ABERDEEN MUNICIPAL COURT
Local Court Rules
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LAR 1
ADOPTION OF RULES

These rules are adopted pursuant to GR7, CrRLJ 1.7 and IRLJ 1.3 and shall replace all previous Court rules.

[Effective date September 1, 2007].

LAR 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.

[Effective date September 1, 2007]

LAR 3
OFFICE HOURS

The Aberdeen Municipal Court shall be open to the public for administrative business, with a clerk in attendance, each business day from 8:00 a.m. to 12:00 p.m., and 1:00 p.m. to 5:00 p.m.

[Effective date September 1, 2007].

LAR 4
COURT SESSIONS

Court sessions shall be held in the Aberdeen Municipal Court and at such other times and places as the Court may deem necessary for its proper administration on the following schedule:

A. Regular Thursday Court sessions at 8:30 a.m. and 1:00 p.m. for arraignments, pretrial conferences, motions, change of pleas, sentencing, show cause hearings and other matters as scheduled.

B. Mondays, (first appearance/arraignment docket) at 1:00 p.m.

C. All regular business days for first appearance/arraignment for defendants being held in custody, and all DUI/Physical Control defendants, at a time scheduled by the Court.

D. Jury Trials, Bench Trials, and other hearings shall be scheduled as determined by the Court. Schedules to be available upon request of the Court Administrator.

[Effective date September 1, 2007].

LAR 5
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 shall be allowed to forfeit bail in lieu of arraignment.

[Effective date September 1, 2007].

LCrR 2.1
ARRAIGNMENT DATE AND DETENTION

A. The arresting officer shall set a defendant's appearance date and time when issuing a citation charging a criminal offense. The date set shall be consistent with a schedule to be provided by the Court Administrator. All citations shall be filed within forty-eight (48) hours of the next business day.

B. Domestic Violence: A defendant arrested on a domestic violence offense shall be detained without bail until appearance on the next judicial day.

C. Defendants charged with violations of RCW 46.61.502, 46.61.503 or 46.61.504 shall appear on the next judicial day after arrest.

D. Defendants arrested and held in custody shall be set for appearance on the next judicial day.

[Effective date September 1, 2007].

LCrR 3.3
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 three days prior to the date set. The defendant must sign all orders of continuance.

B. Bench Trials - Written Motion: 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 (24) 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: All requests for a continuance of a jury trial shall be presented by a written motion and affidavit with notice provided to the opposing party. Such motions shall be filed on or before the pretrial hearing unless circumstances beyond the control of the moving party prevent such motion from being timely filed. A continuance may be granted only upon a showing of good cause.

D. Good Cause: The following shall be deemed to be good cause:

1. Illness with such verification as may be required by the Court;

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: If defendant requests a continuance, a waiver of CrRLJ 3.3, the speedy trial rule, shall be required as a condition for granting a continuance.

[Effective date September 1, 2007].

LCrR 3.4
PRESENCE OF DEFENDANT

A. The defendant must attend every scheduled Court proceeding. The only exception to this rule is if an attorney has entered an appearance or a plea of not guilty in compliance with LCrR 4.1 and CrRLJ 4.1(e), defendant's presence at arraignment is not required.

B. If a defendant is not personally present as required, a warrant for the defendant's arrest shall issue unless good cause for the absence is proven to the Court.

[Effective date September 1, 2007].

LCrR 3.5
CONFESSION PROCEDURE

All demands for a CrRLJ 3.5 hearing must be in writing and filed not less than fourteen (14) days prior to the pretrial hearing. Copies of the demand must be served contemporaneously with the Prosecuting Attorney. All CrRLJ 3.5 hearings shall be scheduled by the Court.

[Effective date September 1, 2007].

LCrR 3.7
AUTHORIZATION OF DEFENDANT REQUIRED

A. All CrRLJ 3.3 speedy trial waivers must be signed by the Defendant.

B. All CrRLJ 8.9 affidavits of prejudice must be signed by the Defendant.

[Effective date September 1, 2007].

LCrR 4.1
APPEARANCE BY DEFENDANT'S ATTORNEY NOTICE OF APPEARANCE, COMBINING DOCUMENTS, DEMAND FOR BAC VERIFIER MAINTENANCE OPERATOR AND MOTIONS

A. Appearance by Defendant's Attorney: Pursuant to CrRLJ 4.1(E), an attorney may enter an appearance or plea of not guilty on behalf of a client subject to Sections B and C.

