 to \$1,000.00	\$300
\$1,000.01 to \$1,500.00	\$325
\$1,500.01 to \$2,000.00	\$350
\$2,000.01 to \$2,500.00	\$375
\$2,500.01 to \$3,000.00	\$400
\$3,000.01 to \$4,000.00	\$425
\$4,000.01 to \$5,000.00	\$450

For judgment amounts exceeding \$5,000, reasonable attorney fees may be allowed of 10 % of any balance over \$5,000, without formal justification or documentation.

NSF Checks: When RCW 62A.3-515 has been followed, reasonable attorney fees will be awarded in an amount to be determined by reference to RCW 12.20.060 unless the attorney convinces the court that a larger fee should be awarded and provides an itemized affidavit as to actual time spent and hourly rate expended by the attorney in the case, in which case the court shall determine a reasonable fee. A reasonable handling fee awarded pursuant to 62A.3-515 shall not exceed \$40 per check.

Where only statutory attorney fees are authorized, the default judgment shall include, and the court will approve, only attorney fees in the statutory amount as applicable at the time of entry of the judgment.

[Effective September 1, 2011]

LCRLJ 65
ISSUANCE OF JUDICIAL SUBPOENA PURSUANT TO RCW 50.13.070

1. MOTION FOR SUBPOENA; DEMAND FOR HEARING. A Judgment Creditor may request that the Court issue a subpoena for employment records pursuant to RCW 50.13.070 upon the filing and service of a motion supported by an affidavit or declaration and notice directed to the Clerk of the Court and the Judgment Debtor. The notice shall indicate that the Judgment Creditor holds an unsatisfied judgment against the Judgment Debtor, that the Judgment Creditor has requested the Court to issue a subpoena pursuant to RCW 50.13.070, that the motion will be granted as a matter of course unless the Judgment Debtor demands a hearing within 14 days of the date of mailing of the notice. The notice shall indicate that the legal issue at the hearing on the motion is any privacy concern that the Judgment Debtor may have and whether of not it outweighs the Judgment Creditor's interest in collection on the judgment.

The Judgment Creditor shall also serve upon the Judgment Debtor a Demand and Notice of hearing form which the Judgment Debtor may complete. The Demand and Notice shall also provide the Judgment Debtor with instructions regarding completing the form and service of the form on the Court and the judgment Creditor. The Demand and Notice of Hearing form shall contain a date for hearing on the Court's 9:00 civil motion calendar held the fourth Friday of each month, which hearing shall not be less than 7 days from deadline to respond to the Motion. The forms provided in this rule are deemed to satisfy the requirement of this rule.

2. ISSUANCE OF SUBPOENA, EX PARTE. If the Judgement Creditor files the motion, notice, and Demand and Notice of Hearing form along with evidence of service, and the Judgment Debtor fails to complete and timely file the Demand and Notice of Hearing, the Court may issue the subpoena without a hearing or further notice to the Judgment Debtor.

3. HEARING REGARDING ISSUANCE or SUBPOENA. If the Judgment Debtor timely completes and files the Demand and notice of hearing form, the clerk shall docket the matter for hearing on the date and time set out in the demand.

FORMS

1. MOTION

(Judgment Creditor), Judgment Creditor and Plaintiff in this matter, moves the Court for a subpoena pursuant to RCW 50.13.070.

This motion is based on the fact that Judgment Creditor holds an unsatisfied judgment against (Judgment Debtor) and is in need of information which is deemed confidential by RCW 50.13.020, in order to obtain a source of assets to satisfy the judgment.

Dated: _____

/s/ (Judgment Creditor's Attorney)
Attorney for (Judgment Creditor)
(Address:)
(City, State, Zip Code)

2. SWORN DECLARATION FOR ORDER FOR SUBPOENA; RCW 50.13.070

I am the (attorney for) (authorized agent of) the above-named Plaintiff;

Plaintiff has a judgment wholly or partially unsatisfied against the Defendant in the Court from which this order is sought;

Plaintiff has reason to believe and does believe that the below-named Defendant is employed and/or has assets in excess of those exempt from garnishment under Washington law;

Defendant Name: (Defendant's name) SSN: ***-**- (____)

Plaintiff believes the Department of Employment Security has information concerning Defendant's past and current employment. Plaintiff needs the information in order to collect this unpaid judgment.

I certify under penalty of perjury under the laws of the State of Washington the foregoing is true and correct.

Signed _____ at _____, _____.
(Date) (City) (State)

/s/ Judgment Creditor's
Attorney or Authorized Agent

3. NOTICE

TO THE CLERK OF THE COURT,
AND TO (Judgment Debtor),

JUDGMENT DEBTOR:

Please take notice that (Judgment Creditor) has requested this court to issue a subpoena directed to the Washington State Employment Security Department, in order to obtain your employment records.

In order for the Court to issue the subpoena, the Court must find that (Judgment Creditor) holds a judgment against you, that the judgment has not been paid in full, and that (Judgment Creditor's) need for the information outweighs concerns you have regarding the privacy of this information.

You may:

- (1) Choose not to act, and the Court will issue the subpoena without further notice to you; or
- (2) Demand and attend a hearing.

If you choose to demand a hearing, you must complete the enclosed Demand and Notice of Hearing form and file it with the Chelan County District Court and mail it to the Judgment Creditor at the

addresses below within 14 days of the date of mailing of this notice to you. The Date, Place and Time for your hearing is contained in the Demand and Notice of Hearing. At the hearing, you will have an opportunity to present privacy concerns that you may have.

Please keep a copy of the Demand for your records. This is your opportunity to be heard and this is the only notice you will receive. The motion will be granted unless you demand a hearing as described herein. Your deadline to file and serve the Demand and Notice of Hearing is

(Date) _____

Chelan County District Court
350 Orondo Ave, Floor 4
Wenatchee, WA 98801

Dated: _____

/s/ Judgment Creditor's Attorney
Attorney for (Judgment Creditor)
(Address)
(City, State, Zip Code)

4. DEMAND AND NOTICE OF HEARING (RCW 50.13.070)

TO THE CLERK OF THE COURT,
AND TO JUDGMENT CREDITOR:

Please take notice that the Judgment Debtor hereby demands a hearing regarding the issuance of a subpoena for records held by the Washington State Employment Security Department for Employment records pursuant to RCW 50.13.070.

The hearing shall be on the (date 4th Friday of month) at 9:00 a.m. or as soon thereafter as it may be heard at the Chelan County District Court, located at 350 Orondo Ave, Wenatchee, WA 98801.

