

An Introduction to

CRIMINAL AND TRAFFIC PROCEDURES

CLALLAM COUNTY DISTRICT COURT II



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WHAT SHOULD I WEAR AND HOW SHOULD I ACT IN COURT?

Suitable attire is required. Shoes and shirts are necessary. Halter tops, tank tops, and shorts are not permitted. Hats should be removed upon entering the courtroom. Do not smoke, eat or drink in the courtroom. Children may be present in the courtroom. However, if children disturb the proceedings, you may be requested to remove them. The court does not provide child care. Upon your arrival, find your name on the calendar posted outside the courtroom and then have a seat in the courtroom until the session convenes. If you do not find your name on the calendar, check with the court office. **You do not need to check in with the clerk UNLESS your name is not on the calendar.** When your name is called, come forward and take a seat at one of the counsel tables unless instructed otherwise by the judge.

WHAT IS AN ARRAIGNMENT?

The arraignment is generally your first appearance in court on the citation or charge where you are called upon by the judge to enter a plea. The judge will inform you of the charge and explain it. Next it will be confirmed that you understand your constitutional rights as explained at the beginning of the court session, and finally the maximum punishment and mandatory minimum punishment, if any, will be stated. No testimony is taken or evidence presented at the arraignment.

WHAT ARE MY CONSTITUTIONAL RIGHTS?

All persons accused of any crime or traffic offense that might result in a jail sentence have the following rights:

1. To have a lawyer present with you at all hearings;
2. To have a lawyer appointed at public expense if you cannot afford to hire one to represent you;
3. To represent yourself without a lawyer;
4. To a speedy and public trial by a judge or a jury in the county where the crime is alleged to have been committed;
5. To remain silent before and during trial, and to refuse to testify against yourself;
6. To hear and question the witnesses who testify against you;
7. To have witnesses testify for you. These witnesses can be made to appear at no expense to you;
8. To be presumed innocent until the charge is proven beyond a reasonable doubt or you enter a plea of guilty;
9. To appeal a determination of guilt after a trial.

After informing you of all these matters you will be asked by the judge to plead "guilty" or "not guilty" to the charge.

SHOULD I TALK TO A LAWYER BEFORE ENTERING A PLEA?

In many cases this is a good idea. The judge, at your request, will continue the arraignment. If you wish to plead not guilty at this time, the judge will request that you have your lawyer put in a "Notice of Appearance" within 7 days. If you fail to appear at any hearing, your bond or bail will be forfeited and the judge will issue a warrant for your arrest.

HOW DO I OBTAIN A LAWYER IF I CANNOT AFFORD ONE?

There are financial information forms available on the wall rack in the back of the courtroom. If you intend to ask the judge to appoint a lawyer to represent you, please fill out one of these forms. At the arraignment, if you tell the judge that you cannot afford to hire a lawyer, the judge will ask to see your financial information form. The judge will request that you fill out a financial affidavit if you

have not completed one already and may call you up again later in the calendar to provide you additional time to complete the form. The judge will review your financial information determine, according to state financial guidelines, if you qualify for a public defender. If you qualify, the clerk will give you an information sheet containing the name, address and phone number of your lawyer. You should read the lawyer's information sheet and **contact your lawyer immediately** to schedule a time to discuss your case.

IF I PLEAD *GUILTY*, WHAT HAPPENS?

If you plead "guilty" it means you admit the charge and the elements to prove the charge. By pleading guilty you waive your constitutional rights and in most cases you will be sentenced immediately. Before announcing the sentence, the judge will ask if you have anything to say on your behalf. The judge will have reviewed the police report, if available. In some cases the judge will refer you to a probation officer for a pre-sentence investigation. In such a case the sentencing will be continued until the probation officer's report is ready.

WHAT HAPPENS IF I PLEAD *NOT GUILTY*?

A "not guilty" plea denies the charge and none of your constitutional rights are waived unless you expressly wish to do so. The next hearing will be a pre-trial conference where the prosecutor will be present. You and your lawyer, if you have one, are required to be present. At this conference all motions are heard and a jury trial date is set or confirmed if already set. Information about the evidence and witnesses in the case are exchanged. If you have waived your right to a jury trial, you will receive a notice in the mail of your non-jury (bench) trial date. You are presumed innocent and the prosecution must prove your guilt beyond a reasonable doubt at a trial.

WHAT ALTERNATIVES ARE THERE FOR SERVING A JAIL SENTENCE?

For most jail sentences, you must schedule the time you intend to begin with the court clerk. A jail sentence must begin within 30 days of the sentencing date unless the judge orders it served immediately or allows more time than 30 days to begin. In many cases, you may be permitted to serve your sentence on weekends. Work release or electronic home monitoring may be available in appropriate circumstances. Jail staff administers the work release program. Applications for work release are available at the jail.

WHAT MUST I DO IF I CAN'T PAY MY FINE TODAY?

All fines, costs and fees are due in full at the time of sentencing unless you are given the option to sign a payment agreement with the court. The court clerk will set up a payment plan in writing and give you a copy. The court also sends out reminder notices monthly. Payments can be mailed in or delivered in person at the court office. Payment by cash, check or money order is acceptable. It is recommended that you do not send cash by mail.

WHAT IS A SUSPENDED SENTENCE?

Often a judge will suspend imposition of a portion, or all, of a jail sentence on the condition of timely compliance with various orders. If the conditions are satisfied the jail sentence is never served. If any condition is violated then you may be required to return to court for a hearing and possible serving of the jail sentence. In many cases the District Court Probation Department will supervise your compliance with sentence conditions. Probation may also assist with arrangements for education or treatment programs.

MAILING ADDRESS CHANGES

NOTIFY THE COURT IMMEDIATELY AND IN WRITING IF YOUR **ADDRESS CHANGES** AT ANY TIME. IF YOU ARE REPRESENTED BY A LAWYER, ALSO NOTIFY YOUR LAWYER IMMEDIATELY.