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6 **IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE**  
7 **KING COUNTY, WASHINGTON**

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10 CITY OF SEATTLE,

11 Plaintiff,

12 vs.

13 SEE APPENDIX A,

14 Defendant.

**SMC CASE# SEE APPENDIX A**

MOTION AND PROPOSED  
ADMINISTRATIVE ORDER  
QUASHING BENCH WARRANTS  
AND CLOSURE OR DISMISSAL  
OF DWLS3 ADDITIONAL  
CHARGE/NO RESTITUTION  
CASES

**CLERK'S ACTION REQUIRED**

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17 **I. INTRODUCTION**

18 The City moves to quash the outstanding bench warrant in each of the cases listed in  
19 Appendix A, consisting of 1 page attached hereto and incorporated herein by this reference (The  
20 "Cases"). The City further moves that the Court dismiss the cases and close any open obligations  
21 as described below based on Case status. The grounds for the motion are that, to the best of the  
22 undersigned's knowledge and belief, each of the Cases involves a charge of DWLS3 and one  
23 additional charge that is either Failure to Transfer Title, Trip Permit Violation, False Reporting,  
24 or Refusal to Give Information. The oldest warrant was issued 6 years ago and the newest is  
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28 MOTION AND PROPOSED ADMINISTRATIVE  
29 ORDER QUASHING BENCH WARRANTS AND  
CLOSURE OR DISMISSAL OF DWLS3 ADDITIONAL CHARGE/  
NO RESTITUTION CASES

**Peter S. Holmes**  
Seattle City Attorney  
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Seattle, WA 98104  
(206) 684-7757

1 from January of 2020. None of the cases have a warrant amount exceeding \$5,000 and all but  
2 two of the cases have warrant amounts of \$1,500 or less. None of these cases have had restitution  
3 obligation amounts ordered.

## 4 **II. ARGUMENT**

5 The Seattle City Attorney's Office strives "to address historical injustices within the court  
6 system with self-examination and to pursue justice in Seattle with integrity, creativity and  
7 fairness."<sup>1</sup> For years, the Seattle City Attorney's Office has pursued reform at the state level of  
8 the Driving While License Suspended 3<sup>rd</sup> (DWLS 3) criminal statute most recently offering  
9 support for Senate Bill 5226.<sup>2</sup> Following the passage of Engrossed Substitute Senate Bill 5226,  
10 which had amended the bill to such a degree that our office no longer supported the bill, the  
11 Seattle City Attorney's Office further amended the use of our prosecutorial discretion to  
12 discontinue filing any criminal charges for DWLS 3 where the sole reason for suspension was  
13 Failure to Appear or Failure to Pay.  
14

15 Not long after the Office changed our filing standard, Thurston County Superior Court  
16 Judge Mary Sue Wilson ruled that the DWLS 3 statute was "unconstitutional as applied to  
17 individuals who are indigent and is therefore void and unenforceable."<sup>3</sup> Furthermore, following  
18 Judge Wilson's ruling, the Department of Licensing (DOL) jointly proposed an order enjoining  
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24 <sup>1</sup> Seattle City Attorney Vision Statement, <https://www.seattle.gov/cityattorney/about-us/criminal-division>. Last  
25 accessed September 29, 2021.

26 <sup>2</sup> Senate Law and Justice Committee public hearing, 2021 Regular Session, February 4, 2021.

27 <sup>3</sup> *Pierce, et al. v. DOL*, 20-2-02149-34, Thurston County Superior Court, Order Granting Summary Judgement  
(April 30, 2021).

1 the DOL “from suspending driver’s licenses resulting from an individual’s failure to pay or  
2 appear for non-criminal moving violations.”<sup>1</sup>

3           Given the Seattle City Attorney’s Office current filing practices, Judge Wilson’s ruling  
4 and the Department of License’s concessions, the office believes that the most just resolution for  
5 cases currently open under the prong of Failure to Appear or Failure to pay, is closure or  
6 dismissal. While all the cases in this motion do include one additional charge, none of the  
7 accompanying charges are DUI related or pose an egregious threat to public safety.  
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9           **III. ACTION REQUESTED**

10           The City respectfully requests that your honor grant the following requests:  
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- 12           1. For all dispositional continuances “DC”, the City asks the Court to quash the  
13                 warrant, close any outstanding obligations, and dismiss the case with prejudice.
- 14           2. For all pending “PN” cases, the City asks the Court to quash the warrant and dismiss  
15                 the case with prejudice.

16           Respectfully submitted this 27<sup>th</sup> day of October, 2021.  
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18                           **PETER S. HOLMES**  
19                           **SEATTLE CITY ATTORNEY**

20                           By /s/ Jenna Robert \_\_\_\_\_  
21                           Jenna Robert, WSBA #42858  
22                           Assistant City Prosecutor

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26 <sup>1</sup> *Pierce, et al. v. DOL*, 20-2-02149-34, Thurston County Superior Court, Order Enjoining Suspension of Certain  
27 Driver’s Licenses (June 1, 2021).

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**IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE  
KING COUNTY, WASHINGTON**

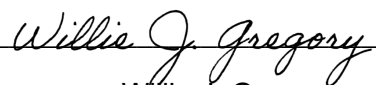
CITY OF SEATTLE,  
  
Plaintiff,  
  
vs.  
  
SEE APPENDIX A,  
  
Defendant.

**SMC CASE# SEE APPENDIX A  
COURT'S ORDER GRANTING  
CITY'S REQUEST TO QUASH  
BENCH WARRANT AND  
CLOSE OR DISMISS DWLS3  
ADDITIONAL CHARGE/NO  
RESTITUTION CASES  
  
CLERK'S ACTION REQUIRED**

Having reviewed the City's Motion to quash the bench warrants and close or dismiss the Cases with prejudice, the Court hereby grants the City's motions:

- 1. For all dispositional continuances "DC", the Court will quash the warrant, close any outstanding obligations, and dismiss the case with prejudice.
- 2. For all Pending "PN" cases, the Court will quash the warrant and dismiss the case with prejudice.

DATED this 28th day of October, 2021.

  
\_\_\_\_\_  
HONORABLE Willie J. Gregory  
Seattle Municipal Court Judge