This Demand and Notice of Hearing must be filed with the court and mailed to (Judgment Creditor) on or before (Date) at the following addresses:

Chelan County District Court
350 Orondo Ave, Floor 4
Wenatchee, WA 98801

(Judgment Creditor's Attorney)
Attorney for (Judgment Creditor)
(Address)
(City, State, Zip Code)

Dated: _____

/s/ Judgment Debtor

5. SUBPOENA

The Court considered the file herein and the Plaintiff's motion. The Court finds that the Plaintiff is a Judgment Creditor in this matter. The Plaintiff's need for employment information in order to allow the Plaintiff to discover a source to satisfy that judgment outweighs the privacy and confidentiality concerns of the Defendant/Judgment Debtor. The information is otherwise accessible through a proceeding under RCW 6.32.010.

Finding that the requirements of RCW 50.13.070 have been met, the Court orders as follows:

TO THE EMPLOYMENT SECURITY DEPARTMENT OF WASHINGTON:

You are hereby directed to provide employment information to (Judgment Creditor) for the following individuals for a period of 2 years from the date this subpoena is issued:

(Judgment Debtor)

Issued on: _____

Judge
Chelan County District Court

[Effective September 1, 2020]

CRIMINAL RULES

LCrRLJ 2.1 (d)

WITHDRAWAL OF COMPLAINT/CITATION

Within 48 hours after a first court appearance, the court shall permit withdrawal of a criminal complaint or citation upon written notice of the prosecuting authority. The prosecuting authority shall send a copy of the notice to the defendant and defense counsel.

[Amended September 1, 2023]

LCrRLJ 3.1 (d)
RIGHT TO AND ASSIGNMENT OF LAWYER

Indigent defendants shall have counsel appointed to represent them in all criminal cases unless the right to counsel is waived. Indigency shall mean an inability to pay an attorney a reasonable fee for the services which appear to be required by reason of the crime charged without substantial hardship to the defendant or the defendant's family. Defendants who request appointment of counsel may be required to promptly execute a financial disclosure under oath, which shall be filed in substantially the form set in Exhibit LCrRLJ 3.1 (d) (1) and (2).

All appointments of counsel by reason of indigency are expressly contingent upon indigency and full disclosure of assets. Where assets are discovered or acquired subsequent to appointment which would indicate that the defendant can afford to retain counsel, or if the defendant can afford partial payment, fees may be ordered paid, pursuant to the appointment agreement, by the court.

Upon appointment of counsel for indigent criminal defendants or other litigants, the Clerk shall promptly provide counsel with notice of the appointment.

An attorney representing a defendant in a criminal case must promptly serve a written notice of appearance upon the prosecuting attorney and file the same with the clerk of the court. The attorney must certify to the court that he or she complies with the applicable Standards for Indigent Defense approved by the Supreme Court.

[Effective September 1, 2013]

LCrRLJ 3.1 (e)
WITHDRAWAL OF COUNSEL

Whenever a case is set for trial, no lawyer shall be allowed to withdraw except upon the consent of the court, for good cause shown, and upon the substitution of another lawyer or upon the defendant's knowing and voluntary decision to proceed without a lawyer. Consent may be denied if necessary to prevent a continuance.

All counsel shall be automatically terminated as counsel of record upon the following:

1. entry of Judgment and Sentence following a plea of guilty;
2. at the conclusion of the 30-day appeal period after entry of a Judgment and Sentence resulting from a verdict of guilty after trial; or
3. entry of an order deferring sentencing, a dispositional order of continuance, an order deferring prosecution, or any final disposition which is appealable; provided that, in cases involving a subsequent hearing as direct consequence of the sentence, such as a restitution hearing, representation will terminate upon completion of such hearing.

[Effective September 1, 2022]

LCrRLJ 3.2 (o)
RELEASE OF ACCUSED

(o) Domestic Violence Offenses. Any person subjected to custodial arrest for any offense classified as Domestic Violence under Chapter 10.99 of the Revised Code of Washington or an equivalent ordinance shall be held in jail without bail pending their first appearance in court.

[Effective September 1, 2022]

LCrRLJ 3.2 (p)
BAIL BONDS

(p) Approving Bail. Bail bondsmen, who have justified their qualifications to the District Court in the manner set forth hereafter, shall be deemed approved to provide bail bonds to defendants in criminal cases in an amount not exceeding the limits prescribed in the order of justification. All petitions shall be accompanied by a proposed order of justification. An initial petition shall be accompanied by a full filing fee. Renewal petitions shall be accompanied by an ex parte fee. Petition for renewal must be filed on or before April 30 of each year otherwise a full filing fee is due. The petition for renewal will include a verified statement that either there have been no material changes since the last petition or will set forth the changes.

Upon failure of a bondsman to pay into the court, within 120 days of notice of an ordered forfeiture (consisting of one 60-day notice, one 30-day reminder notice, and a 30-day "last chance" notice), the amount of any bond forfeited by order of the court, the justification of said bail bondsman shall be immediately revoked. The sum so deposited shall be held in the registry of the court for 12 months and should the person for whose appearance the bond was given be produced within said period, the judge may vacate the order and judgment forfeiting the bond on such terms as may be just and equitable. In any case where the bondsman has not previously justified qualification, the bond must be submitted to and approved by the presiding judge or the judge's designee. In order to obtain prior justification and approval of the court to provide bonds as an individual surety, the following requirements shall be met:

1. Provide the court verifiable documentary evidence of qualification, including but not limited to a current financial statement.
2. Provide a current list of all bonds on which the bondsman is obligated in any court of this state, including on the list the name of the court and defendant and the amount of the bond.

In the case of individuals seeking prior justification to write bail bonds on behalf of a corporate surety, the applicant must provide the court with the following:

1. A certified copy of a power of attorney showing authorization of the applicant to act for the Corporate surety.
2. A letter from the Insurance Commissioner of Washington State indicating that the corporate surety is authorized to do business in this state.

The judge of the court may approve and justify any bail bondsman upon receipt of the above information. In the event of disqualification, the bail bondsman shall be promptly notified and may seek a hearing before the judge on the issues of qualification.

[Amended September 1, 2023]

LCrRLJ 3.4
PRESENCE OF DEFENDANT

1. The court finds good cause to require the defendant's in -person appearance for the following necessary hearings:

(a). Preliminary Hearings. The court finds good cause to require in-person appearance of all out-of-custody defendants at preliminary appearances. In-person appearance is required because, should the court find probable cause for the charge(s), the Court will determine whether release should be denied, or whether conditions of release should attach to release on personal recognizance. Preliminary hearings for defendants in custody at the Chelan County Regional Jail will be conducted via videoconferencing.

(b) Compliance hearings pursuant to RCW 10.21.055 and RCW 9.41.800. The Court finds good cause to require the in-person appearance of all defendants at compliance hearings pursuant to RCW 10.21.055 (alcohol monitoring) and RCW 9.41.801 (weapons surrender). Compliance with these statutes is a condition of release set by the Court and verification of timely compliance with these statutes has public safety implications. Non-compliance may result in review of release conditions. A defendant failing to comply with release conditions is subject to modification of release conditions and revocation of release on personal recognizance. Defendants have a due process right to no ice and a hearing before any revision of release conditions. CcRLJ 3.2 (j).

