

Free Spokane DUI Resource Guide

Brought to You by:



For a FREE DUI Consultation Call:

(509)868-0811

★ **(Special Offer Inside)** ★

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Contents

Where Are You Going?.....	3
MAP.....	3
COURT PROCESS LAID OUT	3
Arrestment.....	3
Pretrial.....	4
Trial	4
OTHER COMMON WORDS YOU MAY HEAR.....	4
CONTINUANCE-.....	4
SPEEDY TRIAL	4
PROBATION	4
O/R-.....	4
IID OR IGNITION INTERLOCK DEVICE	4
THE MOST FREQUENT OUTCOMES.....	4
IS THE COST OF YOUR ATTORNEY FAIR?	5
WHAT TO EXPECT ONCE YOUR CASE IS RESOLVED.....	5
COMMON QUESTIONS-.....	6
Will this be on my record?	6
Can I get it removed from my record?.....	6
Is this a felony?	6
Does this mean I need an interlock device or my license is suspended?	6
PENALTIES	7
DEPARTMENT OF LICENSING-	8
In addition to your criminal action, when you are arrested for DUI, an administrative action is triggered. This administrative action is by the Washington State Department of Licensing.	8
If you are arrested for DUI you have to act immediately. You have a very narrow window of time in which to challenge an administrative suspension. Just 20 days from the date of your arrest. That date can be found on your ticket. You have to count weekends and holidays. It is a straight 20 days to have it postmarked. It is not when the DOL receives it, but when it is postmarked by that counts.....	8
Special Offer.....	9

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Where Are You Going?

MAP



COURT PROCESS LAID OUT

Arraignment- a court proceeding which usually happens within just a few days of the arrest. At that hearing 3 important things happen.

1. The judge will formally advise you of what you are begin charged with. This is followed by you entering a plea of Not Guilty.
2. Release conditions will be put in place. If you are out of custody for your first offense, these can range from the court telling you to follow the law and show up for court. In certain circumstances the court will order you not to consume, possess or use any alcohol, non-prescribed drugs or marijuana. Sometimes random testing for drugs or alcohol can be ordered. Rarely is a person required to post a bond if they are not in custody, or ordered to install an interlock device.
3. You will get your next court date. This is called a Pre-Trial.

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Pretrial- this is a hearing where the court checks the status of the case. One of 4 things may happen at this.

1. Your attorney, you or the opposing party may request a continuance, moving your next Pre-Trial out usually 30 – 45 days.
2. You may have a resolution and enter it that day.
3. You may set your case for trial.
4. You may set your case for another type of hearing such as a motion.

A case will generally take 60-90 days to resolve, so you may have 2 or 3 Pre-Trials.

Trial- this can either be a jury trial or a bench trial where it is just the judge presiding over the matter. With DUI cases, a small percentage of them will go to trial and it will be something that you have to choose to do.

OTHER COMMON WORDS YOU MAY HEAR

CONTINUANCE- This is a document signed by all parties, including yourself, which moves the court hearing to another date in the future.

SPEEDY TRIAL- When you sign a continuance, you are usually asked to waive your speedy trial. What this means is that you have a right to a speedy trial. If you are not being held in jail, this is 90 days. When you “waive” your speedy trial, you are not giving up that right, but just restarting the clock to zero and the 90 days will start over.

PROBATION- not to be confused with “parole”. Probation is for non-prison matters that are being monitored. In Municipal or District Court, you may have a probation officer. This is a person who will make sure you follow through with what the court has ordered you to do and make sure that you are not doing something the court told you not to do.

O/R- This means someone is released on their own recognizance or promise to appear. If a person is in custody and they are O/R'd then they are released from jail without having to post a bond.

IID OR IGNITION INTERLOCK DEVICE- This is the machine that is attached to your vehicle. You must blow into it and it will register your breath alcohol content. If there is alcohol detected, your vehicle will not start. You will be asked to blow into this device at random times while you are driving. In order to be a valid device in Washington, it must be equipped with a camera.

THE MOST FREQUENT OUTCOMES

Although no 2 cases are identical, there are some likely outcomes. Believe it or not, it will make a difference whether or not you received your DUI in Spokane City or County.

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NO HISTORY, NO COLLISION, BAC UNDER 0.12- there is a good chance that your attorney may be able to resolve your case with a non-DUI.

NO HISTORY, NO COLLISION, BAC BETWEEN 0.121-0.15- If this occurred in the City, there is still a chance that your attorney may be able to resolve your case with a non-DUI.

NO HISTORY AND EITHER A COLLISION, REFUSAL OF BREATH TEST, OR A TEST OVER 0.15- You have a “red flags” if any of these happened. In some locations you may be able to get the level of DUI reduced to a DUI that has less jail, a lower fine, less license impact.

IS THE COST OF YOUR ATTORNEY FAIR?

If you call around to get quotes for representation on a first time DUI, you will get a wide range. How do you know what is reasonable and fair?

On average, a DUI case can take anywhere from 10-15 hours of work depending on the length of time in court, if you are requesting a DOL hearing, etc. If you average 10 hours of work, and you get a quote of \$5,000.00 then you are paying roughly \$500.00/hour. If you get a quote between \$2,000.00 - \$2,500.00 that could be considered mid-range.

