BAKER, LEWIS SCHWISOW & LAWS, PLLC

FREQUENTLY ASKED QUESTIONS
DOMESTIC VIOLENCE CASES IN SEATTLE

Can the complaining witness just drop the crime?

Typically charges are filed by the either the State of Washington or the city in which the crime is alleged to have ocurred, and not by the complaining witness or alleged victim. Once charges have been filed, only the prosecutor or the judge gets to decide whether a charge is dropped. If the alleged victim writes a letter to the court indicating the charges should be dismissed, it is likely that letter will simply be referred to the prosecutor.

What can happen if I am convicted of a Domestic Violence offense?

A large part of this depends on whether the matter is charge as a misdemeanor or a felony. A domestic violence conviction may result in jail time, fines and costs, court ordered classes, loss of firearms rights, probation, loss of voting rights, immigration consequences, and others.

What is a No Contact Order and why can the court impose it?

Per state law, the court may impose a No Contact Order (NCO) for a pending domestic violence offense. A No Contact Order is a court order issued by a judge which restricts a party from having contact with another person, either directly or indirectly or through a 3rd party. A pre-trial NCO will often restrict a person from going within a certain distance of the protected party's residence, school, workplace, or other location as appropriate.

The court typically issues these orders with the safety of the alleged victim in mind in order to ensure that no further DV incidents occur while the original charge is pending. While this may serve as a terrible inconvenience on both the protected and restraing parties, each courts handle NCOs differently while a case is pending. Some courts may be willing to lift a pre-trial NCO while others may not.

Why should I comply with a No Contact Order?

Violating a No Contact Order can result in a new charge being filed and bail being revoked on the charge which serves as the basis for the pre-trial NCO. While a violation can be charged as a gross misdemeanor punishable by up to 364 days in jail and a $5,000 fine, in some situations if a person has enough prior violations the matter can be filed as a felony charge.

What does a No Contact Order violation look like?

Any contact can constitute a violation, even if the contact was invited by the procted party. Some fairly common scenarios include being found in the same car together when being pulled over for a traffic infraction, a neighbor or family member with knowledge of the order calling in a violation, the protected party simply calling in a violation, or a phone call or mail sent from the jail by the restrained party.

How do I get a No Contact Order dropped?

If you are unsure what to do about a pretrial No Contact Order, you may want to talk to one of our experienced attorneys as soon as possible. An order can be dropped if the case is dismissed, if a defendant is found not guilty at trial, or if the court simply agrees to drop the order. As stated previously each court handles No Contact Orders differently. An experienced attorney may be able to help you through the process of not only handling the underlying domestic violence charge but dealing with the No Contact Order as well.