(c) Modification of Release Conditions Pursuant to CrRLJ 3.2(j). The court finds good cause to require the in-person appearance of all defendants for hearings pursuant to CrRLJ 3.2(j) to modify release conditions or revoke release on personal recognizance. A defendant has a due process right to be advised of the allegations of non-compliance with release conditions, the right to a hearing regarding

those allegations. The Court cannot properly conduct a hearing pursuant to CrRLJ 3.2(j) in the absence of the defendant.

(d) The court finds good cause to require the in-person presence of all defendants for trial readiness hearings for the Court to properly manage the caseload and trial readiness trial calendars. Defendants represented by counsel may waive their appearance at Trial Readiness, as provided by other local court rule, if a continuance of the trial date is requested by either party.

Unrepresented and self-represented defendants must personally appear at Trial Readiness if a continuance of trial date is requested by either party. A continuance is a critical stage of the proceedings and the defendant has the right to appear. A motion to continue cannot be heard in the absence of an unrepresented or self-represented defendant.

The court cannot properly assess the readiness of the parties to proceed to trial in the defendant's absence. Leaving continuances, dispositions and confirmation of cases to the assigned trial date would unreasonably congest the trial calendar, preclude the Court from determining the need for jurors, impede the timely commencement of all trials for that term, and prevent the Court from fulfilling the responsibility to protect the time for trial rights of the parties.

(c) Sentence Compliance Hearings. The court finds good cause to require the in-person appearance of all defendants for Sentence Compliance (Probation) hearings. A defendant has a due process right to be advised of the allegations of non-compliance with probation conditions, to have a hearing regarding the allegation and to require the prosecutor to prove the allegations of non-compliance. The court cannot conduct a sentence review in the absence of the defendant.

[Effective September 1, 2021]

LCrRLJ 4.1 ARRAIGNMENT

(h) Presence of Defendant. Defendant's presence at the scheduled arraignment is necessary. A lawyer's notice of appearance or a plea of not guilty entered on behalf of a client shall not excuse the defendant's presence at arraignment. If a defendant appears at arraignment with counsel who has already filed a notice of appearance. The court may then accept the notice of appearance as waiver of formal arraignment as provided on CrCRLJ 4.1(g).

(i) Pre-Trial Hearing and/or Trial Setting. At the arraignment hearing, the court may set future pretrial hearings and/or Trial Readiness and trial dates. If a pre-trial hearing is set, the court will determine whether or not good cause exists to require the defendant's presence at the next hearing.

A lawyer may not enter a written plea of not guilty on behalf of a client, if the charging document states that one or more of the charges involves domestic violence, harassment, violation of an anti-harassment or protection order, stalking, or driving while under the influence of intoxicants, driving while under the age of 21 after having consumed alcohol or cannabis, or physical control of a vehicle while under the

influence of intoxicants. For such charges, the defendant must appear in person for a hearing; and the court shall determine the necessity of imposing conditions of pre-trial release.

[Effective September 1, 2021; Amended September 1, 2022]

LCcRLJ 4.1 (d)
CRIMES REQUIRING DEFENDANT'S APPEARANCE AT ARRAIGNMENT

A lawyer may not enter a written plea of not guilty on behalf of a client, if the charging document states that one or more of the charges involves domestic violence, harassment, violation of an anti-harassment or protection order, stalking, or driving while under the influence of intoxicants. For such charges, the defendant must appear in person for preliminary hearings; and the court shall determine the necessity of imposing conditions of pre-trial release.

[Effective September 1, 2022]

LCrRLJ 4.2 (i)
DEFERRED PROSECUTION

A petition for Deferred Prosecution pursuant to RCW 10.05 must be filed with the court no later than seven (7) days prior to trial unless good cause exists for delay. Sample forms for such a petition are attached hereto as Exhibits LCrRLJ 4.2(i) A, B, C, and D. The court shall have the discretion to impose court costs at the time of the approval of a deferred prosecution.,

[Effective September 1, 2006]

LCrRLJ 6.13 (b)
EVIDENCE BLOOD DRAW CERTIFICATION

1. Certification of Qualification to Draw Blood and of Blood Draw Procedure.

(A) Admission of Blood Draw Certificate. In the absence of a request to produce the person who drew blood from the defendant made at least 7 days prior to trial, certificates substantially in the following form are admissible in lieu of a witness in any court proceeding held pursuant to RCW 46.61.502 through RCW 46.61.506 for the purposes of determining whether a person was operating or in actual physical control of a vehicle while under the influence of intoxicating liquors and/or drugs:

BOOD DRAW CERTIFICATION

I, _____, do certify under penalty of perjury of the laws of the State of Washington the following: I am a (physician) (registered nurse) (qualified technician) and I am qualified by medical training and experience to draw blood from the human body.

On _____ (date) at _____ (time) I drew _____ (number of samples) blood samples from _____ (name of person) at the direction and in the presence of _____ (name of officer).

I further certify that with each sample the blood draw site was sterilized with a non-alcoholic preparation (betadine) (other _____), and that each blood sample was drawn into a chemically clean dry container (hereinafter referred to as blood draw containers) consistent with the size of the sample and sealed with an inert leak-proof stopper. The blood draw containers are known by me to contain a suitable anti-coagulant and enzyme poison sufficient in amount to prevent clotting and stabilize the alcohol concentration. The anti-coagulant and enzyme poison utilized in this blood draw were (sodium fluoride and potassium oxalate) (other: _____). To the best of my knowledge, no foreign substances or chemicals, including alcohol, were involved in the blood draw process other than those listed above.

Signature of person making certification

Date and Place

[Effective September 1, 2006]

LCrRLJ 8.2

MOTIONS

At the pre-jury trial conference, the parties must state with specificity all motions. If the motion has not been submitted in writing with a supporting memorandum of authorities before or during the pre-jury trial conference, the court will establish a briefing schedule. The court will determine if an evidentiary hearing is required and will set a time for a hearing on the motion(s).

Except on good cause, motions in limine and supporting memoranda, shall be filed prior to conclusion of the readiness hearing.

INFRACTION RULES

LIRLJ 2.6 (c)

MITIGATION HEARING ON WRITTEN STATEMENT

Decisions on written statements are authorized by IRLJ 2.4(b), 2.6(c), and 3.5 for mitigation.

Mitigation hearings shall generally be held in open court, the procedure set forth in IRLJ 3.5, allowing decisions on written statements is authorized.

