
Selah Municipal Court

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Local Court Rules

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SEMAR 1.1
PREAMBLE

These local rules are assembled and numbered to conform to the numbering system and format adopted by the Supreme Court of the State of Washington as required under Rule GR 7. These rules supplement the Criminal Rules of Courts of Limited Jurisdiction as well as the Infraction Rules for Courts of Limited Jurisdiction.

SEMAR 1.2
SCOPE AND EFFECTIVE DATE

The Court may modify or suspend these local rules in any given case upon good cause being shown or upon the Court's own motion when justice so requires.

These rules shall be effective on January 1, 2015.

SEMAR 1.3
CITATION

These Rules should be cited as SEMAR (Administrative Rules), SEMCrR (Criminal Rules), or SEMIR (Infraction Rules).

SEMAR 1.4
PLACE OF COURT

Unless otherwise ordered, the Court shall sit in the courtroom of the Selah City Hall, Selah, Washington. The Clerk's office also shall be at the Selah City Hall, Selah, Washington.

SEMAR 1.5
SESSIONS

Tuesdays are hereby designated as Judicial Days. If a legal holiday falls on a Monday, Court shall, unless otherwise ordered by the Presiding Judge, still be held on Tuesday following the Monday Holiday.

SEMAR 1.6
ORDER OF DOCKET

The docket of the Court shall be arranged, generally, in the following fashion:

- 7:45 AM Bench Reviews.
- 8:00 AM Pre-trial Conferences, Status Hearings, Reviews, Probation Violations, Change of Plea and any other matters as the Court may direct.
- 9:00 AM Arraignments.
- 9:30 AM Spanish Language Interpreter and Infraction Hearings.

Bench Trials shall be held On Tuesdays. Jury Trials on Thursdays.

SEMAR 1.7
OFFICE HOURS

The Clerk's Office shall be open Monday through Friday (legal holidays excepted) from 8:00 AM to 5:00 PM. The Court may, under extraordinary circumstances, authorize closure of the Clerk's Office for a specific period of time during its otherwise normal hours of operation.

SEMAR 1.8
PROBATION DEPARTMENT

Yakima County Probation Services is designated to provide services in all matters requiring supervision of Defendants. The Court shall specify, by written order, the Defendant subject to such supervision and the terms of such supervision.

In connection with Probation Orders, Orders Deferring Prosecution, or Stipulated Orders for Continuance, if the Court issues an order staying the same, Probation Services is relieved of any duty to supervise the subject of the order, pending further directive of the Court.

SEMAR 1.9
JUDGES PRO TEMORE

Judges Pro Tempore shall have the full powers of the regular Judge during regular Court sessions for which he or she is appointed. Judges Pro Tempore may also, in the absence or unavailability of the Presiding Judge, have such powers as may be necessary to carry out the essential functions of the Court.

SEMAR 1.10
DISCLOSURE OF RECORDS

- (1) The following records and files of the Court are declared confidential:
 - (a) Affidavits for search warrants before a return of service have been filed.
 - (b) Affidavits for probable cause for arrest warrants before the warrant has been served and returned to the court.
 - (c) Pre-sentence and after-sentence reports.
 - (d) Mental health, psychiatric, and medical reports.
 - (e) Alcohol and drug evaluations.
 - (f) Deferred Prosecution petitions and stipulations of rights.
 - (g) Unless admitted into evidence, certified copies of driving records, abstracts of driving records, and compliance reports of arrest and convictions.
 - (h) Judges' notes and work sheets.
- (2) Access to confidential records is limited to person authorized by statute or Court order.
- (3) Persons requesting access to court records shall file a written request, on a form provided by the Court. Any person objecting to a denial of access may file a Motion for Reconsideration, which will be set by the Clerk, for hearing and determination by the Court.
- (4) A charge of 50 cents per page shall apply to photocopies of all documents.
- (5) Request for duplicates of recorded CDs shall be in writing on a form prescribed by the court. Duplicates of CDs and photocopies of the record shall be delivered only after payment of the costs for the same, unless payor is excused from payment by statute or appropriate order of the Court.

SEMCrR 2.5
PROCEDURE ON FAILURE TO OBEY CITATION OR NOTICE

- (1) Warrant Costs. The maximum warrant preparation fee permitted under RCW 10.01.160 shall be assessed whenever the Court orders a warrant based on a Defendant's failure to appear for any mandatory court appearance on a jailable offense. The fee shall include any cost for service of the warrant.
- (2) The Court, in its discretion, may quash a warrant in the interests of justice.

SEMCrR 3.2
RELEASE OF ACCUSED

Cash deposited as bail is presumed to be the property of the accused, unless otherwise shown upon the record of the Court.

SEMCrR 3.3
TIME FOR TRIAL

- (1) The clerk shall set a Status Hearing on each case set for Jury Trial.
- (2) Status Hearings shall be set not less than two weeks prior to the trial date.
- (3) Failure of a Defendant to appear at the Status Hearing shall cause the trial date to be stricken.
- (4) Failure of a Defendant to contact counsel prior to the Status Hearing may result in the imposition of sanctions upon the Defendant if such results in delay or inconvenience to the Plaintiff.
- (5) The Court may continue a case pursuant to CrRLJ 3.3 (d) (1).

SEMCrR 3.4
MANDATORY APPEARANCE

(1) Defendants under the age of eighteen shall upon court order, be accompanied by a Parent or Guardian at the time of Arraignment, Status, Trial, and Sentencing Hearings, The Court may continue such proceedings until the presence of the Parent or Guardian can be secured.

(2) Defendants charged with DUI (RCW 46.61.502), Driver under 21 Years of Age Consuming Alcohol (RCW 46.61.503), Physical Control (RCW 46.61.504), Negligent Driving in the First Degree (RCW 46.61.5249) and Domestic Violence Assault must appear for Arraignment on the next judicial day following arrest or signing of a promise to appear on a citation.

