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A submissible copy of this form may be found at:
<https://kingcounty.gov/depts/prosecutor/criminal-overview/early-plea.aspx>

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. _____ SEA

vs.

ORDER SETTING NEXT HEARING(S),

☐ **WAIVER**

Defendant,

E-955/E-1201

(NTSCH) (ORST) (ORSOH) (ORSTD) (WVSPDT)

Clerk's Action Required

☐ In custody ☐ Out of custody

Date of arraignment: _____

The following court dates are set based on a commencement date of: _____

It is ordered that the **NEXT HEARING(S)** in this matter will be:

<input type="checkbox"/>	Case Scheduling Hearing has been set for _____ at _____ a.m. / p.m. in Courtroom E-955/E-1201 . <input type="checkbox"/> The Court <input type="checkbox"/> Defense Counsel requests that DAJD transport defendant to the next hearing.
<input type="checkbox"/>	Omnibus Hearing has been set for _____ at _____ a.m. / p.m. in Courtroom E-955/E-1201 . <input type="checkbox"/> The Court <input type="checkbox"/> Defense Counsel requests that DAJD transport defendant to the next hearing.
<input type="checkbox"/>	Trial date has been set for _____ at 9:00 a.m. The parties will be notified of assignment and standby status by e-mail or telephone by 3:00 p.m. the court day prior to the trial date.
<input type="checkbox"/>	Other:

The expiration date is _____

Defense counsel ☐ affirms that the Defendant prefers to appear through counsel for this hearing ☐ has previously affirmed on the record or through signed pleading that the Defendant prefers to appear through counsel at all hearings where that is allowed.

The Defendant appeared ☐ In person; ☐ Through counsel; ☐ Remotely (use only if an in-court hearing took place)

The ☐ Defense Counsel ☐ State made a motion to reset hearing dates and extend time-for-trial expiration by ☐ resetting the commencement date with a waiver (CrR 3.3(c)(2)(i)) ☐ continuing the trial date (CrR 3.3(f)(1) and/or CrR 3.3(f)(2)) for the following reasons: _____

This should ONLY be checked if commencement is being reset with a waiver under CrR 3.3(c)(2)(i). If the trial date is being continued under CrR 3.3(f), it should be left unchecked.

If commencement is being reset with a CrR 3.3(c)(2)(i) waiver, then this blank should be filled in with the new commencement date. Otherwise, leave it blank or put in something like "unchanged." Remember that the new commencement date does NOT necessarily need to be the date of the next hearing.

If the commencement date is being reset with a CrR 3.3(c)(2)(i) waiver, then the new expiration date is 60/90 days after the new commencement date.
If the motion is based on CrR 3.3(f), then the new expiration date is either 30 days after the new trial date or the amount of time-for-trial left on the date of this order added to the new trial date, whichever is later.

This box is for the defense attorney to make the affirmation required by CrR 3.4(a)(ii) for the defendant to appear through counsel at this hearing. This box should be checked if this affirmation is being made for the first time and/or if the affirmation is for purposes of this hearing only.

This box is for the defense attorney to indicate that he or she has either previously filed the waiver allowed under CrR 3.4(a)(i) or has previously made a written or oral affirmation under CrR 3.4(a)(ii). The point of the checkbox is so that the parties and the court don't have to go back through previously filed documents or listen to the audio recordings of previous hearings to see if the affirmation was actually made.

Check the box that reflects how the defendant actually appeared for the hearing.

This section has been re-written to make clear that it can/should be used regardless of whether the dates are being extended via CrR 3.3(c)(2)(i) waiver or via a CrR 3.3(f) continuance. Checkboxes have also been added so that the parties can make clear which method is being used.

ORDER SETTING NEXT HEARING(S)- (NTSCH) (ORST) (ORSOH) (ORSTD) (WVSPDT)

ORDER:

☐ The Defendant ☐ The State objects to this continuance, which is granted as required in the interest of justice under CrR 3.3(f)(2) for the reasons stated above and the following additional grounds: _____

☐ The Defendant and the State agree to this continuance, which is granted for the reasons stated above under CrR 3.3(f)(1) and CrR 3.3(f)(2).

☐ The Court grants the motion based on the defendant's execution of a valid waiver pursuant to CrR 3.3(c)(2)(i).

☐ The Court finds good cause to require the Defendant to appear in-person for the following hearings:

_____.

THE DEFENDANT MUST BE PRESENT IN PERSON FOR ARRAIGNMENT, EVERY STAGE OF TRIAL, IMPOSITION OF SENTENCE, AND FOR ANY OTHER HEARING FOR WHICH THE COURT HAS FOUND GOOD CAUSE FOR THE DEFENDANT TO BE PHYSICALLY PRESENT. FOR ALL OTHER HEARINGS, A DEFENDANT MUST EITHER APPEAR IN-PERSON, REMOTELY, OR THROUGH COUNSEL. To appear through counsel, counsel must provide a waiver signed by the Defendant OR counsel must affirm that the Defendant prefers to appear through counsel. Additionally, the Defendant must maintain contact with counsel. In any case, if the Defendant is not present when his or her personal attendance is necessary, the court may order the clerk to issue a bench warrant for the Defendant's arrest. If a Defendant appears through counsel, notices provided to counsel are presumed to be provided to the Defendant

☐ **Defendant confirmed agreement to the below waiver and Defense Counsel explained the waiver to the defendant. WAIVER:** I understand that I have a right to a trial within 60 days of my arraignment if I remain in custody on this case, or 90 days of my arraignment if I am released on this case before the expiration of 60 days, except for any excluded periods under CrR 3.3, or unless the commencement date is reset. I voluntarily and knowingly agree to reset the commencement date to the next court hearing (scheduled above). I agree that my new time for trial expiration date is 60 days from that date if I remain in custody on this case, or 90 days from that date if I am released on this case before the expiration of 60 days.

Defendant

(Signature required for waiver pursuant to CrR 3.3(c)(2)(i) or continuance pursuant to CrR 3.3(f)(1))

Deputy Prosecutor WSBA No. _____

Attorney for Defendant WSBA No. _____

DATED this _____ day of _____, 20____.

Judge

I am fluent in the _____ language, and I have translated this entire document for the Defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Interpreter: _____

Date: _____

ORDER SETTING NEXT HEARING(S)- (NTSCH) (ORST) (ORSOH) (ORSTD) (WVSPDT)

Use this section if the court is granting a CrR 3.3(f) continuance over the defendant's or the State's objection. Fill in the blanks if court states reasons for the continuance beyond those listed above on the order.

Use this section if the court is granting a CrR 3.3(f) continuance with the agreement of both parties.

Use this section if the case is being reset with a CrR 3.3(c)(2)(i) waiver

This box **MUST** be checked if commencement is being reset with a waiver under CrR 3.3(c)(2)(i). If it is a continuance under CrR 3.3(f), this box doesn't need to be checked. (However, it doesn't cause any harm—except possibly some confusion—if it is.)

If this is a resetting of commencement with a "waiver," either the defendant must actually sign the document OR the defense attorney must write down language that comports with the requirement of that last WA SCt COVID emergency order (e.g. "defendant approved via telephone".) Since a waiver requires the *defendant's* signature under CrR 3.3(c)(2)(i), a defendant arguably cannot approve the waiver through an "appearance through counsel"

If this is a "continuance," either of the two methods referenced above can be used OR the defense can write in "defense counsel affirms that defendant prefers to appear through counsel." CAVEAT: If the defense counsel has checked either of the two boxes on the first page that reference appearance through counsel, then they can simply write "appearing through counsel" or similar wording.