

WAHKIAKUM COUNTY DISTRICT COURT

LOCAL COURT RULES



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LOCAL GENERAL RULES – LGR

1.0 REMOTE APPEARANCE FEE

Pursuant to CRLJ 7(b)(4) and CrRLJ 1.6 and 8.2, there is a \$25.00 remote appearance fee for any hearing at which a party or attorney appears by video/telephone, except as specifically provided below. The \$25.00 fee must be paid no later than noon on the day before the hearing.

(a) Criminal Cases. The remote appearance fee will be waived for (a) persons who are indigent based on their completed screening form, (b) any attorney representing an indigent person, (c) government parties, or (d) any interested person who has been given permission by the Court to participate in the hearing by video conference with the remote appearance fee waived.

(b) Civil Cases. The remote appearance fee will be waived for (a) persons who are indigent based on their completed financial statement, (b) any attorney representing an indigent person, (c) government parties, (d) qualified legal services providers, and (e) protection orders for which filing fees may not be charged by law.

Requests to appear remotely must be made in writing using the Court's form *Request to Appear Remotely*. When required, proof of indigency may be submitted using the Court's form *Request for A Court-Appointed Attorney* or Washington Pattern Form GR 34.0300 (*Financial Statement*), or any pattern form which supersedes that form. Requests must be submitted no later than three (3) judicial days before the hearing date, unless waived for good cause.

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.

4.2 DEFERRED PROSECUTION FEE

There is a Two Hundred Fifty Dollar (\$250.00) fee for filing a Petition for Deferred Prosecution. The Clerk of the Court will transfer fees received monthly to the Wahkiakum County Treasurer for crediting to the current expense fund to defray the costs of such program.

4.5 PRETRIAL 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 or her attorney has requested in writing such attendance.

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.

7.2 COURT SECURITY RESTITUTION ASSESSMENT

Unless waived by the Court, 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

For each Defendant placed on supervised probation after conviction of a crime, unless waived by the Court, 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

Restitution assessments collected shall be used solely for defraying the cost of security services approved by the Presiding Judge and shall be deposited in the Trial Court Improvement Fund. Restitution assessments for court security are in addition to, and not in lieu of, any other financial obligations. The Court may modify restitution as to amount, terms, and conditions at any time 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.

7.6 PROBATION

(a) Probation Fees. The sliding fee schedule for supervision services is:

<u>Gross Monthly Income</u>	<u>Monthly Supervision Fee</u>
≤ \$1,520	\$20.00
\$1,520 - \$3,000	\$25.00
\$3,000 - \$4,500	\$35.00
≥ \$4,501	\$50.00

The Clerk of the Court will transfer fees received monthly to the Wahkiakum County Treasurer for crediting to the current expense fund to defray the costs of such program. When supervising individuals who earn less than \$1,520 per month, the probation officer or a court clerk shall, upon request of the person supervised, review the client's finances and relay to the referring Judge the client's income, expenses, and request for a reduced supervision fee. The referring Judge shall then determine whether to reduce or waive the supervision fee.

(b) **Appendix A Required to Supervise Superior Court Defendants.** Wahkiakum District Court Probation will only supervise Superior Court Defendants when the Judgment and Sentence contains a properly completed Appendix A in substantially the following form, which details probation conditions.

Wahkiakum County Superior Court Supervision Conditions

Cause No.: _____

Caption: State vs. _____

Appendix A

- 1. Obtain Substance Use Disorder Domestic Violence Mental Health Sex Offender Evaluation and comply with recommendations.
- 2. Complete Domestic Violence Intervention Treatment Victim Impact Panel _____ hours community service.
- 3. Possess no firearms until rights have been restored.
- 4. Other: _____

Standard Probation Conditions are as follows:

- a. Meet with Probation Officer as directed for _____ months/years and follow ALL rules of standard probation with \$_____ per month supervision fee.
- b. If #1 ABOVE CONDITION IS MARKED - No possession and/or consumption of alcohol or non-prescribed drugs. Violation of this condition shall result in immediate incarceration at the direction of the probation officer or the Court.
- c. If #1 ABOVE CONDITION IS MARKED AND IF UNDERLYING OFFENSE INVOLVED ALCOHOL OR DRUGS - Submit to urinalysis/breathalyzer/other physiological testing upon request of probation officer, law enforcement officer, or treatment provider.
- d. If #1 ABOVE CONDITION IS MARKED AND IF UNDERLYING OFFENSE INVOLVED ALCOHOL OR DRUGS - Do not go to establishments where alcohol or marijuana is chief item of sale (bars, breweries, lounges, retail outlets).
- e. Obtain ANY evaluation requested by probation officer and comply with recommendations.
- f. Complete treatment as scheduled and submit monthly status reports from agency.

- g. Pay fines, fees, costs and/or restitution as ordered.
- h. Have no criminal violations of law or alcohol related infractions.
- i. Do not drive without valid driver's license and proof of insurance.
- j. Notify the court of any change in address.
- k. Allow the probation officer to enter and inspect defendant's premises for violations upon request of the probation officer.

Conditions ordered this _____ day of _____, 20_____.

J U D G E

I understand and agree that as part of being supervised, I am required to follow the above conditions.

