

LYNNWOOD 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 Lynnwood 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 Serving a copy of the subpoena on the following individual for personal service or by mailing such copy by certified mail to the:
RECORDS CLERK
Lynnwood Police Department
19321 44th Ave W
Lynnwood, WA 98036
- 6 An affidavit of service, known as a return of service, should be done and retained by the defendant for each witness served. A return of service form is also attached.
- 7 A copy of all subpoenas served should be filed with the prosecutor's office by mail or delivery to:
PROSECUTOR
Zachor & Thomas, Inc., P.S.
The Sunset Building, Ste 1D
23607 Highway 99
Edmonds, WA 98026

IN THE LYNNWOOD MUNICIPAL COURT
SNOHOMISH COUNTY, WASHINGTON

| | | |
|------------------|---|-------------------------|
| CITY OF LYNNWOOD |) | NO. _____ |
| |) | |
| Plaintiff |) | OFFICER SUBPOENA |
| |) | |
| v |) | Charge _____ |
| |) | Incident Date _____ |
| _____ |) | |
| Defendant |) | |

STATE OF WASHINGTON TO:

Officer _____
Lynnwood Police Department
19321 44th Ave W
Lynnwood, WA 98036

IN THE NAME OF THE STATE OF WASHINGTON, you are hereby required to
appear at the Lynnwood Municipal Court, 19321 44th Ave W, Lynnwood,
Washington, on _____, _____, at _____ pm, to give
Day Date Time

evidence in the above-entitled cause, as a witness in a contested 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).

Date

Court Clerk
Lynnwood Municipal Court

Defendant's Name _____
Address _____
Phone # _____

IN THE LYNNWOOD MUNICIPAL COURT
SNOHOMISH COUNTY, WASHINGTON

CITY OF LYNNWOOD)
)
 Plaintiff)
)
 v)
)
)
)
)
)
 Defendant)

NO. _____

WITNESS SUBPOENA

Charge _____

Incident Date _____

STATE OF WASHINGTON TO:

Witness _____
Address _____

IN THE NAME OF THE STATE OF WASHINGTON, you are hereby required to
appear at the Lynnwood Municipal Court, 19321 44th Ave W, Lynnwood,
Washington, on _____, _____, at _____ pm, to give
Day Date Time

evidence in the above-entitled cause, as a witness in a contested 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).

Date

Court Clerk
Lynnwood Municipal Court

Defendant's Name _____
Address _____
Phone # _____

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

Dated _____

Signature of person serving summons
In person or by mail

Printed name of person serving summons

(Attach return receipt here, if service was by mail)