AUBURN MUNICIPAL COURT
LOCAL COURT RULES

Table of Rules

Local Court General Rules

General Rule 1A
General Rule 1B

Local Court Criminal Rules

Rule Number 1
Rule Number 2
Rule Number 3
Rule Number 4

Local Court Infraction Rules

Rule Number 1
Rule Number 2
Rule Number 3
Rule Number 4
Rule Number 5
Rule Number 6
Rule Number 7
Rule Number 8
Rule Number 9

Local Court General Rule #1A

Parties or witnesses who fail to appear within thirty minutes of the time scheduled for a hearing or trial shall be deemed as having failed to appear unless excused by the court.

[Effective September 1, 2002]

Local Court General Rule #1B

Sixty days after sentencing and / or final disposition the clerk of the court shall remove from the record the names of any attorneys of record unless a notice of appeal has been filed or the court has received a written indication from the attorney indicating a desire to continue representation of a defendant.

[Effective September 1, 2002]

Local Court Criminal Rule Number One
Video Conference Proceedings

(A) Preliminary appearances as defined by CrR 3.2(B) and CrRLJ 3.2(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings as defined by CrR 3.3 and CrRLJ 3.3(f), conducted via video conference in which all participants can simultaneously see, hear, and speak with each other shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an inperson hearing, which may in the trial court judge's discretion be granted.

(B) All other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as defined by CrR 4.2 and CrRLJ 4.2 may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the court.

Rule 2

The appointment by this court of a public defender attorney for any defendant deemed to be indigent and deserving of the appointment of a public defender shall be conditioned on the defendant appearing in court for all hearings where his/her appearance has been required by the court. If any defendant for whom a public defender has been appointed fails to appear in court when so required without being excused in advance by the court, the order/appointment whereby the public defender was appointed for said defendant shall be vacated immediately upon such failure to appear. Upon such appointment being vacated, the public defender shall be relieved from any requirements to appear in court with such defendant. The provisions of this Rule, however, do not preclude the defendant from reapplying to the court for the appointment of the public defender to represent him/her.

Rule 3

Proponents of motions to suppress at a CrRLJ 3.6 hearing shall submit in writing supported by an affidavit or document as provided in RCW 9A.72.085 a statement setting forth the facts the moving party anticipates will be elicited at the hearing no later than fourteen days before the hearing. Failure to timely file shall result in the striking of the motion. If the facts are disputed the respondent shall submit an affidavit or similar document within seven days of the hearing and an evidentiary hearing shall take place at the

hearing to address the disputed facts. Failure to timely respond shall result in the court ruling on the motion on the evidence asserted by the proponent. Parties wishing to brief CrRLJ 3.6 motions to suppress shall submit briefs no later than fourteen days before the hearing if they are the proponent and responses, if any, no later seven days before the hearing. Failure to comply with this schedule may result in the court refusing to accept and/or read the briefs, at the court's discretion. Filing of the statements and briefs may be accomplished be facsimile machine transmission no later than midnight of the date in question.

Rule 4

All Pleadings and other papers may be filed with this court by facsimile transmission Monday through Friday, except holidays, between the hours of eight a.m. and five p.m.

Rule 1

1. If a person who has been cited with a violation of RCW 46.30.020 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 court file.

2. If a person charged with violation of RCW 46.30.020, for failure to have liability insurance is able to show evidence that the person has subsequently obtained liability insurance in conformity with the requirement of RCW 46.30.020, then the penalty shall be reduced to three hundred and fifty dollars ($350.00) and upon payment of the three hundred and fifty dollar ($350.00) penalty, the clerk shall be authorized to enter a finding that the infraction was committed, and make appropriate notations in the court record, and the person will be relived of any further need to appear in court in connection with the infraction.

Rule 2

A defendant who objects to the hearing date set by the court pursuant to IRLJ 2.6, shall file with the court and serve upon the plaintiff a written motion for a speedy hearing date; said motion shall be filed and served no later than ten days from the date of written notice of the hearing date. Failure to comply with this rule shall be a waiver of the objection.

Rule 3

Discovery requests other than copy of the infraction, the officer's report and the speed measuring device certification must be set for hearing to determine the relevance of such requests.

Rule 4

If a person charged with a violation of city ordinance 10.36.268 for parking in disabled space without proper parking placard, license plate or picture identification, presents to the court clerk evidence that the person had in effect at the time of citation the required parking placard, and an identification card bearing picture, name and date of birth of the permit holder, as well as the placard's serial number, then upon payment of twenty five dollars ($25.00) administrative costs, the infraction shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in court records.

