

ALCOHOL DRUG EVALUATION AND TREATMENT

If alcohol or drugs were involved in the incident, most judges will require a chemical dependency evaluation prior to imposing a sentence. We have found that judges are very impressed when our clients take the proactive step of obtaining this evaluation early in the process. This shows the judge that you have taken the incident seriously and want to take appropriate steps to avoid any future problems. This is true even if the evaluation determines that you do not have a problem with drugs or alcohol. We are happy to refer our clients to appropriate treatment professionals who are both well respected by the courts and will give fair and trusted evaluations. If a drug or alcohol evaluation does recommend some level of treatment, we suggest that our clients enroll in and complete the recommendations as soon as possible. Starting and completing any recommended treatment prior to sentencing can help you avoid being placed on active probation by the court (potentially saving you hundreds or thousands of dollars in probation fees).

VICTIMS PANEL

With many driving related offenses, particularly alcohol related offenses such as Washington State DUI, DWI, reckless driving, reckless endangerment, and negligent driving the court will require a victim's panel. This is a two hour class taught by victims of DUI. We recommend you do this prior to any sentencing.

DOMESTIC VIOLENCE TREATMENT

If you are being sentenced to a crime related to domestic violence you may be required to attend and complete a Domestic Violence Treatment program. This is typically a 12 month program. There can be many benefits to obtaining a domestic violence evaluation and enrolling in any recommended counseling early in your case. We can advise you on the best approach for your specific case.

COMMUNITY SERVICE

In some courts and with some offenses the judge will convert jail and/or fines to community service. Jail is often converted at 8-20 hours of community service to one day in jail. Fines are often converted at \$10 per hour of community service. We typically know which courts will do this and can talk to you about it when we meet. Community service can be done at any non-profit organization in Washington State. The courts require proof of community service hours completed on official agency letterhead. The letter must be signed by a supervisor and include the number of hours worked and if possible, what work was done.

CHARACTER REFERENCES

In some cases it is appropriate to provide the court with letters of recommendation or character references. We can help advise you and help your friends and family draft an appropriate and persuasive letter on your behalf.

YOUR STATEMENT

While we will be speaking on your behalf at sentencing, you also have the right to speak directly to the judge about yourself and the case. We are happy to help guide you through this process. We generally recommend making any statement short (a paragraph or less) and heartfelt. In our experience we have found that judges like it when people take responsibility for their actions and apologize for any indiscretions. A sentencing is definitely not the time to dispute the charges or argue about the facts of the case.

Of course, you are not required to speak on your own behalf and many people reasonably feel uncomfortable doing so. If you would feel more comfortable, you may choose to write a brief letter to the judge instead of speaking in public.

We work very hard to present a positive picture of our clients at sentencing and point out things such as family life, employment, and good works within the community.



BRUMLEY LAW FIRM



CRIMINAL PENALTIES

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CRIMINAL PENALTIES WITH CONVICTION IN WASHINGTON STATE

Washington state criminal penalties are governed by statutes, which are written and passed by the Washington state legislature. Washington cities and counties may adopt the criminal laws found in the RCWs or they may draft their own versions in a municipal or county code.

PENALTIES

Misdemeanor
0-90 days
\$0-\$1000

Gross
Misdemeanor
0-364 days
\$0-\$5000

Felony
Class A, B
or C

These laws not only define what conduct is considered a Washington crime, (theft, assault, driving under the influence) but also the possible punishments that a judge could impose.

For some crimes, the legislature has given judges a great deal of discretion in sentencing. However, for other types of crimes like driving under the influence and felonies, the legislature has limited the discretion of judges and written laws that require a minimum sentence, or a sentence within a specific range.

WHAT TO KNOW:

- Penalties increase due to the seriousness of the offense & prior criminal history.
- We will help you take action to minimize penalties.

MISDEMEANOR OR FELONY

Washington State criminal penalties are divided into two general categories: misdemeanors and felonies, which are defined at RCW 9A.20.021. Misdemeanor crimes are filed in District and Municipal Court, while felonies are filed in Superior Court.

MISDEMEANOR PENALTIES

Misdemeanors are further categorized as either simple misdemeanors or gross misdemeanors. The only significant difference between simple misdemeanors and gross misdemeanors is the maximum punishments a judge could impose:

- Simple Misdemeanor: Up to 90 days in jail and up to a \$1,000 fine.
- Gross misdemeanor: Up to 364 days in jail and up to a \$5,000 fine.

FELONY PENALTIES

Felonies are further categorized into class A, B or C felonies with class A felonies being the most serious. Each class of felonies carries the following maximum penalties:

- Class A Felonies: Up to life in prison and up to a \$50,000 fine.
- Class B Felonies: Up to 10 years in prison and up to a \$20,000 fine.
- Class C Felonies: Up to 5 years in prison and up to a \$10,000 fine.

Penalties for Washington State felony cases are governed by the Washington State Sentencing Guidelines. These guidelines create a standard sentencing range for most felonies in Washington State, which are governed by the seriousness level of the crime and a defendant's applicable criminal history (an "offender score"). A judge must stay within this sentencing range, unless specific aggravating or mitigating factors are established, allowing a judge to impose an exceptional sentence above or below the standard range. Additionally, various facts can add additional mandatory penalties on felony cases (i.e. deadly weapon or firearm enhancements, drug offense in a protected zone enhancements).

Finally, some defendants in felony cases may qualify for a sentencing alternative like a first time offender waiver or a drug offender sentencing alternative.

As you can see, determining the potential penalties for a felony conviction in Washington can be very complicated. An experienced Washington State criminal defense attorney can give you a better idea of what potential penalties you are facing on your case and what options may be available to you for sentencing alternatives.

