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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

**MOTION AND PROPOSED
ADMINISTRATIVE ORDER
QUASHING BENCH WARRANTS
AND CLOSURE OR DISMISSAL
OF DWLS3 SOLE CHARGE WITH
RESTITUTION CASES**

CLERK’S ACTION REQUIRED

I. INTRODUCTION

The City moves to quash the outstanding bench warrant in each of the cases listed in Appendix A, consisting of 1 page attached hereto and incorporated herein by this reference (The “Cases”). The City further moves that the Court dismiss one case and close the others as described below based on Case status. The grounds for the motion are that, to the best of the undersigned’s knowledge and belief, each of the Cases involves a sole charge of DWLS3.

MOTION AND PROPOSED ADMINISTRATIVE
ORDER QUASHING BENCH WARRANTS AND
CLOSURE OR DISMISSAL OF DWLS3 SOLE CHARGE
WITH RESTITUTION CASES

Peter S. Holmes
Seattle City Attorney
701 5th Ave Suite 2050
Seattle, WA 98104
(206) 684-7757

1 The oldest warrant was issued 7 years ago and the newest is from four years ago. None
2 of the cases have a warrant amount exceeding \$5,000. In two of the cases, the individuals owe
3 \$500 in restitution and in the third case the individual owes \$6,000 in restitution.

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."¹ For years, the Seattle City Attorney's Office has pursued reform at the state level of
8 the Driving While License Suspended 3rd (DWLS 3) criminal statute most recently offering
9 support for Senate Bill 5226.² 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."³ Furthermore, following
18 Judge Wilson's ruling, the Department of Licensing (DOL) jointly proposed an order enjoining
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24 ¹ Seattle City Attorney Vision Statement, <https://www.seattle.gov/cityattorney/about-us/criminal-division>. Last
25 accessed September 29, 2021.

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

27 ³ *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.”¹

3 As noted above, restitution was ordered in the amount of \$500 for two of the cases. In the
4 third case, \$6,000 of restitution was ordered. In reviewing the restitution documents, it appears
5 that \$9,979.93 was originally requested. The amount was reduced to \$6,000 by way of an agreed
6 order. The original document with the \$9,000 figure seems to indicate that the person requesting
7 restitution did have insurance, but that no claim was made. No restitution has been paid on any
8 of the cases with restitution being ordered in 2013, 2015 and 2016. Given the amount of time
9 that has passed, it is unlikely that restitution will ever be paid on these cases that have been in
10 warrant status for a minimum of four years.
11

12
13 Given the Seattle City Attorney’s Office current filing practices, Judge Wilson’s ruling
14 and the Department of License’s concessions, the office believes that the most just resolution for
15 cases currently open under the prong of Failure to Appear or Failure to pay, is closure or
16 dismissal. Given the improbability of restitution ever being able to be paid, the City does believe
17 that it is appropriate to close these cases and close the restitution obligations.
18

19 **III. ACTION REQUESTED**

20 The City respectfully requests that your honor grant the following requests:

- 21
22 1. For the dispositional continuance “DC”, the City asks the Court to quash the
23 warrant, close any outstanding obligations including restitution, and dismiss the case
24 with prejudice.
25

26 ¹ *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).

1 2. For both suspended sentences “SS”, the City asks the Court to quash the warrant,
2 close any outstanding obligations including restitution, and close the case.

3 Respectfully submitted this 27th day of October, 2021.

4 **PETER S. HOLMES**
5 **SEATTLE CITY ATTORNEY**

6 By /s/ Jenna Robert _____
7 Jenna Robert, WSBA #42858
8 Assistant City Prosecutor
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28 MOTION AND PROPOSED ADMINISTRATIVE
29 ORDER QUASHING BENCH WARRANTS AND
CLOSURE OR DISMISSAL OF DWLS3 SOLE CHARGE
WITH RESTITUTION CASES

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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.

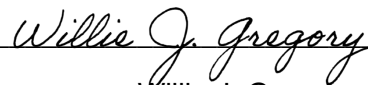
**SMC CASE# SEE APPENDIX A
COURT'S ORDER GRANTING
CITY'S REQUEST TO QUASH
BENCH WARRANT AND
CLOSE OR DISMISS DWLS3
SOLE CHARGE WITH
RESTITUTION CASES

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 the dispositional continuance "DC", the Court will quash the warrant, close any outstanding obligations including restitution, and dismiss the case with prejudice.
- 2. For both suspended sentences "SS", the Court will quash the warrant, close any outstanding obligations including restitution, and close the case.

DATED this 29th day of October, 2021.



HONORABLE Willie J. Gregory
Seattle Municipal Court Judge