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IN THE CITY/DISTRICT COURT [OF \_\_\_\_\_ COUNTY]  
IN AND FOR THE STATE OF WASHINGTON

CITY OF [XXX]  
STATE OF WASHINGTON,

Plaintiff,

vs.

NAME OF CLIENT,

Defendant

Case No. [NUMBER]

**DEFENDANT’S MOTION FOR  
PRETRIAL RELEASE**

**I. RELIEF REQUESTED**

COMES NOW, [CLIENT NAME], the defendant, and moves this Court for RELEASE FROM CUSTODY.

This relief is authorized by CrRLJ 3.2, and is supported by the following statement of facts, authority and argument, as well as any argument presented at the time and place herein scheduled for the hearing.

**II. STATEMENT OF FACTS**

[Mr./Ms. \_\_\_\_\_ ] is currently charged with [offense(s)]. Bail is currently set at \$ [amount]. At the [\_\_\_\_\_ hearing], held on [date] the court set bail and imposed the following conditions of release [conditions].

1 [Mr./Ms. \_\_\_\_\_ ] is among the individuals most at risk for serious illness,  
2 complications, and death resulting from COVID 19. [fill in details of client's individual  
3 circumstances or situation].

4 Jails, by design, are at high risk for transmission of communicable disease such as the  
5 COVID 19. Some of the most basic disease prevention measures are difficult or impossible  
6 behind bars, including frequent hand washing or using hand sanitizer, cleaning and sanitizing  
7 communal spaces and social distancing. Moreover, separating sick people from well people  
8 is a challenge in jail settings. Medical staffing is already stretched thin before the impact of  
9 an infectious disease outbreak.

10 Illness in local jails puts the greater community at risk. Jails are constantly churning  
11 prisoners in and out on a regular basis, and correctional, medical and other staff come and go  
12 daily.

13  
14 **III. ARGUMENT**

15 **A. THE SPREAD OF COVID 19 IS BOTH GOOD CAUSE TO AMEND**  
16 **THE ORDER SETTING BAIL AND A CHANGE IN CIRCUMSTANCES**  
17 **ALLOWING AMENDMENT OF THE ORDER SETTING BAIL.**

18 Under CrRLJ 3.2(j)(1) a court may amend an order setting bail based on a change of  
19 circumstances, new information or a showing of good cause:

20 The court ordering the release of an accused on any condition specified in this rule  
21 may at any time on change of circumstances, new information or showing of good  
22 cause amend its order to impose additional or different conditions for release.

23 “Good cause” means that “from a legal point of view there are sufficient grounds to  
24 act on.” Black’s Law Dictionary Online 2<sup>nd</sup> Ed.<sup>1</sup> The spread of COVID 19 provides

25 <sup>1</sup> <https://thelawdictionary.org/good-cause/> (last visited March 12, 2020).

1 sufficient grounds for the court to act by releasing the defendant. As explained below,  
2 COVID 19 presents extraordinary health risks. Frequent hand washing and social distancing,  
3 which means staying 6 feet or more away from other people, can mitigate these risks.  
4 Washington Department of Health website.<sup>2</sup> However, these precautions are difficult or  
5 impossible in jail. The risk to the defendant's health and the health of the community are  
6 good cause to amend the order setting bail.

7 COVID 19 also presents a change in circumstances allowing the court to release the  
8 defendant. It is a change to the defendant's circumstances in that the defendant is now at  
9 great risk of a life threatening illness by being held in close quarters in jail. COVID 19 is also  
10 a change in circumstances for the community at large, and the risk of exposing the defendant  
11 to COVID 19 in jail threatens to spread that virus to the community.  
12

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14 **B. THE CURRENT PUBLIC HEALTH CRISIS DUE TO COVID 19**  
15 **REQUIRES COURTS TO RECONSIDER BAIL AND TAKE MEASURES**  
16 **TO REDUCE JAIL POPULATIONS.**

17 COVID 19, the novel coronavirus, is currently widely circulating in Washington State.  
18 The State of Washington Department of Health, is providing updated information about the  
19 current conditions in Washington.<sup>3</sup> [insert data from local county Department of Public  
20 Health].

