Upper Kittitas County District Court
Local Court Rules

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LARLJ 2
SCOPE OF RULES AND ADOPTION

(a) Effect of Local Rules. The provisions of the Local Rules are supplemental to the Rules for courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them.

(b) Scope. The Local Rules apply to all Courts in which a Upper Kittitas County District Court Judge is appointed or elected to sit, including but not limited to the Upper Kittitas County District Court, Cle Elum Municipal Court, and the Roslyn Municipal Court.

(c) Adoption and Amendments. These Rules may be amended from time to time by the Upper Kittitas County District Court Judge.

(d) Prior Rules Repealed. All prior rules of the Upper Kittitas County District Court are repealed upon the adoption of these Rules.

(Adopted effective September 1, 2011)

LCrRLJ 4.5
PRE-TRIAL PROCEDURE

(A) Pre-Trial Hearings. All cases scheduled for jury trial shall be set by the clerk for a pre-trial hearing. The state or city prosecutor, defense counsel and the defendant shall attend the pre-trial hearing to consider such matters as will promote a fair and expeditious trial. Upon agreement that the discovery process has been completed to the satisfaction of the parties and that there are no other issues to be heard by the court at the scheduled pre-trial hearing, a stipulated pre-trial statement of readiness, substantially in the form set forth as "Form 1" below, may be filed by the parties. The filing of a stipulated pre-trial statement of readiness will serve to excuse counsel and the defendant from appearing at the scheduled pre-trial hearing.

(B) Motions. All amendments to the charges, pleas or pre-trial motions shall be made prior to or at the time of the pre-trial hearing. Motions which should have been heard at a pretrial hearing shall not be considered at the time of trial unless the judge at the time of the pre-trial hearing expressly continues such motions to the time of trial. Absent good cause, motions for dismissal or suppression of evidence in criminal cases shall be in writing and shall be provided to the prosecutor or city attorney at least 24 hours before the pre-trial hearing. Motions which are lengthy, complex, or which require the presence of witnesses will be heard by the court at a subsequent 3.5/3.6 hearing calendar.

(C) CrRLJ 3.5 Hearings. Pursuant to CrRLJ 3.5(a) all demands for hearing on the admissibility of confessions must be made no later than the pre-trial hearing. All motions filed pursuant to this rule shall be heard by the court at a subsequent 3.5/3.6 hearing calendar.

(D) Deferred Prosecution - Time for Petition - Forms for Petition and Order. A petition for deferred prosecution shall be filed with the court at least seven days before the date set for trial but, upon written motion and affidavit establishing good cause for the delay and failure to comply with this rule, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial. The petition for deferred prosecution shall substantially comply with CrRLJ 4.2(I). The proposed findings and order shall substantially comply with the form set forth as "Form 2" below.

(E) Stays of Proceedings - Form of Order. In the event the parties enter into a stay of proceedings, the agreement between the parties shall be reduced to writing in a form which substantially complies with the form set forth as "Form 3" below.

[Adopted effective September 1, 2011]

Comments

The purpose of these rules is to eliminate surprise and unnecessary delay and expense. While the purpose of these rules is not to create traps for the unwary, when a party's failure to follow these rules causes unnecessary extra expense to the opposing party, the inconvenienced party may apply to the court for the imposition of sanctions. The purpose of these sanctions is not to punish but rather to insure that the appropriate party is responsible for the predictable costs of unnecessary delay.

Comment to section (A): The stipulated pre-trial statement of readiness was adopted by the court at the request of counsel who wanted to avoid the necessity of clients appearing at unproductive pre-trial hearings. Attorneys are encouraged to use the pre-trial statement of readiness to avoid the necessity of clients appearing when there are no pre-trial issues requiring his or her presence.

Comment to section (B): The purpose of this section is to provide a predictable structure to the pre-trial motions process and to insure that the non-moving party has adequate time to prepare
for the hearing. However, if counsel desire to avoid multiple hearings, the parties may agree to present evidence and argue pre-trial motions at the scheduled pre-trial hearing rather than following the procedure described by this rule.

Comment to section (C): See the comments to section (B).

Comment to section (D): See RCW 10.05.010.

Comment to section (E): The stay of proceedings form set forth below is generally consistent with the forms currently in use in the Upper Kittitas County District Court. In creating a uniform stay of proceedings form, it is not the court's intention to suggest what conditions should be part of an agreement between the parties. For example, if an agreement between the parties in a specific case does not include the defendant stipulating to the admissibility of the police reports, or a stipulation that the reports are sufficient to convict, the court expects the parties to line out that portion of the stay of proceedings form.

