

Whitman County District Court

Arraignment & Criminal Case Procedures

What Is An Arraignment?

The arraignment is generally your first appearance in court on the citation or charge. The Judge will inform you of, and explain the charge. 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 is presented at the arraignment.

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. Cell phones must be set to silent. Children may be present in the Courtroom. However, if they disturb the proceedings you may be requested to remove them. The Court does not provide childcare. Upon your arrival find your name on the calendar outside the Courtroom and then have a seat in the courtroom until the session convenes. You do not need to check with the clerk unless your name is NOT on the list. When your name is called, come forward and stand behind one of the counsel tables. Be polite, courteous and remain standing until instructed otherwise by the Judge.

What If My Ticket Was For A Game Violation?

Many game violations list a dollar amount in the bail box. If you believe you are guilty of the violation, you do not have to appear in court. Just send a check or money order for the full amount to the court listed on your ticket on or before the arraignment date. The prosecutor will not negotiate a lesser fine on these cases. Fail to pay or appear will result in a warrant being issued for your arrest.

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 public and speedy trial;
5. To cross-examine any witness who testifies against you;
6. To call witnesses to testify on your behalf, and have the Court compel their attendance;
7. To testify or not testify yourself; if you choose not to, no one can make you testify;
8. To appeal to Superior Court if you are convicted after a not guilty plea.

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 to allow you time to speak to a lawyer. Prior to the beginning of the formal arraignment, the prosecuting attorney and a lawyer from the public defender's office will be available if you wish to speak to either of them about your case. If at any hearing you fail to appear, your bond or bail will be forfeited and the Judge will issue a bench warrant.

How Do I Qualify For A Public Defender?

At the arraignment indicate to the clerk that you are unable financially to hire a lawyer. The Judge will require that you fill out a financial affidavit and will review your affidavit form and determine, according to the Washington State Poverty guidelines, your eligibility for a public defender. If you qualify, the Judge will complete an Order Appointing Counsel assigning you a lawyer without cost to you. Should your financial situation improve or there is a guilty finding entered in your case, you may be required to reimburse the county for the cost of your attorney, typically \$350 to \$500. 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.

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 a reasonable doubt at a subsequent trial. 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. Information about all the evidence in the case and witness names are exchanged. If at any stage you have waived your right to a jury trial, you will be set for a NON-JURY TRIAL hearing date.

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 or the Prosecutor will then review the police report and sentence you. If you receive a fine and are unable to pay in full at sentencing, you may request time to pay from the Judge.

What Do I Do If I'm Given Probation?

You must immediately check in with the probation department. A probation officer will review your court order and probation obligations with you. Your probation officer will monitor your progress and assist you in maintaining compliance with your court order.

If you live or plan to move outside the State of Washington and you are convicted of certain gross misdemeanor crimes, you are required to comply with the Interstate Commission for Adult Offender Supervision Compact. Convictions for crimes that involved a firearm, crimes against a person, sexual misconduct, second or subsequent Driving While Intoxicated are some examples. Phone the probation department at 509-397-6265 if you have questions about this requirement.

What Alternatives Are There For Serving A Jail Sentence?

Jail is to be arranged through the probation office and may be served on weekdays as well as weekends. Occasionally, the Judge will order you to go directly to jail at sentencing. In some cases, the Judge will allow you to perform community service in lieu of jail or pay an additional fee in lieu of jail.

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 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 jail sentence. In many cases the conditions are supervised by the Probation Department who will monitor compliance or assist with required programs .