

SUMNER MUNICIPAL COURT LOCAL RULES

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Local Court General Rule 1

Any party or attorney to a proceeding or subpoenaed witness who fails to appear within thirty minutes of the time scheduled for hearing or trial shall be deemed having failed to appear unless previously excused by the Court or timely notice having been provided to the Court for determination of an acceptable reason for such absence. The Court retains complete authority to reschedule the matter, issue warrant(s), or dismiss the case or proceeding.

Local Court General Rule 2

Sixty days after sentencing and/or final disposition of a criminal case or civil infraction, the attorney of record except for the matters appointed the public defender at City of Sumner expense, unless a notice of appeal has been filed, shall file a written notification with the court indicating the attorney's desire to remain as the attorney of record on the case.

{ Adopted effective June 30, 2009 }

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1.1 ADOPTION

These rules are adopted pursuant to CrRLJ 1.7 and GR 7 and supersede any and all Local Court Rules heretofore adopted by the Sumner Municipal Court.

{ Adopted effective September 1, 2002 }

1.2 TITLE OF RULES

These rules shall be known and cited as Sumner Municipal Court Local Rules, and shall be referred to as SUMCLR.

{ Adopted effective June 30, 2009 }

1.3 EFFECT OF LOCAL RULES

The provisions of the Local Rules are supplemental to the Rules for the Courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington, and shall not be construed to be in conflict with State court rules as hereby exist or are hereafter amended or modified.

{ Adopted effective June 30, 2009 }

1.4 RESERVATION OF DISCRETION

The Sumner Municipal Court reserves the authority to interpret and/or suspend or modify these rules in individual cases on motion of a party for good cause or on a motion of the Court in the interest of justice and/or the efficient operation of the Court.

{ Adopted effective September 1, 2002 }

3.1 ARRAIGNMENT DATE

The arresting officer shall set the defendant's arraignment date and time when issuing a citation in all cases charging a criminal traffic and criminal non-traffic offense. The arraignment date set shall be the next regularly scheduled arraignment date, except as provided below. For citations charging Driving Under the Influence, Driver Under Twenty-one Consuming Alcohol, or Physical Control of Vehicle under the Influence, as defined in R.C.W. 46.61.502, 503 or 504, or any Domestic Violence offense as defined in R.C.W. 10.99.020 as enacted or hereinafter amended, the arraignment date shall be the next regularly scheduled Court session.

{ Adopted effective September 1, 2002 }

4.1 APPEARANCE OF DEFENDANT

Pursuant to CrRLJ 3 and 4, an attorney may enter an appearance and/or plea of not guilty on behalf of a defendant in any criminal non-traffic or criminal traffic offense, if said appearance or plea is made in writing or made in open court. However, if the defendant is charged with Driving Under the Influence, Driver Under Twenty-one Consuming Alcohol, or Physical Control of Vehicle Under the Influence, as defined in R.C.W. 46.61.502, 503 and 504, or any Domestic Violence offense as defined in R.C.W. 10.99.020 as enacted or hereinafter amended, the defendant must appear personally before the Court for arraignment.

{ Adopted effective September 1, 2002 }

4.2 CONTINUANCES

- (a) All motions for continuance shall be in writing and shall set forth the reason for the requested continuance, and if available, the dates of prior continuances indicating which party requested each.
- (b) Requests for Continuance of Jury Trial after readiness hearing shall not be granted except in extraordinary circumstances as permitted by the court.

Failure to comply with this rule may result in the imposition of terms relating to the expense incurred by the Court including, but not limited to, the costs of jury fee payments and mileage reimbursements.

{ Adopted effective June 30, 2009 }

4.3 PRETRIAL CONFERENCE

- (a) Hearing to be set. In all cases in which a defendant has entered a plea of not guilty, a pretrial conference shall be set. The hearing shall provide an opportunity for plea negotiations, resolution of all discovery issues, and trial setting. If the case is to be set for trial, an order shall be entered setting forth the following, if applicable:
 - (i) discovery schedule; (ii) date and nature of pretrial motions; (iii) date of readiness hearing; (iv) date of trial; and (v) time for filing witness lists.
- (b) Presence Required. The prosecuting attorney, defense attorney and defendant shall be required to attend the pretrial conference. Personal appearance of any of these parties shall not be waived without prior Court approval.

{ Adopted effective June 30, 2009 }

4.4 TRIAL READINESS HEARING

- (a) Readiness Hearing Set. The Court shall set jury trial readiness hearings in criminal cases set for trial. No readiness hearings will be set for bench trials.
- (b) Appearance. Appearance by the prosecuting attorney, defense attorney and the defendant are required. Appearance by the attorneys who will be trying the case is preferred. For good cause, substitute counsel may attend on behalf of trial counsel so long as counsel is prepared to answer the inquiries of the Court.

