

IN THE MUNICIPAL COURT OF THE CITY OF TIGARD
COUNTY OF WASHINGTON, STATE OF OREGON

In the Matter of)
) Rule 8
PROCEDURES FOR TESTIMONY) Supplemental Court Rule
AND TRIAL BY AFFIDAVIT)

IT IS HEREBY ORDERED as follows:

In any trial of a traffic violation, the court may admit as evidence the affidavit of a witness in lieu of taking the testimony of the witness orally and in court, subject to ORS 153.080 and the following conditions:

1. Testimony by affidavit shall be allowed upon receiving a signed statement of the defendant waiving the right to have the testimony presented orally in court.
2. The filing of an affidavit under this rule shall not be deemed to constitute a waiver of trial pursuant to ORS 153.080(4).
3. Nothing in this rule shall require the defendant or any witness to waive the right to appear if other testimony is introduced by affidavit as provided by ORS 153.080(5).
4. Upon request by a defendant, the court shall provide a form designated "Trial by Affidavit" and containing the following statement:

"By filing this affidavit, I understand that I am giving up ("waiving") my right to present my oral testimony in court at trial. I understand that the citing officer and/or witnesses may appear in person. I am asking the court to decide whether I am guilty or not guilty of the above violation(s) based on this affidavit and other evidence submitted to the court. I further understand that I am giving up my right to question or cross-examine the police officer and other witnesses who testify, whether in court or by affidavit."

5. If a defendant fails to file an affidavit within the time permitted by the court, a default judgment may be entered.
6. If a police officer fails to file an affidavit within the time permitted by the court, the citation shall be dismissed.
7. Both parties shall be notified in writing of the results of each trial by affidavit.

DATED May 15, 2023

Emily Oberdorfer

Emily Oberdorfer
Presiding Judge