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INSTRUCTIONS FOR USE OF THE AFFIDAVIT FORM

If you proceed with a Trial by Affidavit, you must sign and date Option 3 on your citation (enter a plea of Not Guilty) or, if you do not have a citation, provide a request in writing for testimony by affidavit. You must complete an affidavit for submission to the court at or before trial, as described in the order. In the affidavit you are explaining the circumstances about the violation (the same way you would explain to a judge if you were to appear in court) in a sworn statement. The law enforcement officer who issued the citation will also have the opportunity to file an affidavit in support of the citation, but may also appear in person to present oral testimony.

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IN THE MUNICIPAL COURT OF THE CITY OF OREGON CITY

COUNTY OF CLACKAMAS, STATE OF OREGON

City of Oregon City,	)	
Plaintiff,	)	CITATION NO._____
vs.	)	
_____,	)	DEFENDANT'S WAIVER OF ORAL
_____ Defendant	)	TESTIMONY (Trial by Affidavit)

AFFIDAVIT DUE BY: _____

I have pled NOT GUILTY in the above matter.

I declare that I live more than _____ miles from Oregon City Municipal Court.

I hereby waive my rights to have testimony presented in open Court and authorize testimony be in the form of a declaration. I also understand that, by filing an affidavit I need not appear in court.

I realize by signing this waiver that the officer may also file an affidavit and not appear in court, or, that the officer may appear in court personally to give testimony and, after presentation of his/her case, may review my affidavit and any witness statements I have submitted and shall have the opportunity to respond to said statements.

I will submit my affidavit containing my testimony and affidavits of witnesses, if any, to the Court by the date indicated above. If I fail to submit said affidavit by the due date, the court shall find me guilty by default.

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I CERTIFY THAT I HAVE READ THE ABOVE AND WAIVE MY RIGHT TO HAVE TESTIMONY PRESENTED IN OPEN COURT. I REQUEST THAT THIS MATTER BE DECIDED AS STATED ABOVE.

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I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

DATED:_____

Signature: _____

Print Name: _____

Mailing address: _____

_____

IN THE MUNICIPAL COURT OF THE CITY OF OREGON CITY

CLACKAMAS COUNTY, OREGON

City of Oregon City, Plaintiff,	)	Case No. _____
vs	)	
_____, Defendant	)	AFFIDAVIT TESTIMONY AND WAIVER

I, _____, hereby waive my right to trial by personal appearance in Court and submit my evidence by this affidavit to the Court.

The testimony that I wish to submit for consideration by this court is as follows: and I swear/affirm the following is true:

_____

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_____

_____ Check here if there are additional attached sheets. How many additional attached sheets are there? _____

By filing this affidavit, I understand that I am giving up my right to present my oral testimony in court at trial 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. I specifically waive my right to have testimony presented orally at the time scheduled for trial.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and subject to penalty for perjury.

DATED This _____ day of _____, 20__.

_____

Print name:_____