(c) Procedure at Hearing. At the trial readiness hearing, the Judge may inquire as to whether the case is expected to go to trial, whether the defendant expects to waive his/her right to jury, the number of witnesses expected to be called, the anticipated length of the trial, the number and nature of any motions and any other matter necessary to administer the trial efficiently. Any motions other than motions in limine that can be handled in a short time prior to jury selection shall be set on a separate motion date prior to jury trial date. Any anticipated problems should be brought to the Court's attention.

(d) Failure to Appear at Hearing. The Court will strike the jury trial and may issue a bench warrant for a defendant who fails to appear at the Readiness Hearing.

{ Adopted effective June 30, 2009 }

4.5 VIDEO CONFERENCE PROCEEDINGS

- (a) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1 (d), arraignments held pursuant to CrRLJ 3.4 and 4.1, bail hearings held pursuant to CrRLJ 3.2, and trial settings held pursuant to CrRLJ 3.3(f), may be conducted by video conference in which all participants can simultaneously see, hear and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purpose of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the Sumner Municipal Court judge, judge pro-tem or court commissioner. Any party may request an in-person hearing which may be granted at the discretion of the Municipal Court judge, judge pro-tem or court commissioner.
- (b) Agreement. Other trial court proceedings, including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrRLJ 4.2, may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the Sumner Municipal Court judge, judge pro-tem or court commissioner.
- (c) Standards for Video Conference Proceedings. The standards for video conference proceedings shall be as specified in CrRLJ 3.4 (d)(3).

{ Adopted Effective September 1, 2019 }

4.6 NEXT JUDICIAL DAY

The requirement of RCW 46.61.50571 those defendants arrested for driving while under the influence, driving under age twenty-one after consuming alcohol or being in physical control a vehicle while under the influence appear in court within one judicial day is waived. All such defendants shall be required to appear at the first date following arrest when Court is in regular session. Such date may be determined by calling the Court during business hours.

{ Adopted effective September 1, 2022 }

4.7 RELEASE OF ACCUSED – BAIL SCHEDULE

The court adopts the following bail schedule pursuant to CrRLJ 3.2 (b)(7) and CrRLJ 3.2(o):

A defendant who is booked and detained in jail after the initial arrest for a misdemeanor or gross misdemeanor shall be released upon promising to appear in court and posting bail in the amount of \$500 for a misdemeanor and \$1,000 for a gross misdemeanor, except for the following offenses:

1. Domestic Violence Offenses: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for any crime alleging domestic violence under RCW 10.99.020 (5) or domestic violence violations alleged under SMC 9.12.010.
2. Driving Under the Influence/Physical Control: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for Driving Under the Influence pursuant to RCW 46.61.502 or Physical Control of Motor Vehicle While Under the Influence pursuant to RCW 46.61.504.

{ Adopted effective September 1, 2022 }

4.8 DEFERRED PROSECUTION PETITION AND ORDER

A Petition for Deferred Prosecution pursuant to RCW 10.05 must be filed with the court and the prosecuting authority no later than seven (7) days prior to proposed entry unless good cause exists for delay.

An Order deferring prosecution will not be granted unless proof of compliance with the following is shown:

1. Petition for Deferred Prosecution is submitted on the form identified in CrRLJ 4.2.
2. Order for Deferred Prosecution is submitted on a form approved for use by the court.
3. Petitioner has written verification that eh or she has begun treatment in the program contained in the petition and order for deferred prosecution.

{ Adopted effective September 1, 2022 }

4.9 READINESS HEARING

Within ten (10) days prior to an assigned jury trial date, or as set by the court, there shall be held a readiness hearing. All parties must be present, and the following matters will be concluded: plea bargaining, exchange of witness lists, exchange of discovery and motions on any newly discovered evidence creating legal issues. Any motions in limine that are anticipated to take longer than 30 minutes to litigate must be served on the court and opposing party no later than 2 days prior to trial.

Following conclusion of the readiness hearing the court will set conditions for the confirmation of the jury trial pursuant to CrRLJ 4.5(b). Conditions may include the defendant calling and/or meeting with their attorney prior to the scheduled trial date. Failure to comply with the conditions may result in the jury trial being stricken and sanctions imposed pursuant to CrRLJ 4.5 (b).

{ Adopted effective September 1, 2022 }

4.10 JURY CONFIRMATION

Confirmation Required: No later than 3:00 PM, two (2) days prior to the date of the assigned jury trial, the defendant, if appearing pro se, or the defendant's attorney, if represented by legal counsel and the City Prosecutor shall contact the Court and confirm that the case will proceed to jury trial.

