

Sunnyside Municipal Court

Local Court Rules

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SUM 1

Complaint--Citation and Notice

(a) Complaint.

- (1) Initiation. Except as otherwise provided in this rule, all criminal proceedings shall be initiated by a complaint.
- (2) Nature. The complaint shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting authority. Allegations made in one count may be incorporated by reference in another count. It may be alleged that the means by which the defendant committed the offense are unknown or that he or she committed it by one or more specified means. The complaint shall state for each count the official or customary citation of the statute, rule, regulation or other provision of law which the defendant is alleged therein to have violated. Error in the citation or its omission shall not be ground for dismissal of the complaint or for reversal of a conviction if the error or omission did not mislead the defendant to his or her prejudice.
- (3) Contents. The complaint shall contain or have attached to it the following information when filed with the court:

- (i) the name, address, date of birth, and sex of the defendant;
- (ii) all known personal identification numbers for the defendant, including the Washington driver's operating license (DOL) number, the state criminal identification (SID) number, the state criminal process control number (PCN), the JUVIS control number, and the Washington Department of Corrections (DOC) number.

(b) Citation and Notice To Appear.

- (1) Issuance. Whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor the arresting officer, or any other authorized peace officer, may serve upon the person a citation and notice to appear in court. Criminal citations shall be on a form entitled "Criminal Citation" prescribed by the Administrative Office of the Courts. Citation forms prescribed by the Administrative Office of the Courts are presumed valid. The only valid options for issuance are based on the citation options: booked, served on violator or sent to prosecutor for review. It is not permissible to have the court issue the criminal citation by mail.
- (2) Contents. The citation and notice to appear shall include or have attached to it:
 - (i) the name of the court and a space for the court's docket, case or file number;
 - (ii) the name, address, date of birth, and sex of the defendant; and all known personal identification numbers for the defendant, including the Washington driver's operating license (DOL) number, the state criminal identification (SID) number, the state criminal process control number (PCN), the JUVIS control number, and the Washington Department of Corrections (DOC) number;
 - (iii) the date, time, place, numerical code section, description of the offense charged, the date on which the citation was issued, and the name of the citing officer;

(iv) the time and place the person is to appear in court, which may not exceed 20 days after the date of the citation and notice, but which need not be a time certain.

(3) Certificate. The citation and notice shall contain a form of certificate by the citing official that he or she certifies, under penalties of perjury, as provided by RCW 9A.72.085, and any law amendatory thereto, that he or she has probable cause to believe the person committed the offense charged contrary to law. The certificate need not be made before a magistrate or any other person.

(4) Initiation. When signed by the citing officer and filed with a court of competent jurisdiction, the citation and notice shall be deemed a lawful complaint for the purpose of initiating prosecution of the offense charged therein.

(d) Filing.

(1) Original. The original of the complaint or citation and notice shall be filed with the clerk of the court.

(2) Time. The citation and notice shall be filed with the clerk of the court within two days after issuance, not including Saturdays, Sundays or holidays. A citation and notice not filed within the time limits of this rule may be dismissed without prejudice.

1.2 COMPLAINT--CITATION AND NOTICE--SUFFICIENCIES

(a) Complaint. The complaint shall not be deemed insufficient for lack of formal caption or commencement or a formal conclusion, or any other matter not necessary to a plain, concise and definite statement of the essential facts constituting the specific offense or offenses with which the defendant is charged, nor for lack of any other matter not necessary to such statement, nor need it negative any exception, excuse or proviso contained in any statute creating or defining the offense charged.

(b) Copy of Complaint or Citation and Notice. When a complaint or a citation and notice has not been located, a copy or substitute thereof, certified by the court, may be utilized until the original can be located, and the case shall proceed without delay from that cause.

(c) Amendment. The court may permit a complaint, a citation and notice, or a bill of particulars to be amended at any time before verdict or finding if substantial rights of the defendant are not prejudiced.

SUM 2

Arraignment

- (a) Name. Defendant shall be asked his or her true name. If the defendant alleges that their true name is one other than that by which he or she is charged, it must be entered in the record, and subsequent proceedings shall be had against him or her by that name or other names relevant to the proceedings.
- (b) Time. Arraignment shall take place within 14 days whether the defendant is in custody or not. Any delay in bringing the defendant before court shall not affect arraignment.
- (c) Copy of Complaint or Citation and Notice. When a complaint or a citation and notice cannot be located a copy or substitute thereof, certified by the court, may take place of the original until it can be located, and the case shall proceed without delay from that cause.
- (d) In the interest of justice if the complaint has not been located and 14 days for arraignment has not expired, the case will be continued to allow the complaint to be located and available for the next arraignment hearing. If the defendant is in custody they shall be released and reset for arraignment within 14 days. In order for a dismissal to occur in this instance the time to file a complaint must exceed 20 days after the initiating citation was filed.
- (e) Reading. The complaint or citation and notice or the substance of the charge, shall be read to the defendant. In the event the narrative has not been provided to the court the case shall be reset to remain within the 14 day arraignment rule and must not be dismissed prior to 14 day expiration.

