

MUNICIPAL COURT

Lakewood • University Place • Steilacoom • DuPont
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www.cityoflakewood.us

- Lakewood
- University Place
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Case No: _____

Plaintiff,
vs.

Defendant

**SUBPOENA
(INFRACTION)**

STATE OF WASHINGTON TO: _____

IN THE NAME OF THE STATE OF WASHINGTON, you are hereby required to appear at the Municipal Court, 6000 Main Street, Lakewood, Washington, on _____, at 10:30 a.m, to give evidence in the above-entitled cause, as a witness in an infraction hearing. This subpoena is being issued at the request of the above-named defendant and in accordance with the provisions of IRLJ 3.1(a). WITNESSED my hand this ____ day of _____, 20__.

By: _____
Clerk of the Municipal Court

RETURN OF SERVICE

1. I am over the age of 18 years.
2. The subpoena was served on Date: _____ Time: _____ a.m./p.m.
Address: _____
3. Service was made:
 - by delivery to the person named above.
 - for Police Officers to City of Lakewood Legal Dept.
 - by delivery to (name) _____, a person of suitable age and discretion residing at the respondent's usual abode.
 - by first-class mail, postage prepaid, sent to the last known address above for the witness.

I declare under penalty of perjury that the foregoing is true and correct.

Signature Date Print or Type Name

(Attach Return Receipt, if service was by mail.)

**LAKWOOD MUNICIPAL COURT
PROCEDURES TO SUBPOENA AN OFFICER OR WITNESS
TO TESTIFY IN A CONTESTED INFRACTION HEARING**

RCW 46.63.090 provides that the person named in the Notice of Traffic Infraction may subpoena witnesses, including the officer. The Infraction Rules for Courts of Limited Jurisdiction (IRLJ) provide at IRLJ 3.1(a) that a defendant may subpoena witnesses and that a subpoena may be issued by a judge, clerk of the court, or by a party's lawyer. The Lakewood Municipal Court has attached a blank subpoena form for issuing a subpoena to an officer or a witness in a contested hearing. The subpoena process is as follows:

- 1) The defendant completes a subpoena, except for the signature block.
- 2) The defendant submits the completed subpoena for the Court Clerk's signature.
- 3) The defendant makes 4 (four) copies of the completed and signed subpoena and files one copy with the court, one copy with the prosecutor's office, one copy is served on the witness/officer and one copy is retained by the defendant.
- 4) The defendant serves the subpoena on a witness by:
 - a) Service as provided in Civil Rule 45(c) which states that a subpoena may be served by any suitable person over 18 years of age by giving a copy of the subpoena to the witness or by leaving such copy at the place of his/her abode. Proof of service shall be made by affidavit. Personal service should be done at least 7 (seven) days before the hearing per IRLJ 3.1.(a).
 - b) Service by first class mail, postage prepaid, sent to the witness' last known address as provided in IRLJ 3.1(a). Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail. Service by mail should be done at least 10 (ten) days before the hearing per IRLJ 3.1(a).
- 5) The defendant serves the subpoena on a police officer by:
 - a) Delivering a copy of the subpoena to the Lakewood City Attorney's Office.
- 6) An affidavit of service, known as a return of service, should be done and retained by the defendant for each witness served.
- 7) A copy of all subpoenas served should be filed with the prosecuting authority's office by mail or delivery to:

LEGAL DEPARTMENT
City of Lakewood
6000 Main Street
Lakewood, Washington 98499

LMCLR IR3.1(a)

PROCEDURE AT CONTESTED HEARINGS - SUBPOENAS

1) A subpoena may be obtained pursuant to IRLJ 3.1 (a).

2) Subpoenas for Police Officers - Alternative Procedure. Subpoenas may be requested and served as provided by state law and court rules. In the alternative, defendants in contested infraction cases may serve subpoenas upon officers who issued the citation in the following manner:

(a) A subpoena may be requested and obtained from the court clerk;

(b) The defendant, or his/her attorney or agent, may effectuate service of the subpoena upon the officer by serving the subpoena upon an employee of the Legal Department of the City Attorney's Office in that office at least seven days before the scheduled contested hearing;

(c) The City Attorney's Office shall date-stamp the subpoena, provide a stamped copy to the person serving the subpoena, and transmit the original subpoena to the officer at the Police Department.

3) This rule is not intended to supersede or conflict with any statutes concerning procedures for infractions or the Infraction Rules for Courts of Limited Jurisdiction (IRLJ).

(Effective 09/01/12)