

C.E. MITCHELL  
Justice of the Peace

(541) 374-8558  
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JUSTICE COURT  
440 Wanapa  
Post Office Box 536  
Cascade Locks, Oregon 97014

Date:

Citation #:

Defendant Name:

Defendant Address:

#### REQUEST FOR TRIAL BY AFFIDAVIT:

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

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, Notice of Court Action against Driver License will be sent to Oregon Department of Motor Vehicles Division, pursuant to ORS 809.210. If the assessed fine remains unpaid, your account will be assigned to a collection agency.

Please print and sign below.

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

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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 – WAIVER OF RIGHTS**

**STATE v.** \_\_\_\_\_  
**Docket #**  
**Citation#**

I, \_\_\_\_\_, wish to enter a plea of **Not Guilty** to the charge  
(Print name)  
of \_\_\_\_\_. I request a Trial by Affidavit as per ORS.153.080  
and as per PROCEDURES IN RE: TESTIMONY BY AFFIDAVIT 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

State of \_\_\_\_\_  
County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

**IN THE JUSTICE COURT FOR THE DISTRICT OF CASCADE LOCKS**

**COUNTY OF HOOD RIVER, STATE OF OREGON**

**TRIAL BY AFFIDAVIT – WAIVER OF RIGHTS**

**STATE v.** \_\_\_\_\_  
**Docket #**  
**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 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.

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

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) Defendant

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

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

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

**ORDER**

INASMUCH as Oregon Revised Statute 153.080 sets forth standards governing Testimony by Affidavit 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 in the Justice Court for the District of Cascade Locks, to wit:

1. Prior to or along with Motion to Admit Affidavit in Lieu of Testimony, Defendant shall present a signed Waiver of Trial to the Court. Defendants affidavit will not be accepted without the signed Trial by Affidavit Waiver of Rights form. All affidavits shall be submitted no later than seven (7) days prior to trial date.
2. Affidavits shall be signed before a Notary Public. Any affidavit accepted under this Order shall be received in the same manner as testimony given at trial.
3. By submitting a signed notarized Trial by Affidavit Waiver of Rights form, Defendant waives his/her right to trial.
4. Otherwise admissible Testimony by Affidavit previously submitted by either party shall be considered by the Court, subject to a ruling by the Court, on any objections filed by either party.

Dated this   1st   day of   October   2008.

C.E. MITCHELL  
Judge