SUM 3
Pre Trial Hearing

When a plea of not guilty has been entered, the court shall reset a pre trial hearing based on the provision whether the defendant is in or out of custody. If an individual is in custody, the court shall reset their next pre trial hearing in 14 days. If the defendant is out of custody, the court shall reset their hearing for 30 days, This rule is in place to allow discovery to either be received or provided to necessary individuals.

SUM 4
Deferred Prosecution

A Petition for Deferred Prosecution and Order Deferring Prosecution shall only be considered when presented on forms containing the correct information. Necessary information shall include a \$250 BAC fee and \$250 Deferred Prosecution fee. The individual shall be monitored by the Yakima County District Court Probation for the entire 5 year of Deferred Prosecution with the exception of 2 years of monitoring by a Probation Officer or until the recommended treatment is completed and monitored by a Probation Case Manager thereafter to monitor the individuals progress. At the time of entry for Deferred Prosecution, the court shall reset the case for review in 6 months, 1 year thereafter, 2 years after that and a 5 year final review.

The court must be provided the following documents: a copy of the police report, breath test printouts, blood test results, and abstract of the defendants driving abstract, a copy of petition for Deferred Prosecution, proposed order, evaluation and proposed treatment. Four copies of the aforementioned documents shall be provided to disburse to Probation Department, Treatment Agency, case file and Prosecuting Authority.

SUM 5
Motions

Motions and notice of hearing shall be served not later than 5 days before the time specified for the hearing. Exceptions to this rule will be ex parte motions or motions for a change of plea as this will impact possible jurors and witnesses expected to appear for a set trial.

SUM 30
Electronic Filing

(a) Mandatory Electronic Filing

- (1) Effective May 10th 2021, attorneys shall begin electronically filing all documents for submission to: MunicipalCourt@sunnyside-wa.gov
 - (2) Beginning June 28th, 2021, Sunnyside Municipal Court will begin transition to Go-Live. Attorneys shall begin electronically filing all documents using the court's designated e-Filing service, Odyssey File and Serve.
 - (3) Effective November 17, 2021, it will be mandatory for all attorneys to begin electronically filing all documents using the court's designated e-Filing service, Odyssey File and Serve.
- (C) Non-attorneys or pro se parties are not required to e-file, but may do so.

(b) Mandatory Forms

- (1) In order to promote clarity in pleadings, reduce drafting errors, and to expedite the processing and entry of pleadings by court staff, the Court has promulgated a number of local mandatory forms which are required to be used by all parties to an action when such form is available. Mandatory local forms may be obtained free of charge from the Sunnyside Municipal Court Clerk
- (2) Where no local mandatory form is available and a form has been promulgated by the Washington State Supreme Court, then use of the state form shall be mandatory. State forms may be obtained by accessing:

Washington State Courts - Court Forms

(c) Format of Documents:

- (1) All electronically filed pleadings, documents, and other papers shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings. Additionally, each electronically filed pleading and document shall include the case title, case number and the nature of the filing.
- (2) Correct Information: Any document or correspondence presented to the Court for filing which does not have the correct cause number and report/incident number in the caption or correspondence may not be filed and may be returned to the presenter.
- (3) Each electronically filled document shall also include the typed name, e-mail address, address and telephone number of the attorney or pro se party

filing such document. Attorneys shall include their Washington State Bar numbers on all documents requiring the attorney's signature.

- (4) A person who files a document electronically shall have the same responsibility as a person filing a document in the conventional manner for ensuring that the document is complete, readable, and properly filed.
- (5) Nothing in this rule alters a party's obligation to serve documents on the other party.

(d) Required E-File Format

- (1) Filing of individual documents within a case should be accepted in a single electronic filing transaction.
 - (i) Documents with different case numbers must be filed individually in separate transactions.
 - (ii) Bulk filings of multiple cases or multiple documents combined into one PDF document shall not be accepted.
- (2) Documents must be converted to a text-searchable PDF compatible with the latest version of Adobe Reader, because scanning creates larger file sizes with images of lesser quality, scanning must be avoided when possible. To the extent possible, each text document must be converted directly into a PDF file using Adobe Acrobat, the word processing program's PDF conversion utility, or another software program. Any scanned materials must be made searchable using optical-character-recognition software, such as Adobe Acrobat. In the event that proposed orders are submitted in a case, the PDF of the proposed order must be generated directly from a word processing program.
- (3) If a document exceeds the maximum size allowed, the filer will file multiple documents, each under the maximum file size. In such case, the user will be responsible for dividing the document into appropriately sized parts and placing a cover page on each document providing the case number, case title, and part number (i.e. 1 of 4, 2 of 4, etc.).
- (4) Any electronically filed document must be unalterable (such as sealed PDF), and be able to be printed with the same contents and formats as if printed from its authoring program.
- (5) The e-filing Vendor is required to make each electronically filed document that is not infected by a virus available for transmission to the Clerk immediately after successful receipt and virus checking of the document.
- (6) Electronic documents containing links to material either within the filed document or external to the filed document are for convenience purposes

only. The external material behind the link is not considered part of the filing or the basic record.