What accounts for the difference? Sometimes the experience and knowledge the attorney has, other times it will be dependent on what the attorney may think they can do given your specific circumstances.

It is important to ask questions, read reviews and meet with the attorney if possible before you hire them.

WHAT TO EXPECT ONCE YOUR CASE IS RESOLVED

Probation has been mentioned. That means that the court has asked that you be monitored to make sure you do things you are supposed to do and refrain from doing things you are not.

With a DUI, you can expect to be required to have an alcohol assessment and do any recommended treatment. It is important to find the right agency.

You can expect to do a one-time victim impact panel. It is designed to increase awareness of the impact of impaired drivers.

You may be asked to come back for a treatment review hearing. Again, that is so the court can make sure you are on track with what has been asked of you.

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If you have been ordered to do a day or two in jail, you would schedule that with the court at the time of your sentencing. If you do not show up for that, a warrant would be issued.

If you were not required to do jail, then you still need to report to the jail to do a “book and release”. This is where you get photographed and fingerprinted. The legislature wants to make sure that if you have a future arrest for DUI, they can prove it was you who had the prior offense.

With District or Municipal Court probation, once you complete your requirements you may only need to check in with probation if you move or change your contact information. It is monitored, not supervised where you have to check in every week or month.

COMMON QUESTIONS-

Will this be on my record?

Yes. Anytime anyone is arrested, the arrest will be on your record. If you were to resolve your case with a non-DUI charge, then the original charge would show (DUI), but it would also show that it was amended to the new charge. The outcome or guilty plea would be shown as how the new charge resolved.

Can I get it removed from my record?

No. The Washington Legislature does not allow a DUI or charge that was amended from a DUI to be expunged or removed. The reason is, that the legislature wants to make sure to know if you have ever had a prior DUI- even if it is 30 years ago!!! A prior DUI can impact the conditions of your release for a new DUI no matter how long ago it was.

Is this a felony?

No. A first time DUI conviction is not a felony in Washington State. If it were a felony level charge, you would be in Superior Court.

Does this mean I need an interlock device or my license is suspended?

That depends on how your case resolves. You actually have 2 ways your license could be suspended. First, the criminal court could issue a suspension based on an outcome of the criminal charge. Second, it could also be suspended by the Department of Licensing administratively. It does not matter how your criminal case resolves; you still could face an administrative suspension or revocation.

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PENALTIES

	DUI over 0.15	DUI under 0.15	Reckless Driving	Negligent Driving First Degree
Level of Crime	Gross Misdemeanor	Gross Misdemeanor	Gross Misdemeanor	Misdemeanor
Possible Jail Max	364	364	364	90
Possible Fine Max	\$5,000.00	\$5,000.00	\$5,000.00	\$1,000.00
Mandatory Fine	\$1,195.50 More if there is a passenger under 16 years of age	\$941.50 More if there is a passenger under 16 years of age	No but usually \$750.00	No but usually \$500.00
Mandatory Jail	2 days or 30 EHM	1 day or 15 EHM	None, but book and release	None, but book and release
Alcohol/Drug Assessment and Follow Up Treatment	Yes	Yes	Yes	Yes
Victim Impact Panel	Yes	Yes	Yes	Yes
Cost Recovery	Yes	Yes	Yes	Yes
Probation (\$40.00 a month)	Up to 60 months	Up to 60 months	Usually 24 months	Usually 12 months
Conviction Fee	Yes, included in fine	Yes, included in fine	\$43.00	\$43.00
BAC Fee	Yes, included in fine	Yes, included in fine	\$200.00	\$200.00
DOL suspension for conviction (Separate from any administrative suspension)	Revoked for 1 year unless it was a refusal. If a refusal, then it is revoked for 2 years. Plus, additional time for a passenger under 16 years of age.	Suspended for 90 days* Plus, additional time for a passenger under 16 years of age.	Suspended for 30 days*	None
Ignition Interlock	Imposed by DOL, generally 1 year or 2 years if a refusal*	Imposed by DOL, generally 1 year*	Only if you wish to drive during the suspension period.	None

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SR22 Insurance	Yes	Yes	Yes	No- unless you receive an administrative suspension.
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***DOL imposes suspensions based upon criteria including but not limited to previous suspensions, level of BAC or refusal. These may change. For the most current information go to DOL.WA.GOV**

DEPARTMENT OF LICENSING-

In addition to your criminal action, when you are arrested for DUI, an administrative action is triggered. This administrative action is by the Washington State Department of Licensing.

If you are arrested for DUI you have to act immediately. You have a very narrow window of time in which to challenge an administrative suspension. Just 20 days from the date of your arrest. That date can be found on your ticket. You have to count weekends and holidays. It is a straight 20 days to have it postmarked. It is not when the DOL receives it, but when it is postmarked by that counts.

It does not matter how your criminal case resolves. If your DUI were to be dismissed, you still could have an administrative suspension because it is triggered by the ARREST, not the outcome.

See Special Offer Next Page

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