LCrRLJ 7.2(f)
REQUIREMENTS FOR CHEMICAL DEPENDENCY ASSESSMENTS

When, as a part of a sentence or other disposition, a chemical dependency assessment is required, the alcohol/drug evaluator must be a certified Chemical Dependency Professional (CDP) or a CDP trainee (CDPT) under supervision of a CDP. The evaluator shall prepare a written report of the assessment that shall include a description of the steps taken to insure compliance with the requirements of WAC 388-805-310. The written report shall also include the following information:

1. A description of the sources used to establish the defendant's legal history. At a minimum, these sources must include a Defendant's Case History (DCH), a Washington Department of Licensing driver's record abstract, and police reports describing the current offense. The police reports shall contain, at a minimum, a description of the offense and the defendant's blood or breath alcohol level and any other drug levels at the time of arrest.

2. A description of sources used to document the defendant's history of alcohol and other drug treatment or education. At a minimum, these sources shall include any available drug/alcohol evaluations prepared by a CDP or CDPT concerning the defendant. The defendant shall notify the evaluator of any prior alcohol/drug evaluation and sign any releases necessary to make such alcohol/drug evaluations available to his or her current evaluating agency.

3. A description of the method used to notify the defendant of the assessment results. The defendant shall be supplied with a copy of his alcohol/drug evaluation along with any treatment/education recommendations made by the CDP or CDPT. If the assessment results are mailed to the defendant, the report shall state the address to which the assessment was mailed and the date

of mailing.

[Adopted effective September 1, 2011]

LGR 17(a)(7)
Facsimile Transmission.

The Upper Kittitas County District Court will not accept for filing a facsimile transmission of any pleading or other document for which any other court rule or statute sets a filing time-limit or filing deadline. The court will accept facsimile transmissions of other documents, including judge's working copies of trial briefs or position statements.

[Adopted effective September 1, 2011]

LIRLJ 3.5
INFRACTION HEARINGS BASED ON WRITTEN STATEMENTS

The court adopts IRLJ 3.5 and will, at the request of a defendant, decide infraction cases based on written statements. A defendant requesting the court to decide the case on written statements shall do so by completing a statement in substantially the following form:

{see form LIRLJ 3.5 Form}

[Adopted effective September 1, 2011]

LIRLJ 6.6(e)
REQUEST FOR SPEED MEASURING DEVICE EXPERT

Request for Speed Measuring Device ("SMD") Expert. Defense requests to produce an electronic or laser SMD expert pursuant to IRLJ 6.6(b) shall be contained in a separate document clearly designated as a request for an SMD expert, served on the prosecuting authority with a conformed copy filed with the clerk of the court. If the charging law enforcement agency's SMD expert maintains a schedule for monthly appearances in the Upper Kittitas County District Court, a request for an SMD expert shall be deemed by the court to be a request to set (or re-set) the hearing to a day scheduled for the agency's SMD expert. An SMD expert called as a witness by either party may testify by telephone; however, any party intending to elicit telephonic testimony from an SMD expert shall notify the court and the opposing party at least 5 days prior to the date set for the contested hearing.

[Adopted effective September 1, 2011]

Comments to Local Infraction Rule 6.6(e).

LIR 6.6(e) is designed to address the problem of requests for SMD experts being "buried" within discovery requests or other documents filed in contested infraction cases. A request for an SMD expert which stands alone and is clearly identified as a request for an SMD expert will eliminate continuances for defendants who desire the presence of an SMD expert but who have not made their wish sufficiently clear to the prosecuting authority. Allowing SMD expert testimony by telephone serves to reduce costs incurred by law enforcement agencies as well as assisting defendants in presenting the testimony of their own SMD experts.

LIRLJ 6.6(f)
PUBLIC ACCESS TO SPEED MEASURING DEVICE CERTIFICATES

Pursuant to IRLJ 6.6(d), the court maintains as public records any design and construction certifications for electronic speed measuring devices and laser speed measuring devices filed with the court. In addition to the methods of public access described in IRLJ 6.6(d), certifications filed by the Washington State Patrol are available for review and downloading at the WSP website:

http://www.wsp.wa.gov/traveler/traveler.htm

[Adopted effective September 1, 2011]

DECLARATION INTERPRETER'S DECLARATION

The contents of this item are only available on-line.

LCRRLJ4.5 FORM1 STIPULATED PRE-TRIAL STATEMENT OF READINESS

The contents of this item are only available on-line.

LCRRLJ4.5 FORM2 DEFERRED PROSECUTION FINDINGS OF FACT,CONCLUSIONS OF LAW & ORDER

The contents of this item are only available on-line.

LCRRLJ4.5 FORM3 STIPULATION FOR AND ORDER FOR STAY OF PROCEEDING

The contents of this item are only available on-line.

LIRLJ 3.5 FORM DEFENDANT'S REQUEST FOR DECISION ON WRITTEN STATEMENTS

The contents of this item are only available on-line.