[Amended September 1, 2023]

LIRLJ 3.1

CONTESTED HEARINGS PRELIMINARY PROCEEDINGS

(1) Subpoenas. In contested cases, the defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. The request for a subpoena may be made in person or by mail. In order to request a subpoena, the request must be made in writing informing the clerk of the court of the name and address of the witness and of the date of the contested hearing. The subpoena may be issued by a judge, court commissioner, clerk of the court, or by a party's attorney. The responsibility for serving subpoenas on witnesses, including law enforcement witnesses and the Speed

measuring Device Expert (SMD Expert) is upon the party requesting the subpoena. Such subpoenas may be served as stated in IRLJ 3.1(a).

(2) Timeliness. In cases where the request for a subpoena is made 14 days or less prior to the scheduled hearing, the court may deny the request for the subpoena or condition the issuance of the subpoena upon a continuance of the hearing date. (See following rule for time frame for Speed Measuring Device Expert.)

(3) Speed Measuring Device Expert. Defense requested for a Speed Measuring Device Expert must be made to the Office of the Prosecuting Attorney no less than 30 days prior to the date set for the contested hearing. A request for a SMD expert may be treated by the court as a request for a continuance to the next date on which the prosecuting attorney has scheduled the appearance of the SMD Expert. In cases where either party requests a Speed Measuring Device Expert (SMD Expert), those cases shall be consolidated to the extent possible on one calendar. (See Exhibit LIRLJ 3.1(a)(3).)

(4) Costs and Witness Fees. Each party is responsible for costs incurred by that party, including witness fees, as set forth in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due that witness.

[Effective September 1, 2006]

LIRLJ 3.3 (b) REPRESENTATION BY LAWYER

At a contested hearing, the plaintiff shall be represented by a lawyer representative of the prosecuting authority when the defendant is represented by a lawyer; or when the defendant has served upon the prosecution a demand for discovery, requested a speed measuring device expert to appear, or filed motions requesting relief based upon an alleged failure by the plaintiff/prosecution to perform duties required by law.

A notice of appearance must be filed by a lawyer representing a defendant at a contested hearing within 7 days from the date the defendant files a request for a contested hearing. Upon receipt of the lawyer's notice of appearance, the clerk shall reset the contested hearing to the appropriate jurisdiction's next available contested hearing infraction calendar with a lawyer representative of the prosecuting authority or if appropriate to the next contested hearing calendar for the designated law enforcement agency's speed measuring device expert. The failure to timely file a notice of appearance may result in the contested hearing being held beyond the 120 days from the date of notice of infraction or the date the default judgment was set aside, as required by IRLJ 2.6(a).

[Effective September 1, 2006]

LIRLJ 3.3(b)(1)
WAIVER OF PERSONAL APPEARANCE

At a contested hearing and in lieu of a personal appearance, a defendant charged with a traffic infraction may appear by and through counsel.

[Effective September 1, 2006]

LIRLJ 3.3 (b)(2)
NOTICE OF APPEARANCE BY COUNSEL

A defendant charged with a traffic infraction and represented by counsel must provide written notice to the prosecuting authority and the clerk of the court of such representation at least 7 days from the date the original request for a contested hearing is mailed by the defendant. Upon receipt of counsel's notice of appearance, the clerk shall reset the contested hearing to the appropriate jurisdiction's next available speed measuring device expert/infraction calendar for the designated law enforcement agency. Failure to timely submit a notice of appearance may result in the contested hearing being held beyond the 120 days from the date of notice of infraction or the date a default judgment is set aside, as required by IRLJ 2.6(a).

[Effective September 1, 2006]

LIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

Mitigation and contested hearings on alleged infractions may be held upon written statements pursuant to IRLJ 2.4(a), IRLJ 2.6(c), and IRLJ 3.5. Written statements include statements submitted by email.

(a) Contested Hearings. The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

1. Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

2. Disposition. If the court determines that the infraction has been committed, it may assess a penalty in accordance with IRLJ 6.2.

3. Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

4. No appeal permitted. There shall be no appeal from a decision on written statements.

5. A defendant contesting an infraction penalty may have such a determination based upon his or her written statement explaining the circumstances. The statement shall contain the person's promise to pay the monetary penalty imposed by the court after reviewing the statement. Further, the examination of the statement may be held in chambers.

(b) Mitigation Hearings. Mitigation hearings based upon written statements may be held in chambers as noted in LIRLJ 2.6 and shall take place within 120 days after the defendant filed the response to the notice of infraction. A defendant requesting a reduction of an infraction penalty may have such a determination based upon his or her written statement explaining the mitigating circumstances. The statement shall contain the person's promise to pay the monetary penalty imposed by the court after reviewing the statement. Further, the examination of the statement may be held in chambers.

(c) The procedure set forth in LIRLJ 3.5, allowing decisions on written statements or by email sent to DistrictCourt.Clerk@co.chelan.wa.us, are authorized. A defendant requesting the court to decide the case on written statement shall do so by completing a statement executed in compliance with RCW 9A72.085, in substantially the following form (the form may also be accessed by going to the Chelan County District Court website):

I certify [or declare] under the 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 for which I was cited, I will pay the monetary penalty authorized by law and assessed by the court.

I understand that there can be no appeal from a decision on a written statement pursuant to LIRLJ 3.5(a)(4).

I understand that I may attest I do not have the ability to pay in full, and may submit evidence of inability to pay, and/or obtain a payment plan. I further understand that failure to pay or enter into a payment plan may result in collection action, including garnishment of wages or other assets.

(Date and Place _____)(Signature)

[Adopted September 1, 2015; Amended September 1, 2023]

SMALL CLAIMS RULES

LSCRLJ 1 – PRETRIAL HEARING

Upon the filing of a Small Claim case, a Pre-Trial Hearing shall be set. The notice of Pre-Trial Hearing shall be served with the Notice of Small Claim. Both parties must attend the Pre-Trial Hearing. Parties shall bring three copies of their evidence to the hearing. No witnesses will be allowed. At the Pre-Trial Hearing, dates for the mandatory Mediation will be set. Failure to bring copies of evidence as noted above to the hearing may result in the Pre-Trial hearing being continued.

[Effective September 1, 2024]

LSCRLJ 2 – CONTINUANCE OF PRE-TRIAL HEARING

If a party is seeking a continuance of a Pre-Trial hearing, they shall make a written motion for continuance, which must be served on the opposing party and filed with the court at least five days prior to the hearing date. The motion must state the reasons for the continuance request. The motion to continue must include information about whether the opposing party has agreed to the request to continue. The Judicial Officer will consider if good cause exists to continue the matter and will notify the parties.

[Effective September 1, 2024]

LSCRLJ 3 – MEDIATION

Mediation is mandatory before a trial is allowed. The court will set the date for mediation at the time of the pre-trial hearing. Both parties must attend the mediation, unless excused by the court. If the plaintiff fails to appear, a dismissal will be entered. If the defendant fails to appear, their answer, if one was filed, will be stricken. The court may choose to hear the case that day, or reset to another day, for a prima facie hearing. At that prima facie hearing, the court will consider if sufficient evidence has been submitted to support the case. No notice is required to the defendant. Parties must bring their evidence to the mediation. No witnesses will be allowed at the mediation. Attorneys and paralegals may not represent parties at mediation.