Failure to Confirm: Failure of a party to confirm the jury trial or to advise the Court that another disposition has been reached may cause the case to be stricken from the jury trial calendar. Failure of the defendant, if appearing pro se, or the defendant's attorney, if represented by legal counsel, to confirm the jury trial or to advise the Court that another disposition has been reached shall constitute an excluded period of the defendant's speedy trial right pursuant to CrRLJ 3.3e(3). Likewise, failure to comply with any conditions set at the readiness hearing pursuant to CrRLJ 4.5(a) may result in jury trial being stricken and the finding of an excluded period pursuant to CrRLJ 3.3(e)(3).

Failure to Appear: Failure of the defendant to appear on the jury trial date may result in the issuance of a bench warrant and the forfeiture of any posted bail unless a disposition has been confirmed by all parties. Any disposition will be heard on the next regularly scheduled court day unless an alternative date is set by the parties and is approved by the judge, judge pro tem or court commissioner.

Sanctions: Failure to comply with this rule or CrRLJ 4.5 (a) or any case confirmed under this section and not proceeding to trial may result in the imposition of sanctions, including but not limited to jury costs, witness fees and terms, as deemed appropriate by the trial court. If a failure of a party to comply with this rule results in a jury pool actually appearing at the court unnecessarily, sanctions of not less than \$250 plus jury costs will be assessed against the offending party.

{ Adopted effective September 1, 2022 }

6.1 JURY INSTRUCTIONS

Standard WPIC jury instructions shall be filed with the Court and provided to the opposing party on the day of trial, unless otherwise ordered by the Court. Any specialized instructions (crafted by the individual attorneys based upon case law or other statutory authority) shall be submitted for the opposing parties and courts review no later than readiness hearing without specific authority granted by the court. Two sets of instructions shall be filed with the Court, one with citations, and one without citations.

The set with citations shall be assembled in numbered sequence and stapled together. The set without citations shall be submitted to the Court in the same order as the cited set and shall be paper clipped together. One copy of the set with citations shall be provided to the opposing counsel or party.

{ Adopted effective June 30, 2009 }

8.1 DECISIONS ON WRITTEN STATEMENTS

Mitigation and Contested infraction hearings based on written statements, given under penalty of perjury as provided for in IRLJ 2.4 (b) (4) and IRLJ 2.6 (c), are authorized.

The procedures authorized by IRLJ 3.5 are adopted by this Court. To be considered, the written statement (s) must be received by the Court pursuant to written instructions provided to the defendant.

8.2 CITATIONS FOR NO INSURANCE

{Rescinded May 27, 2022}

8.3 CITATIONS FOR NO HANDICAPPED PLACARD/IDENTIFICATION

{Rescinded May 27, 2022}

8.4 CITATIONS FOR DOG/CAT LICENSE REQUIREMENTS

If a defendant who was cited with a violation of SMC 6.04.030 for failure to have a dog and/or cat license presents to a court clerk or administrator evidence that although the person did not have a license for their dog/cat at the time of the citation but has obtained a license in conformity with the requirements of the ordinance within 21 days from date of issuance then the penalty upon a first violation within a 5 year period shall be reduced to two hundred fifty dollars (\$275); upon a second violation shall be reduced to three hundred seventy-five dollars (\$375); in either event the court clerk/administrator shall be authorized to enter a finding that the infraction was committed, and make appropriate notations in the Court record, and the person shall be relieved of any further need to appear in court in connection with that particular violation.

[Adopted effective June 22, 2011]

8.5 SPEED MEASURING DEVICE DESIGN AND CONSTRUCTION CERTIFICATION

(a) Any certificate admissible under IRLJ 6.6.(b), and any other document relating to a Speed Measuring Device, can be filed with the clerk of the court and maintained by the court as a public record, and shall be available for inspection by the public. The court shall be entitled to take judicial notice of any document so filed. Documents filed pursuant to this rule shall not be suppressed as evidence merely because there is not a prosecutor present to offer the document as an exhibit at the hearing. If the certificate or document is insufficient, then a motion to suppress the reading of the Speed Measuring Device shall be granted. (b) Any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the Court to have committed the infraction, shall be required to pay the fee charged by the expert as a cost incurred by that party, as provided in RCW 46.63.151

[Adopted effective July 1, 2016]

9.1 SCHEDULE OF FEES

The Sumner Municipal Court shall charge fees consistent with R.C.W. 3.62.060. Any other expenses including but not limited to postage shall be imposed per the current expense to the City of Sumner.

JIS Data dissemination charges will be set in accordance with the Administrative Office of the Courts.

This rule does not apply to law enforcement agencies, governmental agencies, or other departments within the City of Sumner, or criminal cases involving indigent defense counsel.

{ Adopted effective June 30, 2009 }

10.1 PUBLIC RECORDS REQUEST

Public Records Requests must be submitted in writing on the Sumner Municipal Court Public Records Request Form noting fees may apply and must be paid prior to dissemination of information.

{ Adopted effective June 29, 2010 }