ELMA MUNICIPAL COURT
LOCAL COURT RULES

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Rule 1
(Effective September 1, 1999)

ADOPTION

These rules are adopted pursuant to CrRLJ 1.7.

Rule 2
(Effective September 1, 1999, CrRLJ 1.2)

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.

Rule 3
(Effective September 1, 1999, CrRLJ 1.6)

COURT SESSIONS

Regular Court sessions shall be on the second and fourth Friday of each month commencing at 12:30 p.m. in the Elma City Hall and at such other times and places as the Court may deem necessary for its proper administration.

Rule 4
(Effective September 1, 1999, CrRLJ 3.2(m))

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.

Rule 5
(Effective September 1, 1999, CrRLJ 3.2.1)

ARRAIGNMENT DATE AND DETENTION

A. The arresting officer shall set the defendant's arraignment date and time when issuing a citation in all cases charging a criminal offense. The date set shall be the next Friday Court date at 12:30 p.m. until the Sunday five days prior to such Court session. Thereafter, the arraignment is to be set for the Court date following. All citations shall be filed upon issuance.

B. In the event that any person is arrested on probable cause (i.e. citation as opposed to warrant) and placed in the Grays Harbor County jail, then the County jail is hereby authorized to release said person from its facility no later than 48 hours after that persons detention at the Grays Harbor County jail, unless a judge has held a probable cause hearing.

The police department shall file a photocopy of the police reports or a Certificate of Probable Cause with the Grays Harbor County jail staff for the judge's review as to probable cause upon booking of any defendant into the Grays Harbor County jail.

Rule 6
(Effective September 1, 1999, CrRLJ 4.1(b);(d))

COMBINING DOCUMENTS

A Notice of Appearance and Plea of Not Guilty may be in one document. A Waiver of a, jury trial or speedy trial may be separate and signed by the defendant or the defendant's attorney if the attorney certifies that the Waiver has been expressly approved by the defendant. A Demand for the appearance of a breathalyzer/verifier maintenance operator shall be by a separate document. Discovery demands shall be by a separate document.

Rule 7
(Effective September 1, 1999, CrRLJ 4.7)

DISCOVERY

"Blanket" discovery forms may be used in addition to specific request, in which case 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 to be applicable to the particular case. Demands not applicable shall not be checked. Sanctions may be imposed for violation of this rule including, but not limited to, the quashing of the entire demand. Failure to provide discovery materials, including bills of particulars, shall be deemed waived unless the Court is notified in writing not less than two weeks prior to trial.

Rule 8
(Effective September 1, 1999, CrRLJ 3.3 and 3.4)

PRE-TRIAL HEARINGS

A. Hearings:

All cases scheduled for a jury trial shall be set for a pre-trial hearing not less than two weeks prior to the

trial. The City Attorney, the defendant and the defense attorney, if any, shall attend the hearing. If a defendant not represented by counsel fails to appear for the hearing, a warrant for his or her arrest shall issue, and the jury trial setting stricken, If a defendant represented by counsel fails to appear, a warrant for the defendant's arrest may issue, and the jury trial setting may be stricken. In any case where a defendant fails to appear for the hearing, the period of time from that hearing to the defendant's next personal appearance in Court shall not be included in any speedy trial time limitation requirements.

B. Motions:

All amendments to the charges, pleas or other motions shall be heard at the pre-trial hearing. The Court in its notification of trial date shall set the date upon which all motions shall be scheduled, generally the pre-trial hearing immediately prior to the scheduled trial date. Motions may not be considered at the time of trial unless they have been raised at the pre-trial hearing, or the Court, on its own motion, continues a matter to the time of trial. The party requiring the attendance of a witness at the pre-trial hearing shall be responsible for subpoenas of such witness except that the City Attorney shall subpoena necessary witnesses for a CrRLJ 3.5 hearing if the defendant or his attorney has requested in writing such attendance.