The purpose of mediation is to settle the case if possible. If no settlement is made at mediation, the case will proceed to trial. If, after mediation, they have not resolved the case, the mediator or parties shall inform the court of this. After being notified that a resolution through mediation was not successful, the clerk will set a trial hearing for the case.

If the parties have already submitted the case to another type of mediation or arbitration service, the case may proceed directly to trial, at the court's discretion.

[Effective September 1, 2024]

LSCRLJ 4 – FAILURE TO APPEAR

A failure to appear by the Plaintiff for a Pre-Trial, Mediation, or Trial hearing will result in a dismissal of the claim. A failure to appear by the Defendant for a Pre-Trial, Mediation, or Trial hearing will result in dismissal of their claim or counter claim and may result in a default judgement for the Plaintiff as noted in LSCRLJ 3.

[Effective September 1, 2024]

LSCRLJ 5 – EVIDENCE

1. It is the party's responsibility to ensure that exhibits are properly filed with the Court. It is the party's responsibility to remove any sensitive or confidential information, i.e. social security numbers, birth dates, account numbers, etc.
2. Evidence shall be exchanged by the parties at the Pre-Trial Hearing. If the case is proceeding to Trial, any additional evidence shall be filed with the court and exchanged between the parties at least 5 days prior to Trial.
3. Document filing is limited to 100 TOTAL pages per case, and all documents must be filed on 8½" x 11" paper. DO NOT include binders, page protectors, paper clips, staples, or tabs.

[Effective September 1, 2024]

LSCRLJ 6 - CONTINUANCE OF MEDIATION OR SMALL CLAIM TRIAL

The party requesting the continuance must contact the other party who must also agree to the continuance. If the request to continue is agreed by the parties, both parties must contact the Court in person, by writing, or by telephone. If one party will not agree to the continuance, the party seeking the continuance may make a written motion for continuance. The motion and notice of hearing must be served on the opposing party not less than five days prior to the date set for the small claim trial. At the hearing, the Judicial Officer will make the ruling if the matter will be continued.

If there are less than five days prior to the mediation or trial date to serve the opposing party, the party requesting the continuance may contact the Court to explain the circumstances which require the mediation or trial to be continued. The matter may be continued by the Court upon showing of good cause.

[Effective September 1, 2024]

LSCRLJ 7 – REMOVING TO CIVIL STATUS

LCRLJ 1 applies to Removal of Small Claim to Civil Status

[Effective September 1, 2024]

LSCRLJ 8 – REMOVAL OF SMALL CLAIM TO CIVIL STATUS

1. Cross-claim or counter-claim: Defendant or Counsel may file a Summons and Complaint by paying the filing fee and move the Court to request to consolidate the Small Claim action to a Civil action under the District Court Civil number. A date will be set and both parties notified.

2. Other: In a case where there will be no cross-claim or counter-claim, the defendant or defense counsel shall file a motion asking that the matter be moved to the District Court Civil department. If the motion is granted, the defendant or Defense Counsel must, within fourteen (14) days of the granting of the motion, file an appearance and answer on behalf of the defendant(s) and pay the filing. The Small Claim action will then be transferred to the Civil docket and will proceed as a Civil case from thereon. If the defendant fails to so file or pay, the order transferring the matter to the District Court Calendar shall be vacated and the matter rescheduled as a small claim.

[Effective September 1, 2024]

CHELAN COUNTY DISTRICT COURT

DECLARATION OF INDIGENCY

The undersigned on oath states that I am financially unable to obtain the service of a lawyer without causing substantial hardship to myself or my family; and I **DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING PERSONAL AND FINANCIAL INFORMATION IS TRUE AND INTENDED TO BE RELIED UPON BY THE COURT IN DETERMINING MY ELIGIBILITY FOR LEGAL SERVICES TO BE FURNISHED ME AT PUBLIC EXPENSE.** Should there be any change in the following circumstances, I will advise the court immediately.

To qualify for a public defender, the following must be filled out completely.

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone (____) _____ Date of Birth: _____

Marital Status: ☐ Single ☐ Married ☐ Divorced ☐ Separated Spouse's Name _____

My Employer: _____ Hours worked per week _____ Hourly/Monthly wage: _____

Spouse's Employer: _____ Hours worked per week _____ Hourly/Monthly wage: _____

Total Monthly Income: _____ No. of Dependents: _____ Ages: _____

1. My Monthly Income:		4. My Monthly Household Expenses:	
Employed <input type="checkbox"/> Unemployed <input type="checkbox"/>		Rent/Mortgage: \$	
Employer's Name: _____		Food/Household Supplies: \$	
Gross pay per mo (salary or hourly pay):	\$	Utilities: \$	
Take home pay per month:	\$	Transportation: \$	
2. Other Sources of Income Per Month in my Household:		Ordered Maintenance actually paid: \$	
Source: _____	\$	Ordered Child Support actually paid: \$	
Source: _____	\$	Clothing: \$	
Source: _____	\$	Child Care: \$	
Source: _____	\$	Education Expenses: \$	
Sub-Total:		Insurance (car, health): \$	
<input type="checkbox"/> I receive food stamps.		Medical Expenses: \$	
Tot. Inc., lines 1 (take home pay) & 2:		Sub-Total:	
\$		\$	
3. My Household Assets:		5. My Other Monthly Household Expenses:	
Cash on hand:	\$		
Checking Account Balance:	\$		
Savings Account Balance:	\$		
Auto #1 (Value less loan):	\$		
Auto #2 (Value less loan):	\$	Sub-Total:	
Home (Value less mortgage):	\$	\$	
Other:	\$		
Other:	\$		
Other:	\$		
Other:	\$		
Other:	\$		
Total Household Assets:		Sub-Total:	
\$		\$	
		6. My Other Debts with Monthly Payments:	
			/mo
			/mo
			/mo
			/mo
		Sub-Total:	
		\$	
		Tot. Household Exp & Debts, lines 4, 5 & 6:	
		\$	

____ I ACKNOWLEDGE THAT IF MY FINANCIAL SITUATION CHANGES, I MAY BE REQUIRED TO REIMBURSE THE COURT FOR THE EXPENSE OF MY PUBLIC DEFENDER, AND THAT I AM REQUIRED TO REPORT TO THE COURT ANY SUCH CHANGE IN FINANCIAL CONDITION.

____ I UNDERSTAND AND AGREE TO KEEP ALL APPOINTMENTS AS SCHEDULED BY THE PUBLIC DEFENDER OR I WILL LOSE THE RIGHT TO REPRESENTATION BY THE PUBLIC DEFENDER.

