

Monroe Municipal Court

Monroe Municipal Court
Local Court Rules

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MMCLR 1
RELEASE OF ACCUSED

(a) Bail: Monroe Municipal Court will follow the bail schedule set forth in Washington Court Rule CrRLJ 3.2(o) except where the charges involve domestic violence offenses or charges of DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504).

(b) Domestic Violence Offenses: Bail shall not be set for a person arrested for a new domestic violence offense unless set by a judge electronically at the time of arrest, or at a preliminary appearance, arraignment or subsequent court appearance. "Domestic violence" includes, but is not limited to any of the misdemeanor or gross misdemeanor offenses listed in RCW 10.99.020(5), or similar municipal ordinance, when committed by one family or household member against another. "Family or household members" are those persons listed in RCW 10.99.020(3) or similar municipal ordinance.

(c) DUI or Physical Control: Bail shall not be set for a person arrested for a new DUI or Physical Control offense unless set by a judge electronically at the time of arrest, or at a preliminary appearance, arraignment or subsequent court appearance or by written court order.

[Effective date September 1, 2015]

MMCLR 2
WARRANT OF ARREST

(a) Warrants issued by the Court will specify whether a bond or bail may be posted to secure the release of the defendant. A warrant for \$5,000 or less may be quashed administratively by the Clerk of the Court upon the payment of a fifty dollar (\$50.00) warrant fee. No-bail warrants are not subject to this procedure.

(b) A written motion to quash any warrant may be made at any time and will be considered without a hearing.

[Effective date September 1, 2015]

MMCLR 3
ELECTRONIC MOTION FOR BAIL REVIEW

Either party may file a motion for bail review with the court in writing. The motion must also be served on the opposing party. If the party wishes to have the matter reviewed electronically, the party may electronically

file the motion with the court and simultaneously file the motion with the opposing party at the email address of the opposing party. The opposing party will have 24 hours to respond electronically to the court and the moving party. Upon receipt of the response, the moving party may reply electronically by service to the court and the opposing party within 12 hours. Upon receipt of the reply, the court will render a decision in writing. Nothing herein requires the electronic filing of motions for bail review.

[Effective date September 1, 2015]

MMCLR 4
MOTIONS AND OTHER PAPERS

(a) How Made. An application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.

(b) Form. The civil rules (CR) applicable to captions and other matters of form of pleadings apply to all motions and other papers provided for by these rules.

(c) Signing. All motions shall be signed in accordance with CR 11 or GR 30.

(d) Identification of Evidence. When a motion is supported by affidavits or other papers, it shall specify the papers to be used by the moving party.

(e) Electronic Filing. Any pleading signed by attorneys, electronically or otherwise, may be filed electronically by attaching the document in .pdf format to an email addressed to court@monroewa.gov. Nothing herein requires the electronic filing of documents by counsel.

[Effective date September 1, 2015]

MMCLR 5
SCHEDULING OF HEARINGS

(a) Contested hearings will be scheduled upon the Respondent's request within the time limits provided by IRLJ 2.6(a). If, at the same time the Respondent requests a contested hearing, the Respondent also requests that an electronic speed measuring device (SMD) expert be present at the contested hearing, the court will set such hearing on the third Wednesday of a calendar month. If such a request is made subsequent to the scheduling of the hearing on a day other than the third Wednesday of a calendar month, the court will continue the hearing from the date first set to a hearing on the third Wednesday in a calendar month and the period between the date of the hearing originally set and the new hearing will be excluded from the computation of the time-for-hearing requirements of IRLJ 2.6(a). If the third Wednesday of a calendar month falls on a non-judicial day, the court may direct that such hearings be set on another day in the same calendar month.

(b) There shall be no prehearing conferences.

(c) If the Respondent is also charged with a criminal offense arising out of the same incident as that which gives rise to an alleged civil infraction, the hearing on the infraction may be scheduled at the same time as any hearing set for the criminal matter.

[Effective date September 1, 2015]

MMCLR 6
DISCOVERY

(a) In any case where the City intends to call or to rely upon the sworn statement of a local law enforcement officer, the duty to provide a list of witnesses to the Respondent may be met by providing a copy of the citing officer's sworn statement on which the officer is identified.

(b) No motion to dismiss or to suppress evidence will be granted for failure to provide discovery not required by IRLJ 3.1(b) unless the moving party has previously obtained an order from the Court compelling production of the additional discovery.

[Effective date September 1, 2015]

MMCLR 7
CONTESTED HEARINGS--PRELIMINARY MOTIONS

Motions challenging the authority of the Court, the constitutionality of the Court, the constitutionality of any statute, ordinance or court rule pertaining to an infraction, the authority of the prosecuting attorney prosecuting an infraction, and/or the authority of the law enforcement agency or officer filing an infraction must be made in writing. Such motions, together with citations to authority and argument, must be filed with the Court and served upon the opposing party no later than fourteen days prior to a contested infraction hearing. Such motions may be decided by the Court with or without oral argument, as the Court may determine.

[Effective date September 1, 2015]

MMCLR 8
DECISION ON WRITTEN STATEMENTS

At the request of the Respondent, the Court will conduct a mitigation hearing authorized by RCW 46.63.100 or consider a petition to defer a finding under RCW 46.63.070(5), or conduct a contested hearing authorized by RCW 46.63.090, upon the written statements of the City's witness(es) and the Respondent, pursuant to IRLJ 3.5. A petition for a deferred finding which is denied by the Court will be treated as a request for a mitigation hearing on written statements.

[Effective date September 1, 2015]

MMCLR 9
SMD EXPERT

A request for the production of an SMD expert at the contested hearing shall be made in a document separate from any and all other requests, demands and/or notices.

[Effective date September 1, 2015]

MMCLR 10
REPRESENTATION BY LAWYER

Attorneys appearing on behalf of clients shall file a Notice of Appearance with the Court and Prosecutor no later than seven (7) days prior to the hearing. Failure to provide such notice shall be grounds for a continuance to the next available calendar when the Prosecutor will be present, even if the date is beyond speedy trial requirements.

[Effective date September 1, 2015]

MMCLR 11
Anti-Harassment Protection Order

1. By adoption of this local rule, the Monroe Municipal Court hereby exercises jurisdiction and cognizance of any civil actions and proceedings brought under RCW 10.14.150, as now or hereafter amended, except the Monroe Municipal Court shall transfer such actions and proceedings to the superior court when it is shown that (a) the respondent to the petition is under eighteen years of age or (b) a superior court has exercised or is exercising jurisdiction over a proceedings involving the parties.

2. The Monroe Municipal Court's jurisdiction pursuant to this rule shall be limited to situations:

a) When the alleged acts of unlawful harassment occurred within the city limits of Monroe; or

b) When the respondent may be served within the city limits of Monroe if it is the same county or judicial district where a respondent resides.

3. The clerk of the Municipal Court may charge a filing fee in the amount equal to the applicable fee charged by the Snohomish County District Court. The Municipal Court Judge has discretion to waive or reduce the filing fees upon showing of indigence, financial hardship, or other good cause.

(Adopted effective February 14, 2017)