21 Local and state governments are taking extraordinary measures to contain the spread  
22 of the virus in order to both limit the threat of harm to individuals and reduce the impact this

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23 <sup>2</sup> [https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/RecommendationsForEventsandPublicGatherings.p](https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/RecommendationsForEventsandPublicGatherings.pdf)  
24 [df](https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/RecommendationsForEventsandPublicGatherings.pdf) (last visited March 20, 2020).

25 <sup>3</sup> The Washington State Department of Health has a page on its website dedicated to COVID 19, found at  
<https://www.doh.wa.gov/Emergencies/Coronavirus> (last visited on [date])

1 virus will have on community medical systems. Individuals age 60 and over and those with  
2 underlying medical conditions are at greater risk of complications and serious illness due to  
3 COVID 19 than are members of the general population.

4 On March 11, 2020, Washington Governor Jay Inslee announced new community  
5 strategies and social distancing plans and banned events with more than 250 people attending  
6 in Pierce, King and Snohomish Counties. As he says, “This is an unprecedented public health  
7 situation and we can’t wait until we’re in the middle of it to slow it down...We’ve got to get  
8 ahead of the curve. One main defense is to reduce the interaction of people in our lives.”

9 <sup>4</sup>See our Governor’s March 11, 2020 Proclamation 20-07.

10 **C. THE COURT CAN SET CONDITIONS OF RELEASE THAT WILL ENSURE**  
11 **THE DEFENDANT’S APPEARANCE AND ADDRESS ANY DANGER THE**  
12 **DEFENDANT WILL COMMIT A VIOLENT CRIME.**

13 The court has ample options that would allow it to release the defendant while ensuring the  
14 defendant appears at the next court date and does not commit a violent crime. CrRLJ 3.2 sets out  
15 some possibilities and allows the court to come up with others.

16 CrRLJ 3.2 sets forth numerous conditions of release the court can impose short of requiring  
17 bail in order to ensure the defendant’s presence at the next court hearing. For example, the court  
18 can place restrictions on the travel or place of abode of a defendant. CrRLJ 3.2(b)(1). The court  
19 can also place the defendant in the custody of a person who agrees to supervise the defendant or  
20 impose any other necessary condition other than detention. CrRLJ 3.2(b)(1), (7).

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25 <sup>4</sup> Found at [https://www.governor.wa.gov/sites/default/files/20-07\\_Coronavirus\\_%28tmp%29.pdf](https://www.governor.wa.gov/sites/default/files/20-07_Coronavirus_%28tmp%29.pdf) (last visited March 12, 2020,

1 CrRLJ 3.2 also sets forth numerous conditions of release the court can impose short of  
2 requiring bail in order to ensure the defendant does no commit a violent crime. For example, the  
3 court can prohibit the defendant from having contact with certain people or groups, bar the  
4 defendant from specific geographical areas, or require the defendant to report regularly to an  
5 officer of the court. CrRLJ 3.2(d). As with a defendant who presents a risk of failure to appear,  
6 the court may impose any condition other than detention that will address the courts concerns. *Id.*  
7 The court need not keep the defendant in a situation that threatens the defendant's health in order  
8 to ensure the defendant appears in court and does not commit a violent crime.

9 **IV. CONCLUSION**

10 For the aforementioned reasons and the authorities cited in support thereof, defendant  
11 respectfully requests this Court to **release Mr./Ms [defendant name] on their personal recognizance**  
12 **or to reduce bail to [\_\_\_\_\_].**

13 DATED: [date]

14 Respectfully submitted,

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16 \_\_\_\_\_  
17 **Attorney name/WSBA**  
18 **LAW OFFICE NAME**  
19 **Attorney for [NAME OF CLIENT]**

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