Date: _____

Signature _____ Signed in Wenatchee, Washington

☐ Waiver Approved ☐ Waiver Denied

Judge/Pro Tem _____

Date _____

**CHELAN COUNTY DISTRICT COURT
CHELAN COUNTY, STATE OF WASHINGTON**

STATE OF WASHINGTON)	
CITY OF WENATCHEE)	
Plaintiff,	)	CASE NO. _____
Vs.)	
	)	ACKNOWLEDGMENT OF NOTICE OF
	)	POTENTIAL LIABILITY FOR ATTORNEY FEES
_____)	
Defendant.)	

The undersigned defendant, having requested the appointment of an attorney due to indigency, hereby acknowledges that in connection with such request he/she has been advised that the court may impose the obligation of repaying the fees and costs of the attorney appointed on the following conditions:

1. That the imposition of the obligation to repay such costs and attorney fees would be based upon a foreseeable ability of the undersigned to pay.
2. That the undersigned would be entitled to the same exemption as civil judgment debtors at execution.
3. The order imposing the obligation to pay would not be enforceable by contempt or by revocation of suspended sentence unless non-payment is intentional or in bad faith.

Fully understanding the above advice, the undersigned hereby requests that an attorney be appointed to represent him/her in the above matters.

DATED this _____ day of _____, 20_____.

Defendant

Address

City, State, Zip

[] CITY OF WENATCHEE,
[] COUNTY OF CHELAN /
STATE OF WASHINGTON,
Plaintiff,

vs.

_____,
Defendant.

No. _____

PETITION FOR
DEFERRED PROSECUTION

1. The wrongful conduct charged is the result of or caused by [] substance use disorders [] mental problems [] domestic violence behavior, for which I need treatment.
2. Unless I receive treatment for my problem, the probability is great that I will offend again.
3. I agree to pay the cost of diagnosis and treatment, if I am financially able to do so, subject to RCW 10.05.130.
4. I understand that the court will not accept a petition for deferred prosecution from a person who sincerely believes that they are innocent of the crime(s) charged or do not suffer from alcoholism, drug addiction, mental problems, or domestic violence behavior problems.

5. If this charge is a violation of Title 46 RCW or similar municipal ordinance, I have not previously been placed on a deferred prosecution for a Title 46 RCW or similar municipal ordinance violation.
6. If this charge is a domestic violence offense, I have not previously been placed on a deferred prosecution for a domestic violence offense, this charge was not originally charged in superior court as a felony offense, and a prior stipulated order of continuance was not previously granted.
7. I have filed a case history and assessment with this petition as required by RCW 10.05.020.
8. I have the following rights: (a) to have a lawyer represent me at all hearings; (b) to have a lawyer appointed at public expense if I cannot afford one; (c) to have a speedy, public jury trial; (d) to appeal any conviction; (e) to remain silent and not testify; (f) to question witnesses who testify against me; (g) to call witnesses to testify for me, at no cost; (h) to be presumed innocent unless the charge(s) against me is (are) proved beyond a reasonable doubt; and (i) to present evidence and a defense.

By deferring prosecution on these charges, I give up my right to (a) a speedy trial; (b) a jury; (c) testimony on my behalf; (d) an opportunity to call witnesses and question witnesses, and (e) present evidence or a defense.

9. I agree that the facts as reported in the attached police reports are admissible evidence and are sufficient to support a conviction. I acknowledge that the above items will be used to support a finding of guilty if the deferred prosecution is revoked.
10. If my deferred prosecution is revoked and I am found guilty, I may be sentenced up to the maximum sentence allowed by law.
11. If I proceed to trial and I am found guilty, I may be allowed to seek suspension of some or all fines and incarceration if I seek treatment. I understand that I may seek treatment from a public or private agency at any time, whether or not I have been found guilty or placed on deferred prosecution.
12. For some crimes, a deferred prosecution will enhance mandatory penalties for subsequent offenses committed within a 7-year period. I understand that a deferred prosecution will be a prior offense under RCW 46.61.5055 (driving under the influence, physical control of a vehicle under the influence, negligent driving if originally charged as driving under the influence or physical control of a vehicle under the influence, vehicular homicide, or vehicular assault).
13. If the court defers prosecution on any crime that would be a violation of state law or local ordinance relating to motor vehicle traffic control, I will be disqualified from driving a commercial motor vehicle for the period specified in RCW 46.25.090 and, if I drive a commercial motor vehicle holding a license issued by Washington State, I will be required to notify the Department of Licensing and my employer of this

deferred prosecution within 30 days of the judge granting this petition pursuant to RCW 46.25.030. If the court grants this petition, I may not operate a motor vehicle on the public highways without a valid operator's license and proof of liability insurance pursuant to RCW 46.29.490. If my wrongful conduct is the result of or caused by alcohol dependency, I will be required to install an ignition interlock device under RCW 46.20.720. The required periods of interlock use shall not be less than the periods for in RCW 46.20.720 and subject to certification from the ignition interlock device vendor. I may also be required to pay restitution to victims, pay court costs, and pay probation costs authorized by law. To help ensure continued sobriety and reduce the likelihood of re-offense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mood-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. Substance use disorder treatment programs shall require a minimum of 2 self-help recovery groups per week for the duration of the treatment program. The court may terminate the deferred prosecution program if I violate this paragraph.

14. If the court defers prosecution for any crime involving domestic violence behavior, I will be ordered not to possess firearms and I will be ordered to surrender firearms in my possession under RCW 9.41.800. The court may order me to make restitution and to pay costs under RCW 10.01.160. The court may also order reasonable conditions during the deferred prosecution to ensure continued sobriety and reduce the likelihood of re-offense in co-occurring domestic violence and substance abuse or mental health cases. These conditions include, but are not limited to, attendance at a self-help recovery support group for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mood-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program if I violate the deferred prosecution order.
15. A deferred prosecution program for domestic violence behavior co-occurring with substance abuse or mental health must include, but is not limited to, the following requirements: (a) completion of a risk assessment; (b) participation in the level of treatment recommended by the program as outlined in the current treatment plan; (c) compliance with the contract for treatment; (d) participation in the ancillary or co-occurring treatments that are determined to be necessary for the successful completion of the domestic violence intervention treatment, but not limited to, mental health or substance abuse treatment; (e) domestic violence intervention treatment within the purview of this section to be completed with a state-certified domestic violence intervention treatment program; (f) signature of the petitioner agreeing to the terms and conditions of the treatment program; and (g) proof of compliance with any active order to surrender weapons issued in this program or related civil protection orders or no contact orders.

