

Everett Municipal Court  
Local Court Rules

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Rules of General Application

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RULE NO. 1  
HOURS

The Municipal Court of Everett is open to the public as follows:

Monday - Tuesday 8:00 a.m. to 4:30 p.m.  
Wednesday 8:00 a.m. to 4:30 p.m. \*\*\*  
Thursday - Friday 8:00 a.m. to 4:30 p.m.

The Clerk's office is closed from noon until 1pm for lunch.

\*\*\*One Wednesday a month the Court will remain open for a Bench Trial calendar until 5:00 p.m. or until the last case is completed.

(Adopted effective September 1, 2013)

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RULE NO. 2  
CALENDARS

(Rescinded effective September 1, 2013)

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RULE NO. 3  
Mandatory Appearance

Arraignment: A defendant who is charged with DUI as defined in RCW 46.61.502, Driving under age 21 after consuming alcohol or marijuana as defined in RCW 46.61.503, or being in physical control of a vehicle while under the influence as defined in RCW 46.61.504 shall appear in person before a judge on the next available Arraignment date. Arraignments are held at the Court every Wednesday and Friday at 8:30am unless it is a holiday.

Confirmation Hearings: Appearance of the defendant and defense counsel is mandatory at the confirmation hearing. In custody defendants appearance is waived, defense counsel need to appear. The Judge may waive the appearance of defense counsel or defendant on showing good cause and it must be done prior to hearing.

(Adopted effective September 1, 2013)

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RULE NO. 4  
CONTINUANCES

Continuances may be granted upon written stipulation. Per Rule CrRLJ 3.3 (f)(1), a written stipulation between the parties for a continuance must be signed by the defendant. In the absence of a Stipulation, a continuance may be granted on a showing of good cause; and in the absence of a showing of good cause, said motions must be in writing and noted for hearing on or before the last motion calendar prior to the confirmation or trial date. Please see CrRLJ 3.3.

(Adopted effective September 1, 2012)

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RULE NO. 5  
HEARING ON MOTIONS

All non-trial motions shall be filed, served and noted for hearing at least six days prior to the date specified for the hearing. No pre-trial motions shall be heard or noted for hearing on the trial date without prior approval by the Judge. The defendant must be present at the 3.5 hearings. 3.5 hearings or 3.6 hearings shall be heard only upon 6 (six) court days notice with a designation of the officer(s) who may be required to testify, unless the Court authorizes otherwise.

Motions shall be set forth in writing with a memorandum of points and authorities and an affidavit or declaration as permitted under RCW 9A.72.085 setting forth specifically the facts which counsel expects to elicit at a hearing. Failure to comply with this rule will result in the Motion being stricken from the calendar. Pre-trial hearings for admission of non-testimonial motions (Crawford/Davis Hearings) and motions for admission of evidence under 404B are heard the Wednesday before Jury Trial and noted on the confirmation calendar unless earlier set with Court approval. The defendant must be present for this hearing.

A request to extinguish or modify a No Contact Order in a Domestic Violence case may only be made by a party to the case. The party must file a request on a form prescribed by the Court. All parties and alleged victim must be served by written notice at least five court days before any hearing to consider such a request.

A request to re-impose a No Contact Order in a Domestic Violence case may only be made by the victim/party to the case and the party must file a written motion on a form prescribed by the Court. All parties must be served with the written notice at least five court days before any hearing to consider such a request.

(Adopted effective date September 1, 2013)

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RULE NO. 6  
SETTING JURY TRIALS

A jury trial will be set at the arraignment hearing and confirmed at the confirmation hearing if all necessary participants are present and indicate that the case is ready for jury trial. A case is ready for jury trial when discovery is completed and both parties indicate to the Court that there are no further pre-trial motions, other than those heard or scheduled. A jury trial will normally be set eighteen days after the confirmation hearing.

(Effective date September 1, 2011)

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RULE NO. 7  
VOIR DIRE

The voir dire examination of jurors shall be conducted under the direction and control of the Court with the following guidelines:

It is expected that voir dire, in most cases, will consume less than thirty minutes.

The Court shall ask all general questions and thereafter shall give leave to the respective parties to ask such supplementary questions as may be deemed proper and necessary by the Court. The parties shall submit all proposed general questions in writing prior to voir dire.

The Court may intervene without objection in instances of inappropriate questioning and may limit the amount of time each party has to examine a juror or jury panel.

(Effective date September 1, 2012)

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RULE NO. 8  
MISCELLANEOUS

1. AFFIDAVITS OF PREJUDICE

Upon the timely filing of an affidavit of prejudice, further proceedings shall be assigned to another judge or to a judge pro-tem of the Court.

2. WITHDRAWAL OF COUNSEL

An attorney appointed for a defendant or hired by a defendant pursuant to CrRLJ 3.1 shall not withdraw as counsel without consent of the Court upon good cause shown.