Rule 9
(Effective September 1, 1999, CrRLJ 3.3(h))

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.

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 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 may be heard at the pre-trial hearing or the date set by the clerk in the trial notification letter for motions. A continuance will be granted only upon a showing of good cause.

D. Good Cause:

The following shall be deemed to be good cause:

1. Illness;
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:

A Waiver of the speedy trial rule shall be required as a condition for granting a continuance.

G. Infraction Hearings:

One telephone request for a continuance may be granted by the Court Clerk. Thereafter, the request must be in writing and approved by the Court.

Rule 10
(Effective September 1, 1999, CrRLJ 6.15)

JURY INSTRUCTIONS

A. When Submitted:

Jury instructions are required to be filed with the Court and provided to the opposing party by the date set forth in the trial notification letter issued by the Clerk of the Court, said date generally being the second Friday in the month prior to the scheduled trial date.

B. How Submitted:

Three sets of instructions shall be submitted on plain 8 1/2 by 11 inch paper. 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. The court has no pattern jury instructions.

Rule 11
(Effective September 1, 1999, CrRLJ 4.2)

PLEAS IN CRIMINAL CASES - JURY TRIAL SET

The Court shall be notified of a plea agreement not less than ten days prior to a jury trial. Failure to comply with this Rule will result in imposition of jury costs, in addition to any other sentence imposed. If a case is resolved by a plea agreement or dismissed between the time a jury is called (ten days prior to trial) and 24 hours prior to trial, the Court shall assess costs of at least $40.00 against the defendant, or counsel, as part of the plea agreement, or against the City or its counsel in the event of a dismissal. For cases that are resolved by plea agreement or dismissal, within 24 hours of trial, the Court shall assess costs in the amount of at least $120.00, against defendant or counsel as part of any plea agreement, or against the City or its counsel in the event of a dismissal.

Rule 12
(Effective September 1, 1999)

TELEPHONIC COMMUNICATION

All proceedings except infraction hearings and criminal changes of pleas or trials may be heard by telephone conference call at the request of either party at the Courts discretion.

Rule 13
(Effective September 1, 1999)

RETURN OF EXHIBITS

Every exhibit shall be returned to the party who produced it in a case that was not appealed upon written application not earlier than twenty-one (21) days after the trial. Exhibits not so withdrawn shall be destroyed after thirty (30) days or, if contraband, delivered to the police for destruction.

Rule 14
(Effective September 1, 1999)

PAYMENT OF FINES AND PENALTIES

A. Infractions:

Infraction penalties imposed shall be paid at the conclusion of any requested hearing.

B. Attorney and Jury Fees - Reimbursement:

In the event of a conviction, the Court may require partial or full reimbursement to the City for the cost of Court appointed counsel and/or jury fees from those defendants the Court finds able to pay the same.

C. Jail Costs - Reimbursement:

In the event of a conviction, the Court may require partial or full reimbursement to the City for the cost of jail time, as set by the Grays Harbor County Sheriff's Department, from those defendants the Court finds are able to pay the same.

D. Conditions of Time Payment:

All criminal legal financial obligations shall be paid at the rate of $50.00 per month or the total amount due divided by the number of probation months, not to exceed twelve months, whichever amount is greater, unless a different payment schedule is expressly approved by the Court.

E. Credit for Jail Time:

The Court may give credit to a defendant of $25.00 per day for sitting out a fine. However, said credit shall not relieve the defendant of any requirement of reimbursement for jail costs.

F. Community Service:

The Court may impose community service in lieu of monetary payments in appropriate cases.

G. Petition to Modify:

The defendant may petition the Court to modify monetary payments at any time due to his or her changed financial condition.

H. Revocation of Probation or Imposition of Suspended Jail Time and/or Fines:

Probation shall be revoked and previously suspended jail time and/or fines may be imposed for willful failure to pay fines.

DATED: _____

_____
JUDGE