Rule 5

(a) A defendant charged with an infraction who requests a hearing to explain mitigating circumstances, pursuant to Rule 2.4 of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ), and pursuant to Section 46.63.070 of the Revised Code of Washington (RCW), shall appear before the Municipal Court at the time of date for which such hearing is scheduled. The judge's determination of the disposition shall be final, and is not subject to review before any court.

(b) A defendant charged with an infraction who requests a hearing to contest the .determination that an infraction occurred shall first appear before the Municipal Court for a prehearing/settlement conference, at the time and date for which such hearing is scheduled (normally on a mitigation calendar) in accordance with IRLJ 2.3(a). The judge may waive the prehearing/settlement conference on his/her own motion. If the prehearing conference is waived the case will be set for a contested hearing. If the defendant fails to waive or appear at the prehearing conference, a default judgment shall be entered.

(c) If the defendant who requests a hearing to contest the determination that an infraction was committed has a criminal charge pending in Auburn Municipal Court, and said criminal charge arises out of the same occurrence as the infraction, the hearing on the infraction may be heard at the same time as the trial on the criminal charge at the request of the defendant, the City Attorney or the court and as authorized by the Infraction Rules for Courts of Limited Jurisdiction.

(d) A defendant who requests a hearing to contest the determination that an infraction was committed may file upon the court a written demand that the court subpoena the officer who caused the notice to be issued or whose written statement was the

basis for the issuance of the notice if the demand is filed with the court at least fifteen (15) days prior to the contested hearing. Upon receipt of such a demand to assure the officer's presence, upon written notice to the defendant. A defendant is responsible for obtaining and serving subpoenas in accordance with IRLJ 3.1 in all other circumstances.

(e) The plaintiff need not be represented by a lawyer at a contested hearing unless witnesses have been subpoenaed to appear for the hearing.

(f) A motion to set aside a judgment entered upon a failure to appear, per IRLJ 3.2(b), shall be presented into the Municipal Court at a walk-in calendar.

(g) If a defendant fails to respond to a notice of infraction within fifteen days, fails to satisfy a judgment, or fails to appear for a contested or mitigation hearing, the delinquent judgment may be referred to a collection agency pursuant to RCW 3.02.045. Remuneration for collection services will be assessed as costs, at the rate agreed to between the Court and the collection agency, and added to the judgment.

Rule 6

The party requesting the court to subpoena any witnesses whose testimony relies on expertise or on information obtained through their employment as to any speed measuring device shall be responsible for any cost, including reasonable fees normally charged by such a witness for this service and shall be responsible for all cost related to that witnesses, appearance in court, whether the witness testifies or not, as a cost assessed. A witness so subpoenaed may be allowed to appear and testify telephonically as the court determines is appropriate.

Rule 7

Pursuant to IRLJ 2.6 (c) upon receipt of written statement on infraction cases involving contested hearings and mitigation hearings, the court is authorized to enter decision based upon such written statements consistent with IRLJ 3.5.

Rule 8

The clerks of the court are authorized to resolve an infraction through a deferred finding as authorized by RCW 46.63.070(5). The conditions of a deferred finding are that the defendant waives their contested/mitigation hearing, have no deferred findings within the prior seven years, pay an administrative fee of $150.00 within 120 days, and within one year complete defensive driving school and have no other traffic infractions. Successful

compliance with the conditions shall result in a dismissal of the of the infraction. Failure of a defendant to comply with any of the terms of deferred finding shall result in a finding of committed and an assessment of the original infraction penalty as well as an assessment of $48.00. Any monies previously paid shall not be credited toward the penalty imposed or the assessment.

Rule 9

Defendants in all infraction cases as an alternate procedure may elect to have the court address a motion to set aside a finding of committed, due to either the defendant's failure to appear for a hearing or failure to timely request a hearing by submitting a written motion to the court supported by an affidavit, setting forth the grounds for the motion and, if a contested hearing is requested, the facts constituting a defense to the infraction.

Upon receipt of the motion the court shall forward a copy of the motion and affidavit to the plaintiff. Should the plaintiff choose to respond, the plaintiff shall cause such response to be filed with the court within five days (exclusive of weekends and holidays) of the receipt of the motion and affidavit and the plaintiff shall cause a copy of the response to be mailed to the defendant.

Upon the expiration of five days from the plaintiffs receipt of the defendant's motion or receipt of the plaintiffs response, the court shall promptly issue its ruling on the basis of the documents submitted without oral hearing unless the court otherwise indicates. All pleadings filed with the court may be filed directly or by facsimile machine.