SEMCrR 3.6
SUPPRESSION PROCEDURE

(1) The Court may hold Suppression Hearings immediately prior to jury selection or at such other time as set a hearing pursuant to CrRLJ 3.5 and/or 3.6.

(2) At the time of the Status Conference, appropriate arrangements shall be made to set a date and time for CrRLJ 3.5 and/or 3.6.

SEMCrR 4.2
PLEAS

Pleas of Guilty may be entered on any regular court day, but may be subject to terms pursuant to SEMCrR 6.1.1 (f).

SEMCrR 4.7
DISCOVERY

(1) Unless otherwise ordered by the Court, the Prosecutor shall provide all discoverable materials in the Prosecutor's possession to the Defense within 14 days of arraignment or as soon as is reasonably possible, and without written demand.

(2) Unless otherwise ordered by the court, the Defendant (if appearing pro se) or the Defendant's Attorney shall provide, without written demand, all discoverable materials to the Prosecutor not less than three days prior to the Status Hearing, or in cases where no Status Hearing has been set, not less than 14 days, or as soon as is reasonably possible, prior to the date set for trial.

SEMCrR 4.11
STATUS HEARING

(1) The Status Hearing is designed to determine the readiness of the case for trial, to provide accurate information to the Court as to which cases are actually expected to proceed to Jury Trial and to address Pre-Trial issues.

(2) The Parties and/or their Attorneys should be prepared to exchange witness lists, address Pre-Trial motions and stipulations, discuss jury instructions where applicable, evidentiary issues other than those requiring a hearing pursuant to CrRLJ 3.5 and 3.6, the amount of time required for trial, whether or not a jury will be waived, and any other relevant issues.

(3) Petitions or Notices of Intent to File Deferred Prosecution may be filed at the Status Hearing and then scheduled for subsequent hearing by the Court.

SEMCrR 6.1.1
TRIAL BY JURY

(1) Any case confirmed for Jury Trial at the Status Hearing shall remain set for a Jury Trial, unless the Clerk of the Court is advised by the parties that the jury panel need not be summoned or that the jury panel may be called off.

(2) At the time of the Status Hearing, the Court will set a specific date and time by which the parties can advise the Clerk that the jury panel need not be summoned.

(3) Otherwise, in any case confirmed as a Jury Trial and not proceeding to a Jury Trial, whether by entry of a plea or otherwise, terms, including costs for an unused jury panel, costs incurred in summoning a jury panel and witness fees, may be imposed by the Court.

SEMIR 2.4
RESPONSE TO NOTICE

(1) Written responses either contesting or mitigating an infraction shall be permitted, provided such statement shall be either notarized or certified in the manner provided in IRLJ 2.4 (b) (4).

(2) Upon request of the Defendant, the Clerk shall provide information so that the Defendant may comply with this requirement, in substantially the following form:

"You have requested a hearing on your written statement, asking for a () Contested () Mitigation Infraction Hearing. Under Court rules, your statement must contain the following language: "I hereby certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct." Sign and date the statement and note next to your signature the place where you signed it; (i.e. Yakima, WA, Selah, WA etc...). Your statement must also contain your written promise to pay the monetary penalty that may be imposed if the infraction is found committed. Hearings based upon written statement cannot be appealed.

YOUR RESPONSE MUST BE POSTMARKED BY: _____ TO BE CONSIDERED.

SEMIR 2.6
SCHEDULING OF HEARINGS

(1) Hearings on infractions may be scheduled, upon request of the Defendant, at the same time as hearings or trials on criminal matters arising out of the same occurrence. Multiple infractions arising out of the same occurrence may be heard at the same time whether denoted as Mitigation or Contested.

SEMIR 3.5
Written Statements

The court authorizes written statements for mitigation, contested hearings, proof of and requests for deferred infractions in lieu of the defendant's personal appearance.

(a) A defendant may submit a written statement as a response to a notice of infraction within 15 days of the date the notice is personally served or, if the notice is served by mail, within 18 days of the date the notice is mailed.

(b) A written statement may be submitted through the court by mail, fax or by requesting a hearing through the city website 1 day prior to the day of hearing.

Address: Selah Municipal Court
115 W Naches Ave
Selah, WA 98942
Fax: (509) 698-7338
Website: www.selahwa.gov

(c) A written statement must include an address where the disposition may be mailed to notify the requestor of the mitigated fine amount and payment options.

(d) If the type of hearing being requested is not clearly stated it will be treated as a mitigation hearing.

(e) If a person who has been cited with a violation of RCW 46.30.020 (failure to provide proof of liability insurance) presents to the Court Clerk evidence that the person had in effect, at the time of the citation, liability insurance as required by RCW 46.30.020, then, upon payment of twenty-five dollars (\$25.00), administrative costs, the case shall be dismissed and the Court Clerk shall be authorized to make appropriate notation of the dismissal in the Courtfile. This section is applicable only if the person charged has otherwise complied with all rules and procedures that govern responding to notices of infraction.

Decision on Written Statements

The court is authorized to enter decisions based upon written statements on infraction cases involving contested, mitigation and request for deferred infractions.

(a) Factual Determination: Concerning contested hearing, the court shall determine whether the plaintiff has provided preponderance of all evidence submitted that defendant has committed the infraction.

(b) Disposition: A request for a deferred infraction if denied shall be treated as a mitigation hearing. If the court determines the infraction has been committed an appropriate penalty will be applied with any additional permitted cost if applicable.

(c) Notice to Parties: The court shall notify the party in writing of the penalty imposed on the committed infraction or penalty imposed on a granted deferred infraction and mailed to the address provided to the court.

Effective September 1, 2017