B. Defendant's appearance required: A defendant must personally appear in cases where the defendant is charged with a Domestic Violence crime or violation of RCW 46.61.502, 46.61.503 and 46.61.504.

C. Notice of Appearance: A Notice of Appearance shall be in writing and shall be received by the Court a least four (4) judicial days prior to the scheduled arraignment date in order to strike the personal appearance of the defendant at arraignment.

D. Written Notice to Withdraw required: Unless a written notice to withdraw is approved by the Court, defendant's attorney must appear at all subsequent Court dates, including post conviction reviews. If defendant's attorney fails to appear at any hearing, the Court may impose terms and any other conditions authorized by law.

A. Notice of Appearance to Prosecuting Attorney: Attorneys appearing for a defendant shall provide a copy of the Notice of Appearance to the Prosecuting Attorney contemporaneously with filing the same with the Court.

B. Combining Documents: A Notice of Appearance and plea of not guilty may be combined in one document.

C. BAC Verifier/Maintenance Operator Demand: Any demand for the appearance of a BAC verifier/maintenance operator shall be by separate document to be filed with the Court and served on the Prosecuting Attorney contemporaneously with filing the same with the Court.

D. Motions: Any motion filed on behalf of any party shall be provided to the attorney representing the opposing party or, if not represented, to the opposing party contemporaneously with filing the same with the Court.

[Effective date September 1, 2007].

LCrR 4.2
PLEADINGS

Every paper presented to the Judge for signature or delivered to the Court for filing shall be a clearly readable original and shall include: (a) number and title of case, (b) designation of what the paper purports to be, and (c) name, original signature, office address, office telephone number, and WSBA number of counsel.

[Effective date September 1, 2007].

LCrR 4.5
PRETRIAL AND CONFIRMATION HEARINGS

A. Jury Trials:

1. All cases scheduled for a jury trial shall be set for a pretrial hearing not less than fourteen (14) days prior to trial.

2. All cases set for a jury trial will also be set for a confirmation hearing after the pretrial hearing and prior to the jury trial date. At the confirmation hearing, all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. When a case assigned for jury trial is settled or will not be tried by the jury for any reason, notice of that fact shall be given immediately to the Court. The Court may impose terms including payment of the actual costs of the jury in the event a case settles after the confirmation hearing.

B. Bench Trials: All cases set for a trial to the Court without a jury will be set for a confirmation hearing at least five (5) days prior to the trial date. At the confirmation hearing, all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. When a case assigned for trial to the Court is settled or will not be tried for any reason, notice of that fact shall be given immediately to the Court. The Court may impose terms in the event a case settles after the confirmation hearing.

C. Failure to Appear: The prosecutor, defense counsel and defendant shall attend all pretrial and confirmation hearings. If the defendant fails to appear for the pretrial or confirmation hearing, a warrant for the arrest of the defendant shall issue unless good cause is shown for defendant's absence. If the prosecutor or defense counsel fails to appear at the pretrial or confirmation hearing, the Court may impose terms and any other sanctions authorized by law, and the Court may continue or strike any scheduled hearing or trial date.

D. When a case is set for trial, a pretrial order shall be entered. The order at a minimum must include:

1. The pretrial conference date,
2. The trial date,
3. The type of trial requested,
4. The filing date for witness lists,
5. Whether a CrRLJ 3.5 hearing is requested,
6. The filing date for pretrial motions,
7. The filing date for motions in limine, and
8. The filing date for jury instructions.

[Effective date September 1, 2007].

LCrR 4.7
DISCOVERY

A. Discovery demands shall be by a separate document. "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 applicable to the particular case. Demands not applicable shall not be checked. The attorneys of record shall personally examine, approve, and sign each discovery request. Sanctions may be imposed for violation of this rule, including but not limited to the quashing of the entire demand.

B. Failure to provide discovery materials, including bills of particular if ordered, shall be deemed waived unless the Court is notified in writing not less than fourteen (14) days prior to the trial, or by the pretrial hearing, whichever is earlier.

[Effective date September 1, 2007].

LCrR 4.8
NOTIFICATION OF COURT AND WITNESSES

A. Notification: When a case docketed for trial or other hearing is settled or will not otherwise proceed to hearing, the parties shall immediately give notice of that fact to the Court. It shall be the duty of each party to notify its own witnesses, not only of the date and time of trial, but also of continuances, pretrial hearings, motions and other proceedings.

