

information about all the evidence in the case and witness names are exchanged and motion hearings and jury trial dates will be scheduled.

WHAT MUST I DO IF I CAN'T PAY ALL OF MY FINE AT THE TIME OF SENTENCING?

If you can't pay all of your fine at sentencing, the Judge or clerk will inform you how to set up a time payment agreement. This is a contract with the court for installment payments. Read the contract carefully, as failure to follow the contract can result in late fees, suspension of your driving privileges, a bench warrant or assignment to a collection agency.

WHAT IS A SUSPENDED SENTENCE?

Often the Judge will suspend imposition of a portion, or all, of a jail sentence on the condition of complying with various conditions within a time limit. If the conditions are satisfied the suspended portion of the jail sentence is never served. If the conditions are violated then you will be required to return to the Court for a hearing and possible serving of the suspended jail time or fines. In many cases the conditions are supervised by the District Court Probation Department which will monitor compliance or assist with treatment programs.

PLEASE LET US HELP EACH OTHER! IF YOUR ADDRESS CHANGES AT ANY STAGE OF THE PROCEEDINGS, CONTACT THE COURT IMMEDIATELY BY CALLING (509) 667-6600.



Judge Nancy A. Harmon



Judge Roy S. Fore

An Introduction
to
**CHELAN COUNTY
DISTRICT COURT
CRIMINAL
PROCEDURES**



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Being accused of a criminal offense can be a traumatic and upsetting experience. We hope this pamphlet will be of help in guiding you through the process and take some of the mystery out of the procedures. We have tried to answer the most frequently asked questions. If you have any additional questions, don't hesitate to ask a staff member.

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 are to be removed upon entering the Courtroom. No smoking, food or drink will be allowed. Children may be present in the Courtroom, but if they 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 outside the Courtroom and then have a seat in the proper Courtroom until the session convenes. **You do not need to check with the Clerk unless your name is NOT on the list.** When your case is called, come forward and stand behind one of the counsel tables until instructed otherwise by the Judge.

WHAT IS A PRELIMINARY HEARING?

The preliminary hearing is generally your first appearance in court on the citation or charge. 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 or evidence is presented at the preliminary hearing.

WHAT ARE MY CONSTITUTIONAL RIGHTS?

All persons accused of any crime 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 a public and speedy trial before an impartial jury;
4. To be confronted by and to cross examine any witness who testifies against you;
5. To call witnesses to testify on your behalf, and have the Court compel their attendance at no expense;
6. To testify or not testify yourself; if you choose not to testify, no one can make you do so;
7. To the presumption of innocence and to require the prosecution to prove your guilty beyond a reasonable doubt;
8. To appeal to Superior Court if you are convicted, after a not guilty plea.

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 need time to consult an attorney.

WHAT WILL HAPPEN IF I FAIL TO APPEAR AT ANY HEARING?

If you fail to appear at any hearing, your bond or bail may be forfeited and the Judge may issue a bench warrant for your arrest.

IF I AM FINANCIALLY UNABLE TO HIRE A LAWYER HOW DO I APPLY FOR A PUBLIC DEFENDER?

In order for the Court to determine if you qualify for a Public Defender, you must complete a financial affidavit which may be obtained from the court bailiff. Fill out the Financial Affidavit. When your case is called, the Judge will review your affidavit

form and determine, according to the appropriate financial guidelines, your eligibility for a public defender. If you qualify, the in-court clerk will have you sign an agreement acknowledging potential liability for the lawyer fees if your financial situation changes. The clerk will give you a form with the address and phone number of the public defender. **YOU must contact the public defender immediately for an appointment** and be available for all meetings as requested by the lawyer.

IF I PLEAD GUILTY WHAT WILL HAPPEN?

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 right then. However, you may speak on your behalf at sentencing. The Judge will then usually review the police report, if available, and sentence you. 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 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. You are presumed innocent and the prosecution must prove your guilt beyond reasonable doubt at a subsequent trial. The next hearing will be an arraignment/pre-jury trial conference where the prosecutor will be present. You and your lawyer, if you have one, are required to be present. At this hearing,