(e) Signatures

- (1) Original signatures of all non-electronic filers must be obtained before filing the document. The document must indicate the identity of each non-registered signatory. The filing party must retain the original document until one year after the date that the judgment has become final by the conclusion of direct review or the expiration of the time for seeking such review.
- (2) Judge's signature- Nothing herein alters the ability of the judge to sign documents in person or delegate the affixing of signatures by others if allowed by law or court rule. Documents may be signed by court staff using an electronic signature so long as the form is saved only on a directory that is accessible only by court staff.
- (3) Clerk Signature- Where a Clerk is required to endorse a document, the typed name of the clerk shall be deemed to be the clerk's signature on an electronic document.

(f) Documents That May Be e-filed. The following documents may be e-filed.

(1) Appeals

- (i) If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the case, including the expiration of any time period for review and/or appeal, and shall present the original document to the Court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

(2) Working Copies

- (i) Judges' working copies for e-filed documents are not required, except that paper working copies of e-filed documents of 50 pages or more shall be delivered to the Judge.

(g) Documents That Shall Not Be e-filed. The following documents must be filed in paper form rather than e-filed.

- (1) Documents submitted for in camera review, or documents supporting motions to seal, including documents submitted pursuant to GR 15;
- (2) Documents presented for filing during a court hearing or trial;
- (3) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;

(4) Documents from governments or other courts under official seal, excluding a copy that is e-filed as an exhibit to another document, such as a pleading, by leave of the Court;

(5) Documents larger than permitted in the User Agreement;

(h) Time of Filing

(1) Documents must be "Filed" at least 24 hours prior to the scheduled court proceeding.

(2) Any document filed electronically shall be considered as filed with the Clerk of the Court upon review and acceptance, and the transmission has been completed with the Clerk's electronic filing stamp.

(i) All submissions to the court can be emailed to:

MunicipalCourt@sunnyside-wa.gov

(j) Confirmation of Filing:

(1) Each document reviewed and accepted for filing by the Clerk of Court shall receive an electronic file stamp. The stamp shall be endorsed in the name of the Clerk and shall include the identification of the Court, the official time, and date of filing and contain the word "FILED". This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line. Electronic documents are not officially filed without the electronic filing stamp. Filings so endorsed shall have the same force and effect as documents time stamped in the conventional manner.

(2) Upon receipt by the Vendor, and submission of an electronic document to the Clerk, the Vendor shall issue a confirmation to the Subscriber. The confirmation shall indicate the time and date of receipt, and serve as proof that the document has been submitted to the Clerk. A Subscriber will receive e-mail notification from the Vendor if a document is not accepted by the Clerk's office. In that event, the Subscriber may be required to re-file the document to meet necessary filing requirements.

(3) In the absence of the Court's confirmation of receipt and filing, there is no presumption that the Court received and filed the document. The filer is responsible for verifying that the Court received and filed any document that was submitted to the Court electronically using the Court's e-filing application.

(4) If filed on a day the courthouse is not open for business, the document will be deemed filed the next business day.

(k) Rejection of Filing

(1) Documents not complying with the format specified by the applicable statute, or local rule, or standards may be rejected.

(2) Problems on the filer's end (such as phone line problems, problems with the filer's Internet Service Provider, or hardware or software problems) will not constitute a technical failure under this rule, nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end should explore other e-filing options. The filer's login and password will work on any computer that has internet access, e.g., at the library, home computer, or in commercial business service centers.

(1) Filing Errors

- (1) If the electronic filing is not filed with the Clerk because of an error in the transmission of the document to the Vendor which was unknown to the sending party or
- (2) A failure to process the electronic filing when received by the Vendor or the Court may, upon satisfactory proof, enter an order permitting the document to be subsequently filed effective as of the date filing was first attempted.
- (3) In the case of a filing error, absent extraordinary circumstances, anyone prejudiced by the Court's order to accept a subsequent filing effective as of the date filing was first attempted, shall be entitled to an order extending the date for any response, or the period within which any right, duty, or other act must be performed.

(m) e-Filing Service Charges

- (1) An e-Filing charge will be assessed each time a group of documents is filed on a case. This e-Filing service charge will be waived for
 - (a) persons who are indigent.
 - (b) government filers,
 - (c) qualified legal services providers, and
 - (d) protection orders for which filing fees may not be charged by law.