

## **WHAT SHOULD I WEAR AND HOW SHOULD I ACT IN COURT?**

Shirts and shoes are necessary and respectable clothing is recommended. Hats are to be removed upon entering the courtroom. No gum chewing, 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 childcare.

Check in with the Clerk and Court Security Officer upon your arrival at Court. After your check-in is complete, you may then enter the courtroom. PLEASE TURN OFF YOUR CELL PHONE. Find a seat and wait until your name is called. When your name is called, come forward and be seated at the table with the defense attorney.

## **WHAT IS AN ARRAIGNMENT?**

The arraignment is generally your first appearance in court on the citation or charge. If you were summoned to court, you will appear in person at the court. If you were arrested, you will remain at the Kitsap County Jail and will see the Judge through the jail video system.

The Judge will inform you of the charge and explain it. Next it will be confirmed that you understand your constitutional rights as explained by the document you were given when you checked in, and finally the maximum punishment and mandatory minimum punishment, if any, will be stated. Bail and conditions of release will be discussed and set by the court. For a person charged with a non-violent offense with little to no criminal history, it is not uncommon to be released on personal recognizance ("PR") and other conditions such as a no-contact order with the victim or a requirement not to drink alcohol or use drugs. However, if the offense involves behavior that endangers others, bail and other more stringent conditions may be imposed as a condition of any release to the community.

## **DIRECTIONS**

Bainbridge Island Municipal Court is located at: 8804 Madison Ave. N., Suite 200, Bainbridge Island, Washington 98110. We are located in the Ted Spearman Justice Center on the 2<sup>nd</sup> Floor. Free parking is available next to the court.

From Highway 305, turn onto Madison Avenue N. toward Bainbridge Island Fire Station 21 and then left on NE Brooklyn Rd. just before Bainbridge Senior Living Madrona House and across the street from Bainbridge First Baptist Church.

General Office Phone (206) 842-5641

Court Office Hours  
Mon-Fri - 8:00AM to 4:00PM  
(Closed Holidays)

## **An Introduction To**



## **Bainbridge Island Municipal Court**

## **CRIMINAL PROCESS AND PROCEDURES**

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

BAINBRIDGE ISLAND MUNICIPAL COURT

Address: 8804 Madison Ave. N., Suite 200  
Bainbridge Island, WA 98110

Phone: 206-842-5641

Fax: 206-842-0316

Website: [www.bainbridgewa.gov/court](http://www.bainbridgewa.gov/court)  
[court@bainbridgewa.gov](mailto:court@bainbridgewa.gov)

## **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 a public and speedy trial;
4. 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;
6. To testify or not testify yourself; if you choose not to, no one can make you testify;
7. To appeal to Superior Court if you are convicted after a not guilty plea.

### **SHOULD I TALK TO A LAWYER BEFORE ENTERING A PLEA?**

It is recommended that you discuss your case with a lawyer before entering a guilty plea. The public defender will be present at the arraignment and represent all defendants for that hearing. Most defendants appearing in custody haven't had a chance to hire private counsel prior to arraignment. You will be given time to hire an attorney before your next hearing if you do not qualify for the public defender.

### **WHAT IF I AM FINANCIALLY UNABLE TO HIRE A LAWYER? HOW DO I QUALIFY FOR A PUBLIC DEFENDER?**

At the arraignment, ask to screen for the public defender. The Judge will request that you fill out a financial affidavit and call you up to discuss whether you qualify for appointed counsel. If the public defender is appointed to represent you, the clerk will give you a form with the address and phone number of the public defender. It is your responsibility to contact the public defender to schedule an appointment and to be available for all meetings requested by the lawyer.

### **IF I PLEAD GUILTY WHAT WILL HAPPEN?**

At an arraignment hearing, most people charged with a criminal offense enter a not guilty plea. This allows

more time to acquire an attorney, review the police reports, investigate the charge, and consider possible diversion options or sentencing recommendation of the prosecutor. Once more information is provided, a person may decide to enter a guilty plea- typically at a later pre-trial hearing.

If you plead guilty it means you admit the charge and elements to prove the charge. By pleading guilty you waive your constitutional rights and in most cases 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.

### **WHAT HAPPENS IF I PLEAD NOT GUILTY?**

A not guilty plea is a denial of 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.

After your arraignment, the next hearing will be a pre-trial hearing where the prosecutor will be present. You and your lawyer are required to be present. It is not uncommon for a defense attorney to continue this hearing once or more to allow sufficient time to investigate your case and negotiate with the prosecutor. This also allows the attorney to find out more information about possible diversion options that could help you keep the crime off of your record. At a pre-trial hearing, motions may be heard and a jury or bench trial may be set. Information about all evidence in the case and witnesses names is exchanged.

### **WHAT HAPPENS IF I AM SENTENCED TO JAIL?**

In most cases, you will not be taken directly to jail. Instead you will be given a period of time in which to complete your commitment. Jail alternatives such as electronic home detention and community service are commonly imposed instead of jail if you do not have criminal history.

### **WHAT ALTERNATIVES ARE THERE FOR SERVING A JAIL SENTENCE?**

There are several alternatives to serving time in jail. In

some cases, jail-time may be converted into community service. You may also be allowed to serve your time on home detention. The court also utilizes technology such as a skin-alcohol monitoring ("SCRAM") device, GPS device, and drug testing to ensure that the community is protected and electronic home detention time is served appropriately.

### **WHAT MUST I DO IF I CAN'T PAY MY ENTIRE FINE AT SENTENCING?**

Fines are due within 60 days unless you set up a monthly payment plan and/or community service with the clerk. Failure to pay fines may result in late fees, a possible suspension of your driver's license and assignment of the account to a collection agency. Review the court's brochures about Fines and Payment Options and Community Service to learn more.

### **KEEPING YOUR ADDRESS UP-TO-DATE**

It is very important that you keep your address up to date with any courts you have cases in and the Department of Licensing (DOL). The court and the DOL use that address information to contact you. If you don't update your address, you may be missing important notices that could negatively impact you. If you fail to respond to a court summons on a criminal case that is sent to an out-of-date address, a warrant could issue for your arrest.

You must contact the court and DOL to update your address in both places.

You may update your DOL address website: [www.dol.wa.gov](http://www.dol.wa.gov)