16. If the court grants this petition, during the period of deferred prosecution, I will be required to contact my probation officer, the probation director or designee, or the court, if there is no probation department, to request permission to travel or transfer to another state if my wrongful conduct involves: (a) an offense in which a person has incurred direct or threatened physical or psychological harm; (b) an offense that involves the use or possession of a firearm; (c) a second or subsequent misdemeanor offense of driving while impaired by alcohol or drugs; or (d) a sexual offense that requires me to register as a sex offender in Washington State. I understand that I will be required to pay an application fee with my travel or transfer request.
17. If I fail or neglect to comply with any part of my treatment plan or with any ignition interlock device requirements, then the court will hold a hearing to determine whether I should be removed from the deferred prosecution program. After the hearing, the court will either order that I continue with treatment or be removed from deferred prosecution and enter judgment. If I am convicted of a similar offense during the deferred prosecution, the court will revoke the deferred prosecution and enter judgment.
18. The court will dismiss the charge(s) against me in this case 3 years from the end of the 2-year treatment program and following proof to the court that I have complied with the conditions imposed by the court following successful completion of the 2-year treatment program, but no less than five years from the date the deferred prosecution is granted, if the court grants this petition and if I fully comply with all the terms of the court order placing me on deferred prosecution. However, when a deferred prosecution is ordered for a petition brought under RCW 10.05.020(1) involving a domestic violence behavior problem, and the court has received proof that I have successfully completed the domestic violence treatment plan, the court shall dismiss that charge(s) pending against me pursuant to RCW 10.05.120(3).

I certify under penalty of perjury under the laws of the State of Washington that I have read the foregoing and agree with all of its provisions and that all statements are true and correct.

Signed at _____, Washington this _____ day of _____, 20____.

Petitioner/Defendant

Defense Attorney, WSBA _____

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CHELAN

STATE OF WASHINGTON)	
	)	NO. _____
Plaintiff,)	
	)	ORDER OF REFERRAL
vs.	)	FOR EVALUATION
)	
)	
_____)	
Defendant.)	
_____)	

THIS matter coming on before the above-entitled court on defendant's Petition for Deferred Prosecution, and the court having examined the petition filed by the defendant and the affidavit attached thereto, finds that the defendant is charged with a gross misdemeanor crime of Driving While Intoxicated which may be the result of or caused by an alcohol problem for which the defendant is in need of treatment; that, unless the problem is treated, the probability of future reoccurrence of the alleged crime is great, and the defendant has agreed to pay the costs of diagnosis and evaluation.

NOW, THEREFORE, said defendant is hereby referred to _____
_____ located at _____
in _____, WASHINGTON, an approved treatment agency, for an
evaluation and diagnosis of defendant's alcohol problem to determine, after a thorough
investigation and examination, if:

1. The defendant suffers from the problem mentioned herein;
2. If the problem is not treated whether there is a probability that similar misconduct will occur in the future;
3. Whether extensive and long-term treatment is required and would be effective if instituted; and
4. Whether effective treatment is available and what that treatment would include.

The approved treatment agency shall report, in writing, to the court its findings and recommendations; and if treatment is recommended it shall set out a treatment plan showing:

- (a) The type of treatment;
- (b) The nature of the treatment;
- (c) The length of said treatment;
- (d) A treatment time schedule; and
- (e) The approximate cost of said treatment plan.

Said report shall be filed with this court for its consideration on or before the _____ day of _____, 20____. A copy of said report shall be furnished to the defendant's attorney and to the prosecuting attorney.

DATED this _____ day of _____, 20____.

DISTRICT COURT JUDGE

Presented by:

WSBA _____
Attorney for Defendant

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CHELAN

STATE OF WASHINGTON,)	
)	
Plaintiff,	)	NO. _____
)	
vs.	)	STATEMENT OF DEFENDANT ON
	)	PETITION FOR DEFERRED
_____	)	PROSECUTION/STIPULATION TO
	)	FACTS
Defendant.)	
_____)	

1. My true name is above set forth. My date of birth is _____, and I have completed the _____ grade of school.

2. I understand that I am charged with the offense(s) of _____, which occurred in Washington State, with a violation date of _____. I am petitioning for deferred prosecution on the above charge(s).

3. The court has advised me of the following constitutional rights:

(a) I have the right to representation by a lawyer, and if I cannot afford to pay for a lawyer, one will be provided for me at public expense.

(b) I have the right to a speedy and public trial by an impartial jury in the place where the crime is alleged to have been committed.

(c) I have the right to remain silent, before and during trial, and I need not testify against myself.

(d) I have the right at trial to confront witnesses who testify against me, and I have the right at trial to have witnesses testify for me, and they can be made to appear at no expense to me.

(e) I am presumed innocent until a charge is proved beyond a reasonable doubt, or I enter a plea of guilty.

(f) I have the right to appeal a finding, after trial, of guilt.

4. If I proceed to trial and am found guilty, I may be allowed to seek suspension of some or all of the fines or incarceration (jail sentence) that may be ordered, upon the condition that I seek treatment.

5. I may seek treatment from public and private agencies at any time without regard to whether or not I am guilty of the offense(s) charged.

6. I understand that the court will not accept a petition for deferred prosecution from a person who sincerely believes he or she is innocent of the

offense(s) charged or does not, in fact, suffer from the problems alleged in the petition. I sincerely believe I suffer from the problems alleged in my petition for deferred prosecution. I further do not sincerely believe that I am innocent of the charge(s) indicated above.

7. I understand that as a condition of granting the deferred prosecution petition, the court may order me to pay restitution for any damages incurred by individuals as a result of the offense for which I am charged, and the court may order payment of court costs. I further understand that the court may terminate/revoke my deferred prosecution program for failure to pay restitution or court costs.

8. I understand that as a condition of granting a deferred prosecution petition, the court will enter an order that I may not operate a motor vehicle upon a public highway without a valid operator's license and proof of liability insurance. The court may also order the installation of an ignition interlock or other device pursuant to RCW 46.20.720, and may enter an order requiring that I attend a DUI Victim Impact Panel. I further understand that the court will terminate/revoke my deferred prosecution program if I am convicted of a similar offense, and that the court may terminate/revoke my deferred prosecution program for failure to comply with any of the conditions established by the court as part of my deferred prosecution program.

9. I am submitting my case on the record pursuant to RCW 10.05.020. I understand that by doing so I am stipulating to the admissibility, sufficiency, and accuracy of the evidence contained in the reports and relevant materials (including but not limited to the written police report, DUI ARREST REPORT, and any attachment thereto). I understand that if I am revoked from the deferred prosecution program, my case will be set for trial and the reports and relevant materials will be entered and used to support a finding of guilt. I agreed that there is sufficient evidence contained in the reports and relevant materials to convict me of the charge(s) above. I understand that my trial will consist of a judge reading the reports and relevant materials and deciding on that evidence alone if I am guilty of the charge.

