

Westport Municipal Court

Westport Municipal Court

Local Court Rules

Table of Rules

Rule 1 – Adoption

Rule 2 - Reservation of Discretion

Rule 3 - Court Sessions

Rule 4 - Bail Schedule

Rule 5 - Arraignment Date

Rule 6 - Combining Documents

Rule 7 – Discovery

Rule 8 - Pre-Trial Hearings

Rule 9 - Citizen Complaints

Rule 10 – Continuances

Rule 11 - Jury Instructions

Rule 12 - Pleas in Criminal Cases – Jury Trial Set

Rule 13 - Telephonic Communication

Rule 14 - Return of Exhibits

Rule 15 - Payment of Fines And Penalties

Rule 16 - Weapons in Area of Court

Rule 1

ADOPTION

These rules are adopted pursuant to GR 7

Rule 2

RESERVATION OF DISCRETION

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

Rule 3

COURT SESSIONS

Regular court sessions shall be on the second Thursday of each month commencing at 9:00AM in the Westport City Hall Council Chambers and at such other times and places as the court may deem necessary for its proper administration.

Rule 4

BAIL SCHEDULE

The court shall by written order filed with the clerk establish bail schedules for use by the police. The schedule shall designate those types of criminal cases, if any, wherein the defendant will be allowed to forfeit bail in lieu of arraignment.

Rule 5

ARRAIGNMENT DATE

The arresting officer will set the defendant's arraignment date and time when issuing a citation in all cases charging a criminal offense. The date set shall be the second Thursday at 12:00PM. All citations shall be filed upon issuance.

**A defendant cited for a violation of RCW 46.61.502, 503 and 504 is required to appear pursuant to RCW 46.61.5051 one (1) judicial day after that arrest. A judicial day will be defined as the second Thursday of the month. Appearances at this hearing are mandatory and may not be waived by an appearance of an attorney.
(Dated 1/15/99)**

Rule 6

COMBINING DOCUMENTS

The notice of appearance and plea of not guilty may be in one document. Waivers of a jury trial or speedy trial shall be separate and signed by the defendant or by the defendant's attorney if the attorney certifies that the defendant has expressly approved the waiver. A demand for the appearance of a breathalyzer/verifier maintenance operator shall be by a separate document. Discovery demands shall be by a separate document.

Rule 7

DISCOVERY

"Blanket" discovery forms may be used provided that each item requested shall contain a box or square in the left margin and shall be checked by the demanding party if that item is to be applicable to the particular case. Demands not applicable shall not be checked. Sanctions may be imposed for violation of this rule including, but not limited to, the quashing of the entire demand. Failure to provide discovery materials, including bills of particulars, shall be deemed waived unless the court is notified in writing not less than two weeks prior to trial.

Rule 8

PRE-TRIAL HEARINGS

(A) Hearings:

All cases scheduled for a jury trial shall be set for a pre-trial hearing not less than one month prior to the trial. The City Attorney, the defendant and the defense attorney, if any, shall attend the hearing. If a defendant not represented by counsel fails to appear for the hearing, a warrant for his or her arrest shall issue, and the jury trial setting stricken. If a defendant represented by counsel fails to appear a warrant for defendant's arrest may issue, and the jury trial setting may be stricken. In any case where a defendant fails to appear for the hearing, the period of time from that hearing to the defendant's next personal appearance in court shall not be included in anytime limitation requirements.

(B) Motions:

All amendments to the charges, pleas or other motions shall be heard at the pre-trial hearing. Motions may not be considered at the time of trial unless they could not have been raised at the pre-trial hearing, or the court, on its motion, continues a matter to the time of trial. The party wishing the attendance of a witness at the pre-trial hearing shall be responsible for subpoenas of such witness except that the City Attorney shall subpoena necessary witnesses for a CrRLJ 3.5 hearing if the defendant or his attorney has requested in writing such attendance.

Rule 9

CITIZEN COMPLAINTS

Citizen complaints will be accepted only after approval of the City Attorney.

