

JOHN HARVEY
Justice of the Peace

(541) 374-8558
Fax (541) 374-8121



JUSTICE COURT
440 Wanapa
Post Office Box 536
Cascade Locks, Oregon 97014

Date:

Citation #:

Defendant Name:

Defendant Address:

The Court acknowledges receipt of your:

REQUEST FOR TRIAL BY AFFIDAVIT OR DECLARATION:

In order for the Court to process your trial by affidavit or declaration request or not guilty plea with written testimony, the enclosed Trial by Affidavit/Declaration – Waiver of Rights form **must be signed and returned with your written statement, if not previously submitted, to the Court by your scheduled appearance date.**

Failure to return said waiver and written statement to the Court by the above noted date will result in default judgment being entered against you. The Court will mail to you notification of judgment and the amount of the fine imposed when bail has not been posted. If you fail to satisfy judgment, an Order to Show Cause may be sent, failure to appear on this order may result in a Notice of Court Action against your Driver License being sent to Oregon Department of Motor Vehicles Division, pursuant to ORS 809.220. If the assessed fine remains unpaid, your account will be assigned to a collection agency.

Please be advised it is Defendant's responsibility to: request Discovery from arresting officer, his/her agency, or the District Attorney, to subpoena witnesses, and to obtain counsel. The citation is a violation and therefore you are not entitled to a jury trial and will be heard by the Court alone.

Please print and sign below.

I, _____, have read and understand all of the above.
Defendant's signature (Please print)

Mailing address

City

State

Zip

IN THE JUSTICE COURT FOR THE DISTRICT OF CASCADE LOCKS

COUNTY OF HOOD RIVER, STATE OF OREGON

TRIAL BY AFFIDAVIT/DECLARATION – WAIVER OF RIGHTS

STATE v. _____
Citation #:

I, _____, wish to enter a plea of **Not Guilty** to the charge
(Print name)
of _____. I request a Trial by Affidavit/Declaration as per
ORS.153.080 and as per PROCEDURES IN RE: TESTIMONY BY
AFFIDAVIT/DECLARATION provided by the Justice Court for the District of Cascade
Locks. I understand that by submitting this signed waiver, I waive my right to trial and to
have testimony presented orally in court.

Defendant's Signature

_____/_____/_____
Date signed

IN THE JUSTICE COURT FOR THE DISTRICT OF CASCADE LOCKS

COUNTY OF HOOD RIVER, STATE OF OREGON

TRIAL BY AFFIDAVIT/DECLARATION – WAIVER OF RIGHTS

STATE v. _____
Citation #: _____

I the undersigned Defendant, having entered a plea of Not Guilty to the Violation(s) charged in the above case, hereby submit my own Affidavit/Declaration testimony in lieu of my personal appearance at trial. Although I do not give up my right to a trial, I do waive my right to appear at trial, to offer oral testimony in open court at trial, and to confront any witnesses called against me. I further understand and consent that the State's witnesses may give oral testimony, or may submit testimony by Affidavits/Declarations.

My testimony is as follows: (attach additional sheet if necessary): _____

“I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.”

Defendant Signature

____/____/____
Date

Printed Name of Defendant

IN THE JUSTICE COURT FOR THE DISTRICT OF CASCADE LOCKS
COUNTY OF HOOD RIVER, STATE OF OREGON

PROCEDURES IN RE:)
)
TESTIMONY BY AFFIDAVIT/)
DECLARATION)
)
)

ORDER
08-102

INASMUCH as Oregon Revised Statute 153.080 sets forth standards governing Testimony by Affidavit/Declaration in violation proceedings and requires courts to establish procedures,

IT IS HEREBY ORDERED that the following rules shall govern construction, admissibility, and interpretation of Testimony by Affidavit/Declaration in the Justice Court for the District of Cascade Locks, to wit:

1. Prior to or along with Motion to Admit Affidavit/Declaration in Lieu of Testimony, Defendant shall present a signed Waiver of Trial to the Court. Defendants affidavit/declaration will not be accepted without the signed Trial by Affidavit/Declaration Waiver of Rights form.
2. Affidavits shall be signed before a Notary Public **OR** Sworn to by the Declarant using the following or similar language: "I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in Court and is subject to penalty for perjury."
3. Any affidavit/declaration accepted under this Order shall be received in the same manner as testimony given at trial.
4. By submitting a signed Trial by Affidavit/Declaration Waiver of Rights form, Defendant waives his/her right to have testimony presented orally in Court. This does not constitute a waiver of trial in the normal course.
5. The Defendant may request a hearing before the Court in the normal course if done so prior to the deadline for submitting Testimony by Affidavit/Declaration. Testimony by Affidavit/Declaration submitted by either party may be considered by the Court after a trial in the normal course. This will take place in chambers.

Dated this 15th day of December 2020.

JOHN A. HARVEY
Judge

For your information, and to request discovery, mailing addresses and phone numbers:

Hood River County Sheriff's Office
309 State St.
Hood River, OR 97031
541 386-2098

Oregon State Police The Dalles
3313 NE Bret Clodfelter Way
The Dalles, OR 97058
541 296-9646

Motor Carrier Services
500 SE Frontage Rd.
Cascade Locks, OR 97014
541 374-8980

Hood River County District Attorneys Office
309 State St.
Hood River, OR 97031
541 386-3103