

SECTION 21: EXPEDITED CRIMES

I. FILING

A. EVIDENTIARY SUFFICIENCY

Expedited crimes shall be filed if sufficient admissible evidence exists that would justify conviction by a reasonable and objective fact-finder, giving appropriate consideration for the most plausible, reasonably foreseeable defense that could be raised.

B. EXPEDITABLE OFFENSES

An Expedited Offense is a crime that legally qualifies as a felony, but the prosecutor's office files in District Court as an attempted Class C felony to expedite the case's resolution. Eligible offenses should ordinarily be filed as expedited offenses, even if the defendant already has a pending case, whether in Superior Court or as an expedited in District Court.

In the appropriate case, the State may exercise its discretion to file a case into Superior Court as a felony rather than as an expedited, or to dismiss a case previously filed into District Court as an expedited and refile the case as a felony in Superior Court. In making such a decision, the State may consider factors including but not limited to a defendant's criminal history, high impact offenders, other pending criminal cases or the nature of the current offense. Filing and trial deputies should consult with their supervisors if they believe they have identified a case in which such discretion should be exercised.

1. Property Offenses

The following property crimes should be filed as Expedited Offenses under the conditions set forth in Section 15.B:

- a. Burglary in the Second Degree
 - (1) Case involving Fenced Areas, Carports, Detached Garages, and Similar Structures
 - (2) Cases involving Trespassed Shoplifters
- b. Defrauding an Innkeeper
- c. Failure to Return Leased/Rental Property
- d. Forgery
- e. Identity Theft
- f. Malicious Mischief
- g. Organized Retail Theft

- h. Possession of Stolen Property
- i. Retail Theft with Special Circumstances
- j. Theft
- k. Theft of Leased/Rental Property
- l. Theft with Intent to Resell
- m. Trafficking in Stolen Property
- n. Unlawful Issuance of Bank Checks

2. Drug offenses

For cases involving less than 1 gram, 5 pills or a single syringe full of a controlled substance, the case will be declined for prosecution unless the possession is committed with another felony crime (which may be expedited), or a DUI (a DUI with a VUCSA Possession of under 1 gram, 5 pills or one syringe could still be filed as an expedited offense).

The drugs must be weighed without any kind of packaging. Any referral submitted for review or filing where the drugs were weighed with packaging, or where the Certification for Determination of Probable Cause does not specify, shall be returned to the referring police agency.

a. Forged Prescription

- (1) The amount of pills obtained or attempted to be obtained is fewer than 50 pills.

b. VUCSA Possession

- (1) For cocaine, heroin, methamphetamine, the amount possessed is between 1 and 3 grams
- (2) For marijuana, the amount possessed is less than 100 grams or fewer than 12 plants
- (3) For MDMA (ecstasy), the amount possessed is between 5 and 20 pills
- (4) For prescription medication or any other type of pills, the amount possessed is between 5 and 50 pills
- (5) Possession of any other substance not listed above will be reviewed on a case by case basis

The King County Prosecuting Attorney's Office recognizes that Law Enforcement is in the best position to assess an individual's dangerousness in the community. Law Enforcement may submit a case involving the possession of less than one gram, 5 pills, or one syringe and ask that the KCPAO deviate from the filing standards. Factors that should be outlined

in this request include a defendant's violent criminal history and history of dealing narcotics. Those cases will be reviewed by the Filing Supervisor or the Unit Chair to determine whether charges should be filed, and Law Enforcement will be notified of the decision.

The link to the exemption request form is below.

[exemption request.docx](#)

3. A DUI may be filed with any of the above noted expedited crimes.
4. Exceptions for Property Offenses
 - a. A defendant who has received 3 or more expedited felonies in an 18-month period is not eligible for expedited filing. The case should be filed into Superior Court as a felony or into Drug Diversion Court if otherwise eligible.

C. CHARGE SELECTION

1. Degree

Expedited crimes should be charged as a Class C felony in District Court.

2. Counts

Ordinarily, only one count should be filed in District Court. If more than one count is filed, the filing deputy shall indicate the reason therefore on the case analysis sheet.

D. LOCATION AND LIMITATION

All expedited crimes, except as indicated here, shall be filed in District Court.

E. WITNESSES AND PRELIMINARY HEARINGS

Witnesses shall not be subpoenaed for preliminary hearings and no preliminary hearings shall be conducted for expedited crime cases.

II. DISPOSITION

A. COMMUNICATION WITH DEFENSE ATTORNEY

Copies of all discoverable material shall be delivered to the defense attorney as soon as the identity of the defense attorney can be determined. The defense attorney shall be advised of the offer as promptly as possible. The defense

attorney shall be further advised that, if the defendant does not enter a plea of guilty to the indicated gross misdemeanor by the date indicated, the case will be dismissed in district court, filed in superior court, and disposed of there as a felony.

B. LIMITATIONS ON SENTENCE RECOMMENDATIONS

Ordinarily, the sentence recommendation for the expedited crime should not exceed the presumptive sentencing range that the offender would have received under the Sentencing Reform Act if the crime had been handled as a felony. No community service, probation, or affirmative conditions of sentence shall be recommended, with the exception of a DUI. Cases involving a fileable DUI or Physical Control should still be expedited, but all the mandatory conditions of a DUI probation must be requested. This is the only type of expedited that will request probation because it is mandatory under the DUI statute. If the case arises from a municipal court, the DUI should be referred to the appropriate municipal agency. Only cases with a King County District Court DUI should be filed with an expedited felony.

C. RECOMMENDED SANCTIONS

Ordinarily, an offer of an expedited case shall be a reduction of the original charge to an attempted commission of the original felony. When a felony VUCSA possession charge is being reduced to a gross misdemeanor, the amended charge shall be filed as a Solicitation to Possess contrary to [RCW 9A.28.030](#) and [69.50.4013](#). Attempted Possession should no longer be filed when the intention is to charge a gross misdemeanor.

The recommendation shall be for a straight sentence, without probation (with the exception of a case with a DUI as noted above), and shall include an agreement that the defendant make full restitution for all losses (the amount shall be calculated and specified by VAU), and pay court costs and the VPA. That offer shall be recorded in the file and made by the expedited deputy.