10. I understand that by submitting my case on the record, I am giving up the Constitutional right to a jury trial, the right to a speedy trial, the right to hear and question witnesses, the right to call witnesses in my own behalf, and the right to testify or not to testify. I understand that I am waiving the right to raise any defenses I may have to the above charge.

11. No one has made any threats or promises to persuade me to submit my case on the record. I agree that I have knowingly and voluntarily submitted my case on the record, and that I understand the contents of this document. I understand that this document will be entered and used to support a finding of guilt if the court finds cause to revoke my deferred prosecution. I have read, or have had read to me this document, understand its contents, and have no further questions to ask of the court.

I hereby certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

Dated in Wenatchee, Washington this _____ day of _____, 20 _____.

Defendant

This matter coming before the court for entry of an Order Deferring Prosecution, the court makes the following findings with regard to the defendant/petitioner's execution of the foregoing statement. The above statement as well as these findings shall be incorporated into the Order Deferring Prosecution by this reference thereto.

(a) That the petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report and other relevant materials referenced above.

(b) That the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution.

(c) That the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial.

(d) That the petitioner's statements were made knowingly and voluntarily.

Presented by:

Approved for entry:

Deputy Prosecuting Attorney

Defense Counsel

Approved this _____ day of _____ 20 _____.

Judge

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CHELAN

STATE OF WASHINGTON,	)	No.
CITY OF WENATCHEE,)	
Plaintiff,	)	ORDER DEFERRING PROSECUTION
vs.)	
)	
_____)	
Defendant.)	

FINDINGS OF FACT

- 1.1 The Petitioner suffers from alcoholism, drug addiction, or mental problems and has agreed to comply with the terms and conditions of the treatment plan prepared pursuant to RCW 10.05, and to pay the costs of diagnosis and treatment;
- 1.2 The Petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report(s);
- 1.3 The Petitioner has agreed and acknowledged that the written police reports and any other documents, reports or evidence filed in this case are admissible against the Petitioner in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution;
- 1.4 The Petitioner has acknowledged and waived the right to a speedy trial, the right to a jury trial, the right to testify and to call witnesses to testify, the right to confront and question witnesses; and the right to present evidence in his or her defense;
- 1.5 The Petitioner's stipulations, admissions, and statements were made knowingly and voluntarily.

ORDER

IT IS HEREBY ORDERED that the Defendant is accepted for deferred prosecution and shall comply with the following conditions:

- 2.1 The Defendant shall comply with all of the terms and conditions of the two-year treatment program, a copy of which is attached and incorporated herein by reference. The Defendant shall pay for the costs of treatment and shall not change treatment agencies without prior approval of the Court.
- 2.2 The Defendant shall authorize the treatment agency to communicate freely with the Court and the Probation Office regarding the Defendant's treatment progress. The treatment agency shall submit monthly reports to the Probation Office for the entire treatment period. In the event that the Defendant fails or neglects to comply with any term or condition of the treatment program, the treatment agency shall immediately submit a written report of such breach to the Probation Office.
- 2.3 The Petitioner will be under the deferred prosecution supervision of the Chelan County District Court Probation Office for five (5) years and will comply with all terms and conditions established by that office to monitor and enforce compliance with this Order and shall pay all costs of supervision through the Probation Department.
- 2.4 The Defendant shall pay court costs of \$250, an Alcohol Violators fee of \$200 pursuant to RCW 46.61.5054, and a public defender recoupment of _____, for a total of _____, not including probation fees or restitution.

2.5 The Defendant shall immediately notify the Court Clerk as well as the Probation Department, in writing, of all changes in address.

2.6 The Defendant shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance as established by RCW 46.29.490.

2.7 The Defendant will not refuse to submit to a breath, blood, or urine test for alcohol or drug content upon request by law enforcement, the probation department, treatment provider, or the court.

2.8 The Defendant will not possess, consume or otherwise acquire any alcohol, non-prescribed controlled substances, or drug paraphernalia and will not enter any bar, tavern, or alcohol establishment for the entire length of the deferred prosecution period (five years). Such prohibition includes medical marijuana unless otherwise specifically ordered by the court.

2.9 The Defendant shall attend a DUI victim impact panel within 60 days of entry of this order.

2.10 For a period of _____ year(s) or as directed by the Department of Licensing, the Defendant shall have a functioning ignition interlock installed in any motor vehicle that he or she operates. The Defendant shall provide written verification of the installation to the Probation Department within 30 days of entry of this order deferring prosecution. The Defendant shall comply with all rules and regulations of the Department of Licensing regarding the ignition interlock device and ignition interlock license.

2.11 The Defendant shall not commit any criminal law violations, including but not limited to any alcohol or drug-related offenses, during the five-year period of the deferred prosecution

2.12 Restitution shall be paid to the following victims:

Name: _____ Amount: _____

Address: _____

Name: _____ Amount: _____

Address: _____

2.13 Other: _____

DONE IN OPEN COURT this _____ day of _____, _____.

JUDGE/JUDGE PRO TEM

Presented by:

Copy Received:

Attorney for Defendant, WSBA#

Defendant

Copy received and approved as to form:

Deputy Prosecuting Attorney, WSBA#



CHELAN COUNTY DISTRICT COURT
350 ORONDO AVE 4TH FLOOR
WENATCHEE WA 98801
509-667-6600

REQUEST FOR DECISION ON WRITTEN STATEMENT
****TO BE COMPLETED AND RETURNED TO THE COURT IF WISHING**
TO HAVE A HEARING BY MAIL RATHER THAN PERSONAL
APPEARANCE**

***PLEASE NOTE THAT AFTER REVIEW OF YOUR STATEMENT, THE JUDGE MAY REQUIRE AN IN
COURT HEARING BE SET***

Name: _____

Physical Address: _____

Mailing Address: _____

Citation Number (see upper right corner of citation and/or hearing notice: _____

☐ I wish to mitigate the infraction(s) and seek a fine reduction. I promise to pay the monetary penalty authorized by law or, at the discretion of the court, any reduced penalty that may be set.

☐ I wish to contest the infraction(s). If it is determined that I have committed the infraction, I agree to pay any monetary penalty authorized by law and assessed by the court.

Statement: _____

(If you need more space, please attach additional sheets of paper, along with any other evidence/ documentation you want the court to consider.

I understand that I may attest I do not have the ability to pay in full, and may submit evidence of inability to pay, and/or obtain a payment plan. I further understand that failure to pay or enter into a payment plan may result in collection action, including garnishment of wages or other assets.

I declare under penalty of perjury of the laws of the State of Washington that the above information and the information contained in the attachments hereto, is true and correct. I understand that there can be no appeal from a decision on a written statement pursuant to LIRLJ 3.5(a)(4).

Dated this _____ day of _____, 20____ at _____
(City / State)

Defendant Signature