Rule 10

CONTINUANCES

(A) Bench Trials – Stipulations:

The court will grant a continuance after a bench trial date has been set upon a stipulation of counsel not less than one day prior to the date set. The defendant must sign all orders of continuance.

(B) Written Motion: Bench Trials –

All requests for a continuance made five working days or less prior to a non-jury trial not stipulated to by the opposing party shall be presented by written motion and affidavit after notice to the opposing party. Twenty-four hours prior notice to the opposing party shall meet the requirement of this sub-section. The court may grant a continuance on a showing of good cause.

(C) Jury Trials:

A written motion and affidavit shall present all requests for a continuance of a jury trial with notice provided to the opposing party. Such motions may be heard at the pre-trial hearing. A continuance will be granted only upon a showing of good cause.

(D) Good Cause:

The following shall be deemed to be good cause:

- (1) Illness;**
- (2) Unavoidable and /or unforeseen conflicts;**
- (3) Unforeseen unavailability of witnesses; or,**
- (4) Lack of discovery or new evidence requiring investigation.**

(E) Imposition of Costs:

Payment of costs of the court and the opposing party may be a condition for granting a continuance.

(F) Speedy Trial Waiver:

A waiver of the speedy trial rule may be required as a condition for granting a continuance. Waivers must be to a date certain.

(G) Infraction Hearing:

The court clerk may grant one telephone request for a continuance. Thereafter, the request must be in writing and approved by the court.

Rule 11

JURY INSTRUCTIONS

(A) When Submitted:

Proposed jury instructions shall be submitted when the case is called for trial.

(B) How Submitted:

Three sets of instructions shall be submitted on plain 8 ½ x 11-inch paper. Citations of authority shall not appear on the unnumbered set. One additional set shall be served upon the opposing party.

(C) Pattern Instructions:

Only instructions approved by the court and availability to it in photocopy form may be requested by reference. The offering party must prepare all other instructions.

Rule 12

PLEAS IN CRIMINAL CASES – JURY TRIAL SET

The court shall be notified of a plea agreement not less than one week prior to a jury trial. Failure to comply with this rule may result in the imposition of costs in addition to any other sentence imposed.

Rule 13

TELEPHONIC COMMUNICATION

All proceedings except criminal changes of pleas or trials may be heard by telephone conference call at the request of either party or the court.

Rule 14

RETURN OF EXHIBITS

Every exhibit shall be returned to the party who produced it in a case that was not appealed upon written application not earlier than twenty-one days after the trial. Exhibits not so withdrawn shall be destroyed after thirty days, or, if contraband, delivered to the police for destruction.

Rule 15

PAYMENT OF FINES AND PENALTIES

(A) Infractions:

Infraction penalties imposed shall be paid at the conclusion of any requested hearing unless the court specifically orders otherwise.

(B) Attorney and Jury Fees – Reimbursement:

The court may require partial or full reimbursement to the city for the cost of court appointed counsel and/or jury fees from those defendants the court finds able to pay such.

(C) Conditions of Time Payment:

All criminal time payments shall be paid at the rate of \$25.00 per month or the total amount due divided by the number of probation months, not to exceed twelve months, whichever amount is greater, unless a different payment schedule is expressly approved by the court.

(D) Community Service:

The court may impose community service in lieu of monetary payments in appropriate cases.

(E) Petition to Modify:

The defendant may petition the court to modify monetary payments at any time due to his or her changed financial condition.

(F) Revocation of Probation:

Probation shall be revoked for willful failure to pay fines, costs or other assessments.

Rule 16

WEAPONS IN AREA OF COURT

No person except on duty police officers shall possess any weapon in the Westport city Hall during court sessions.

At all times no person shall possess any weapon in the court office or hallway in front of the court office.

The clerk shall post a copy of this rule on the entrance door in the court office and the courtroom when the court is in session.

The Chief of Police or his designee is designated as the custodian of weapons and shall provide a procedure for the receipt, storage and return of all weapons pursuant to Chapter 396, Laws of 1993.