B. Witness Costs-Continuance or Settlement: The Court will not pay witness fees to witnesses who appear for a case that has been continued or settled without trial or hearing. Such costs shall be borne by the party or attorney who called, subpoenaed or requested a subpoena for the witness.

C. Witness Costs-Trial: The Court will not pay witness fees to witnesses who testify at trial unless the party that calls the witness has filed a witness list and proof of service with the Court by the pretrial hearing.

D. Witness Costs-Other Hearings: The Court will not pay witness fees to witnesses who testify at a hearing unless the party that calls the witness has filed a timely witness list and proof of service with the Court at least five (5) judicial days before the hearing.

E. For Sections B, C and D, such costs shall be borne by the party, or attorney, who called, subpoenaed or requested a subpoena for the witness.

[Effective date September 1, 2007].

LCrR 6.5
JURY INSTRUCTIONS

A. When Submitted: Unless otherwise requested by the trial Judge, proposed jury instructions shall be submitted by 1:00 p.m. the day before trial.

B How Submitted: Three sets of instructions shall be submitted on plain 8-1/2 x 11 paper. One set shall be unnumbered. Citations of authority shall not appear on the unnumbered set. One additional set shall be served upon the opposing party.

C Pattern Instructions: All instructions must be prepared by the

offering party.

[Effective date September 1, 2007].

LCrR 8.2
MOTIONS AND HEARINGS

A. Motions: All motions, including but not limited to amendment to the charge(s) or for continuance, shall be heard at the pretrial hearing. Motions will not be considered after the pretrial hearing unless they could not have been raised at the pretrial hearing, or the Court on its own motion continues a matter past the pretrial hearing.

B. Motion Contents: Absent good cause, motions for dismissal, motions in limine, or motions for the suppression of evidence in criminal cases shall be in writing, shall state the grounds for the motion, shall be supported with a brief and memorandum of authorities, and shall be provided to the Court, the opposing party or the attorney for the opposing party and filed at least fourteen (14) days before the pretrial hearing. Lengthy motions or motions requiring witnesses to be subpoenaed will be set for a separate hearing date by the Court.

C. Subpoenas: A party wishing the attendance of a witness at a hearing shall be responsible for subpoenas of such witnesses, except that the Prosecuting Attorney shall subpoena necessary witnesses for a CrRLJ 3.5 hearing if the defendant or his attorney has requested in writing such attendance and has given notice for such motion as set forth herein.

D. Testimonial Hearing Notice: A party bringing a motion which will require testimony, including CrRLJ 3.5 hearings, shall give separate notice of such to the Court and the opposing party not less than fourteen (14) days prior to the hearing. Failure to comply with this rule may result in the striking of the motion, its denial or terms.

E. Trial Briefs: Trial briefs shall be filed no later than two (2) days before trial.

[Effective date September 1, 2007].

LCrR 8.5
RETURN OF EXHIBITS

Every exhibit in a criminal case will be returned to the party/or attorney who produced that exhibit for identification. The return shall be made upon written application, following termination of the time for appeal. Exhibits not requested to be returned during that period by the producing attorney or party may be delivered by the Court Administrator to the local police authority for disposition as abandoned property; or if contraband, for destruction. No exhibit shall be withdrawn or delivered without being receipted for by the receiving party.

[Effective date September 1, 2007].

LIR 2.7
CONTINUANCES

A. Mitigation Hearing: A Court clerk may grant one telephone request for a continuance. The continuance must be requested by 5:00 p.m. the day before the scheduled hearing. Thereafter, all requests must be in writing and approved by the Court.

B. Contested Hearing: A Court clerk may grant one telephone request for a continuance. The continuance must be requested not less than three (3) weeks before the scheduled hearing. Thereafter, all requests must be in writing and approved by the Court.

[Effective date September 1, 2007].

LIR 6.10
INFRACTION WITNESS FEE

Each party is responsible for costs incurred by that party as set forth in RCW 46.63.151. The party requesting the witness shall pay the witness fees and mileage expenses due that witness. Any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the Court to have committed the infraction, shall be required to pay the fee charged by the expert as a cost incurred by the party.

[Effective date September 1, 2007].