

# Aberdeen Municipal Court

## LOCAL RULES

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# Aberdeen Municipal Court

## LOCAL RULES

### AMCLR 1.7

#### Adoption of Local Rules

These rules are adopted pursuant to GR7, CrRLJ 1.7 and IRLJ 1.3 of the Washington Court Rules. These rules govern the procedure in Aberdeen Municipal Court and are supplemental to the rules enacted by the Washington State Supreme Court for the Courts of Limited Jurisdiction. The court may modify or suspend any of these local Court rules in any given case upon good cause being shown or upon the Court's own motion in the interest of justice and/or the efficient operation of the Court. [Adopted September 2, 2014]

### AMCLR 1.8

#### Title of Rules

These rules shall be known as the Aberdeen Municipal Court Local Rules and shall be cited as AMCLR, and the Aberdeen Municipal Court Local Infraction Rules and shall be cited as AMCLIR. [Adopted September 2, 2014]

### AMCLR 3.2

#### Release of Accused

- (a) **Bail Schedule.** Pursuant to CrRLJ 3.2 (b) (7), the court shall periodically publish a bail schedule, which will include any bail schedule and penalty schedule promulgated by the Supreme Court of the State of Washington. The bail schedule shall be intended as a guideline and shall not be construed as limiting the authority of the court in individual cases to set bail in a different amount. [Adopted September 2, 2014]
- (b) **New Domestic Violence Offenses.** Defendants arrested on domestic violence offenses shall be detained without bail until appearance on the next judicial day. [Adopted September 2, 2014]

### AMCLR 3.4

#### Presence of the Defendant

1. Pursuant to CrRLJ 3.4(d), the court finds good cause to require the defendant's in-person appearance for the following necessary hearings:
  - (a) Compliance hearings pursuant to RCW 10.21.055 and RCW 9.41.800. The Court finds good cause to require the in-person appearance of all defendants at compliance hearings

pursuant to RCW 9.41.801 (weapons surrender) and RCW 10.21.055 (ignition interlock device installation). Compliance with these statutes is a condition of release set by the Court and verification of timely compliance with these statutes has public safety implications. Non-compliance may result in review of release conditions. A defendant failing to comply with release conditions is subject to modification of release conditions and revocation of release on personal recognizance. Defendants have a due process right to a hearing before any revision of release conditions. CrRLJ 3.2(j).

- (b) Modification of Release Conditions Pursuant to CrRLJ 3.2(j). The Court finds good cause to require the in-person appearance of all defendants for hearings pursuant to CrRLJ 3.2(j) to modify release conditions or revoke release on personal recognizance. A defendant has a due process right to be advised of the allegations of non-compliance with release conditions and to have a hearing regarding those allegations. The Court cannot conduct a hearing pursuant to CrRLJ 3.2(j) in the absence of the defendant.
  
- (c) Trial Confirmation Hearings. The Court finds good cause to require the in-person appearance of all defendants for trial confirmation in order for the Court to accurately assess the readiness of the parties to proceed to trial and effectively manage the jury trial caseload and trial confirmation calendars. Defendants represented by counsel may waive their appearance at trial confirmation, upon a form approved by the Court, if a continuance of the trial date is requested by either party. Unrepresented defendants must personally appear at trial confirmation if a continuance of the trial date is requested by either party. A continuance is a critical stage of the proceedings, and the defendant has the right to appear. A motion to continue cannot be heard in the absence of an unrepresented defendant.
  
- (d) Sentence Review Hearings. The Court finds good cause to require the in-person appearance of all defendants for sentence review hearings. A defendant has a due process right to be advised of the allegations of non-compliance with probation conditions, to have a hearing regarding the allegation and to require the prosecutor to prove the allegations of non-compliance.

- 2. The defendant's in-person appearance may be waived at the discretion of the judge. [Adopted September 1, 2021]

### **AMCLR 3.5**

#### **Confession Procedure**

All demands for CrRLJ 3.5 hearings shall be in writing and filed not less than 14 days prior to the pretrial hearing. Copies of the demand must be served contemporaneously on the prosecuting attorney. All CrRLJ 3.5 hearings shall be scheduled by the Court. [Adopted September 2, 2014]

#### **AMCLR 4.1**

##### **Arrest**

Defendants charged with Driving under the influence (RCW 46.61.502), Driving under twenty-one consuming alcohol (RCW 46.61.503), and Physical control of vehicle under the influence (RCW 46.61.504) shall be arraigned on the next judicial day after arrest. [Adopted September 2, 2014]

#### **AMCLR 6.13**

##### **Evidence**

- (a) BAC Verifier/Maintenance Operator Demand.** Any demand for the appearance of a BAC verifier/maintenance operator shall be by separate document and shall be filed with the Court and served contemporaneously on the prosecuting attorney not less than 14 days prior to the pretrial hearing. [Adopted September 2, 2014]
- (b) Return of Exhibits.** Every exhibit in a criminal case which is not contraband will be returned to the party or attorney who produced the exhibit for identification upon written application, following termination of the time for appeal. Exhibits not requested to be returned during the appeal period by the producing party or attorney may be delivered by the Court Administrator to the local police authority for disposition as abandoned property. No exhibit shall be released or delivered without it first being receipted for by the receiving party. [Adopted September 2, 2014]

#### **AMCLR 8.1**

##### **Pretrial Motions**

All pretrial motions, including motions to dismiss, motions to suppress and motions in limine, shall be in writing and filed with the court and served on the opposing party not less than 14 days prior to the pretrial hearing. All motions shall state the grounds for the motion and shall be supported by a brief and memorandum of authorities. All responses and opposing memorandums shall be filed not less than 5 days prior to the pretrial hearing. All pretrial motions shall be heard at the pretrial hearing unless otherwise scheduled by the Court. [Adopted September 2, 2014]

#### **AMCLR 30**

##### **Electronic Filing and Service**

- (a) Electronic Service.** If a party serves another party electronically or via email, that party must likewise accept service from the other party electronically or via email.
- (b) Electronic Transmission from the Court.** The court may electronically transmit notices, orders, or other documents to all attorneys using the electronic mailbox address shown on the Washington State Bar Association's online Attorney Directory. It is the responsibility of all attorneys to maintain an electronic mailbox sufficient to receive

electronic transmissions of notices, orders, and other documents. If no address is available on the Washington State Bar Association's directory, counsel shall provide a valid email to Court Administration and update as necessary.

- (c) *Digital Signatures.* Digital signatures shall be authorized for all documents filed with the court except as prohibited by law. [Adopted September 1, 2021]

## **INFRACTION RULES**

### **AMCLIR 2.4**

#### **Response to Notice – Time Payments**

Any person who has been served with a notice of infraction and desires to pay the infraction pursuant to IRLJ 2.4(b)(1) may arrange for time payments on the monetary penalty by signing the court-approved time payment agreement. An administrative fee for the establishing, monitoring and processing of the time pay agreement shall be added as costs. [Adopted September 2, 2014]

### **AMCLIR 2.6**

#### **Schedule of Hearings -- Continuances**

A court clerk may grant one telephone request for a continuance. For a mitigation hearing, the continuance must be requested by 5:00 p.m. the day before the scheduled hearing. For a contested hearing, the continuance must be requested not less than three weeks before the scheduled hearing. Thereafter, all requests must be in writing and approved by the court. [Adopted September 2, 2014]

### **AMCLIR 6.6**

#### **Speed Measuring Device – Expert Witness Fee**

Each party is responsible for costs incurred by that party as set forth in RCW 46.63.151. The party requesting a witness shall pay the witness fees and mileage expenses due that witness. 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 the party. [Adopted September 2, 2014]