[redacted]

GENERAL PROCEDURES: Civil and Criminal sides to a DUI in Washington

Civil (DOL)

Department of Licensing (DOL)
Action based upon Implied Consent "contract breach" reported by officer to DOL. Triggered by incident date.

DATE of Incident: _____
If Sunday, mail on 19th day. The 21st day is too late.

20-day Date:

_____

60-day Date:

_____

Suspension will be pending if request is timely.

DOL Hearing:
(Depending on when we are hired)
1) Mailed hearing request
2) $375 check to DOL or DOL fee waiver

(depending on when our office is retained, we may submit on your behalf).

Receive DOL Packet in mail →
Fax to office at 253-507-4196 – confirm receipt by calling 253-507-4706
OR
Email to both: alycia.lawoffice@gmail.com and brandi.lawoffice@gmail.com

Our office will:
- File Notice of appearance w/DOL
- File challenges/submits exhibits, subpoena officers, etc.
- Possibly set over hearing 2-6 weeks – no license suspension in meantime.

DOL Hearing Date:_____
Via phone: Client does not need to appear.

Phone hearing:
4 issues must be established by preponderance of evidence:
1. Were you lawfully arrested?
2. Were there reasonable grounds to believe DUI (FST's etc)?
3. Implied consent warnings read?
4. Over .08 BAC or legal refusal?

Decision – takes approx 2-6 weeks. If license is suspended there are still options.

Criminal Charge* District/Municipal Court

*hearings may be 1-1½ months apart. Your presence is required.

Arraignment: You are formally charged in court. Must enter "not guilty" plea.

1 -1½ months

1st Pretrial Hearing

1 -1½ months apart

2nd Pretrial Hearing

Two ways to be prosecuted for DUI:
1) Driving and w/in 2 hours of having over .08% BAC (Objective case: "do the math" **and/or**
2) Driving while ability to drive is **"appreciably affected"** by alcohol and/or drugs (Subjective case: Officer's opinion of driving, FST's etc.)
3) > 5 ng of

ARR DATE: _____

- May be filed up to **2 years** from DUI.
- **Bail and other conditions may be set by judge based upon:**
1. **Danger to community**
2. **Risk of flight** – proof of alcohol evaluation scheduled, family contacts, etc. minimizes likelihood of bail.

1st PT DATE: _____

First PT could be continued to 2nd pretrial w/client present in court.
Purposes:
- Negotiate with Prosecutor
- Present issues
- Mitigation Memos
- Might make further discovery demands

2nd PT DATE: _____

Any hearing (except arraignment) may involve one of the following:
- Continuance of hearing to a future date
- **Entry of negotiated deal**
- Set for Motion and Trial

Sometimes a need for a 3rd pretrial hearing

MOTIONS:
Requires filed legal challenges against case
- Causes prosecutor to either **1. Deal down** or **2. File response brief** (time consuming), call witnesses, expose them to cross examination by us in live testimony and let Judge make decision about evidence going forward. Case **may** be dismissed or evidenced may be tossed. At least the prosecutor's case for trial is perfectly known.

Readiness Hearing – Parties state whether ready for trial – a deal might be offered or a continuance.

Jury Trial – May last several days. Involves jury selection, opening statements, testimony, argument and verdict.

Majority of cases resolve before this point.

Motions Hearing
(aka "bench trial" or "Judge trial")

Readiness Hearing

Jury Trial

Not Guilty

Guilty: See Reverse

Hung Jury/Mistrial: State can retry