Defendant

(Deputy) Prosecuting Attorney
WSBA No. _____

Attorney for Defendant
WSBA No. _____

LOCAL INFRACTION RULES – LIRLJ

2.4 HEARINGS ON WRITTEN STATEMENTS

(a) **Hearings on Written Statements.** 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) **Times for Submission and Receipt.** A defendant may submit a written statement as a response to a notice of infraction within 30 days of the date the notice is personally served or, if the notice is served by mail, within 33 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) **Modes of Delivery.** 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) **Promise to Pay and Declaration Under Penalty of Perjury Required.** 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 for which I was cited, I will pay the monetary penalty authorized by law and assessed by the Court.

Court Forms

- Request to Appear Remotely (*See LGR 1.0*)
- Request for A Court-Appointed Attorney (*See LGR 1.0*)

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

_____,)
Plaintiff/Petitioner,) CASE NO. _____
vs.)
) **REQUEST TO APPEAR REMOTELY** 
)
_____,)
Defendant/Respondent.)

Party requesting to appear remotely: _____
Hearing Date: _____
Phone Number: _____ Email: _____
Nature of Hearing: _____
Reason for Remote Appearance Request: _____

Submit your request to District Court for approval: DistrictCourt@co.wahkiakum.wa.us

If approved, the non-refundable fee for these arrangements and the cost of the call is **\$25.00 per party and must be paid to District Court by noon on the day before the hearing.** District Court accepts credit/debit cards.

****The fee to appear remotely is waived for all petitioners appearing on civil protection orders for which fees are not charged, indigent persons (proof of indigency required), and attorneys representing them.**

Please Note: Those participating remotely do not receive priority, so it will sometimes be necessary to wait for the entire calendar — just as though you were in the courtroom waiting for the case to be called.

DATED: _____ By: _____
Signature

Printed Name

Court	Administration
Approved by: _____	Date: _____
Clerk	
Payment Received By: _____	Amount: _____

WAHIAKUM DISTRICT COURT
64 Main Street, Cathlamet, WA 98612
Mail: P.O. Box 144
Phone: 360-795-3461
Fax: 360-795-6506
Email: DistrictCourt@co.wahkiakum.wa.us

WAHAKIAKUM COUNTY DISTRICT COURT
REQUEST FOR A COURT-APPOINTED ATTORNEY

INDIGENCY SCREENING FORM – CONFIDENTIAL

[Per RCW 10.101.020(3)]

Name _____
Address _____
City _____ State _____ Zip _____
Phone Number _____

1. Place an "x" next to any of the following types of assistance you receive:

_____ Welfare	_____ Poverty Related Veterans' Benefits
_____ Food Stamps	_____ Temporary Assistance for Needy Families
_____ SSI	_____ Refugee Settlement Benefits
_____ Medicaid	_____ Disability Lifeline Benefits
_____ Other – Please describe:	_____

[If you marked an "x" next to any of the above, please stop here and sign at #15 below.]

2. Do you work or have a job? ___ Yes ___ No. If so, take home pay: \$ _____

Paid this much Weekly Every 2 weeks 2x/month 1x/month

Occupation: _____

Employer's name & phone #: _____

3. Do you have a spouse or registered domestic partner who lives with you?

Does she/he work? ___ Yes ___ No If so, take home pay: \$ _____

Employer's name: _____

4. Do you and/or your spouse or state registered domestic partner receive unemployment, Social Security, a pension, or workers' compensation? ___ Yes ___ No

If so, which one? _____

Amount: \$ _____

5. Do you or your household members receive money from any other source? ___ Yes ___ No. If so, how much? Amount: \$ _____

6. Do you have children residing with you? ___ Yes ___ No. If so, how many? _____

7. Including yourself, how many people in your household do you support? _____

8. Do you own a home? ___ Yes ___ No. If so, value: \$ _____

Amount owed: \$ _____

9. Do you own a vehicle(s)? ___ Yes ___ No. If so, year(s) and model(s) of your

vehicle(s): _____ Amount owed: \$ _____

Please continue to back side >

10. How much money do you have in checking/savings account(s)?

Amount: \$ _____

11. How much money do you have in stocks, bonds, or other investments?

Amount: \$ _____

12. How much are your routine living expenses (rent, food, utilities, transportation)?

Amount: \$ _____

13. Other than routine living expense such as rent, food, etc., do you have other Expenses such as child support payments, court-ordered fines or medical bills, etc.? If so, describe: _____

14. Do you have money available to hire a private attorney? ___ Yes ___ No

15. **Please read the following and sign where indicated:**

I understand that the court may ask for verification of the information provided above.

I agree to immediately report any change in my financial status to the court.

I certify under penalty of perjury under Washington State law that the above is true and correct. (Perjury is a criminal offense. See Chapter 9A.72 RCW.)

Signature

Date

City

State

FOR COURT USE ONLY – DETERMINATION OF INDIGENCY

_____ Eligible for a public defender at no expense

_____ Eligible for a public defender but must contribute \$ _____

_____ Re-screen in future regarding change of income (e.g. defendant works seasonally)

_____ Not eligible for a public defender

JUDGE

Wahkiakum County District Court
62 Main Street
P.O. Box 144
Cathlamet, WA 98612

Phone: 360-795-3461 • Fax: 360-795-6506
Email: DistrictCourt@co.wahkiakum.wa.us
For mail, use P.O. Box address.

If you plan to request a court-appointed attorney and believe that you qualify, please complete the form below and return it to Wahkiakum District Court via mail, fax, email or in-person for receipt by noon the day before your hearing.