(Effective date December 8, 2005)

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RULE NO. 9  
CONDITIONS OF SUSPENDED AND DEFERRED SENTENCES ON CRIMINAL AND TRAFFIC MATTERS

The following general conditions are applicable to all suspended and deferred sentences and deterrents of a finding of guilty given in traffic and criminal cases. For purposes of this rule, "probation" shall refer to any one of the two categories:

a. General Conditions: During the period of probation or suspension the defendant shall not be convicted, be awaiting sentencing or be under a deferred sentence or finding of guilty, with respect to any offense or claimed offense occurring after the date on which probation in this Court was granted. Further, any conduct reflecting moral turpitude or recklessness with respect to the operation of a motor vehicle will be considered a violation whether or not any charges are filed or carried to judgment.

b. Specific Conditions: The defendant must comply with the conditions specifically imposed by the Court and the conditions imposed by the department to which the defendant may be referred to sentence performance. Defendants must report directly after Court or release from jail to Probation if ordered. If the defendant is placed on Supervised Probation he/she must make an appointment to meet with a Probation Officer and attend that appointment.

c. Release from Probation: The defendant may be notified in writing by the clerk to appear at a hearing calendar on a certain date and time, at which time the defendant may be required to sign a written statement under oath and penalty of perjury with respect to compliance with the condition(s) of probation or suspension. In such case, the defendant will be required to appear in open court, may be sworn and be interrogated with respect to compliance.

d. Revocation of Probation: If, during the period of probation or suspension, information is received tending to show there is good reason to believe that the terms of probation are being violated, the Court may order the defendant to appear before the Court for a hearing on the question on whether or not the defendant is strictly complying with the terms of probation. The defendant may be represented by counsel and offer evidence at such hearing. If the Court finds that the defendant has not strictly complied with the terms and conditions of probation or suspension, the Court will take action which may result in a harsher penalty.

e. Further Information: The defendant should contact the probation office as often as may be necessary to understand the conditions of the deferral, suspension or probation, particularly the conditions that are specific to the defendant's case. The defendants must at all times advise the Court of his/her current address and stay current with all fines and costs owing.

(Adopted Effective September 1, 2013)

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RULE NO. 10  
DEFERRED PROSECUTION

In addition to the statutory conditions and requirements of deferred prosecution, each defendant shall pay the monitoring assessment to the Municipal Court in the amount of \$250.00 plus the BAC fee and any other costs related to the case. All defendants placed on a deferred prosecution will also be placed on five-year probation: Supervised Probation for two years and Monitored Probation for three years. They will be required to pay the fees for Probation. Restitution is required as a condition of a deferred prosecution if applicable. Deferred Prosecution defendants will have ignition interlock installed on all personal vehicles, which they drive, during their period of Supervised Probation. An Order will not enter without the written signed contract for treatment being presented to the Court.

(Adopted effective September 1, 2010)

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RULE NO. 11  
RULES OF EVIDENCE

The Rules of Evidence are applicable to Criminal prosecutions.

(Adopted effective September 1, 1996)

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RULE NO. 12  
INFRACTION WITNESS FEES

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, may be required to pay the fee charged by the expert as a cost incurred by the party.

(Adopted effective September 1, 2008)

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RULE NO. 13

(1) The clerks of the court may accept for filing documents sent directly to the clerk by electronic facsimile (fax) transmission. A fax copy shall constitute an original for all court purposes. The attorney or party sending the document via fax to the clerk shall retain the original signed document until 60 days after completion of the case. Documents to be transmitted by fax shall bear the notation: "SENT on DATE)VIA FAX FOR FILING IN COURT.

(2) If a document is transmitted by facsimile for filing with the court, the person responsible for the filing must attach an original affidavit as the last page of the document. The affidavit must bear the name of the court, case caption, case number, the name of the document to be filed, and a statement that the individual signing the affidavit has examined the document, determined that it consists of a stated number of pages, including the affidavit page, and that it is complete and legible. The affidavit shall bear the original signature, the printed name, address, phone number and facsimile number of the individual who received the document for filing.

(3) The clerk of the court may use fax transmission to send any document requiring personal service to one charged with personally serving the document. Notices and other documents may be transmitted by the clerk to counsel of record by fax.

(4) The Court reserves the right to charge reasonable fees for receiving, collating, and verifying lengthy fax transmissions.

(5) A document transmitted directly to the clerk of the court shall be deemed received at the time the clerk's fax machine electronically registers the transmission of the first page, regardless of when final printing of the document occurs, except that a document received after the close of normal business hours shall be considered received the next judicial day. If a document is not completely transmitted, it will not be considered received. A document transmitted to another for filing with the clerk of the court will be deemed filed when presented to the clerk in the same manner as an original document.

(Adopted effective September 1, 2004.)

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RULE NO. 14

Any of these Rules may be suspended or modified by the Court upon its own motion.

(Adopted effective September 1, 2000)

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RULE 15  
VIDEO CONFERENCE PROCEEDINGS

Authorization: Preliminary appearances as defined by CrRLJ 3.2.1 (d), arraignment as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR3.2 and CrRLJ 3.2, and trial settings as defined by CrR 3.3 and CrRLJ 3.3 (f), and pre-trial hearings as determined by the court, conducted via video conferencing in which all participants can simultaneously see, hear, and speak with each other shall be deemed in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearing 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 court. Any party may request an in-person hearing which may, in the court's discretion, be granted.

Agreement: 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. The defendant will be deemed to have agreed to voluntarily participate in court proceedings in the Everett Municipal Court by video conference unless the defendant or counsel for the defendant notifies the court at the time of the proceeding that he/she objects to the proceedings being conducted via conference. The right to object to video conference proceedings will be deemed waived if not exercised prior to the start of the video conference hearing.

Standards for Video Conference Proceedings: The standards for video conference proceedings shall be as specified in CrRLJ 3.4(d) (3).

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