FERNDALE MUNICIPAL COURT
LOCAL COURT RULES

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1.
ADOPTION OF RULES

These rules are adopted pursuant to CrRLJ 1.7 and govern the procedure in the Ferndale Municipal Court. These rules are supplemental to the rules enacted by the Washington State Supreme Court for Courts of Limited Jurisdiction as specifically authorized by GR 7, CrRLJ 1.7, and IRLJ 1.3 of the Washington Court Rules. The Ferndale Municipal Court may modify or suspend any of these local rules in any given case upon good cause being shown or upon the court's own motion in the interests of justice and/or the efficient operation of the court.

2.
FILING

All pleadings and other papers shall be filed with this court by mail, messenger or hand delivery. The court does not accept facsimile transmission or e-mail of original pleadings or papers.

3.
DOCUMENT REQUESTS AND FEES

All requests for release of records/information shall be governed by the Judicial Information System Committee's Data Dissemination Policy, GR 31, and ARLJ 9.

Fees for the duplication and preparation of documents and recordings shall be maintained and made available by the Court Services Manager.

Payment for copies of documents and recordings must be received before copies are made.

4.

RETURN OF EXHIBITS

Every exhibit shall be returned to the party who produced it in a case that is not appealed, upon application, not earlier than thirty (30) days following the trial or entry of judgment and sentence, whichever is later. Exhibits not so returned may be destroyed after sixty (60) days following the trial or entry of judgment, unless an appeal is filed, or, if contraband, delivered to the police department for destruction.

5.
DISCLOSURE OF PUBLIC RECORDS

The following records and files are deemed confidential and are not available to the public for inspection or copying absent a court order.

- Affidavits for search warrants before a return of service and inventory have been filed with the court;
- Mental Health, psychiatric and medical reports;
- Alcohol and drug evaluations and compliance reports;
- Deferred prosecution evaluations and police reports;
- Certified copies of driving records, abstracts of driving records (except for a person who has a pending case before Ferndale Municipal Court for a suspended license violation or an open infraction or criminal case that has resulted in the suspension of a person's driver's license) and compiled reports of arrests and convictions;
- Judge's notes and worksheets;
- Witness statements;
- Address of jurors;
- Juror notes taken during trial.

6.
CRIMES REQUIRING DEFENDANT'S APPEARANCE AT ARRAIGNMENT

A lawyer may not enter a written plea or not guilty plea on behalf of a client if the charging document states that one or more of the charges involves domestic violence, violation of a no contact order, driving under the influence of intoxicants, driving while under the age of 21 after having consumed alcohol, or physical control of a vehicle while under the influence of intoxicants. For such charges, the defendant must appear in person for arraignments and the court shall determine the necessity of imposing conditions of pretrial release. Where legislation mandates the defendant's appearance on the next judicial day following arrest, the term "next judicial day" as applied to the municipal court shall mean the next scheduled court day for the Ferndale Municipal Court.

7.
PRETRIAL HEARINGS

Unless a disposition of the case is entered into at the first appearance hearing or arraignment, a pretrial hearing shall be held. Defendant and all counsel must be present at the pretrial hearing. Failure of the defendant to appear may result in the issuance of a bench warrant.

8.
TRIAL BY JURY, PRETRIAL HEARING, READINESS HEARING

In every criminal case in which the defendant pleads not guilty, the clerk shall set a date for a pretrial hearing. The purpose of said hearing is for presentation of motions, completion of plea bargaining, or to set a trial date and readiness hearing. Unless the pretrial hearing is continued to another date or the case is resolved at the hearing, the clerk will set a jury trial and readiness hearing. If the right to jury trial is waived, the clerk shall set a bench trial date.

If the defendant fails to appear at the pretrial hearing without good cause, forfeiture of bail will be ordered and the court will order a bench warrant for the arrest of the defendant.

Within fifteen (15) days prior to an assigned jury trial date, a readiness hearing shall be held. At such hearing, it shall be mandatory that the prosecuting authority, the defense counsel, and the defendant be present. At such hearing, the following matters will be concluded:

- All plea bargaining,
- Exchange of witness lists,
- Providing of any discovery not previously exchanged at the pretrial hearing, and,
- Motions on legal issues arising subsequent to the pretrial hearing or on issues arising due to new evidence.

At the readiness hearing, the parties will notify the court that they are ready or not for trial. If both parties state that they are ready for trial, the case will subsequently be tried by jury, unless waived by the defendant, or concluded by a guilty plea or a dismissal of the charge(s).

If, after the readiness hearing the defendant decides to plead guilty, the plaintiff moves to dismiss, or if either party seeks a continuance of the trial date, the parties shall notify the other party and the clerk of the court or designee immediately. The clerk shall then set the matter for a plea hearing or a motion hearing on the next available court calendar.

Failure of the defendant to be present at the readiness hearing will result in the issuance of a bench warrant for failure to appear, forfeiture of bail, and the striking of the jury trial date.

9.
WRITTEN JURY INSTRUCTIONS

When a jury is to be instructed in writing, proposed instructions shall be submitted on plain paper with no mark identifying the attorney or party. The original, which shall be free of citations of authority, and one copy, with the citation of authority, shall be submitted to the court at the readiness hearing.

10.
QUASHING WARRANTS

The defendant or defendant's attorney may schedule a hearing to quash a warrant, either in person or by telephone, but the warrant will not be stayed or quashed and the defendant will still be subject to arrest on the warrant until the defendant has appeared in open court and the judge has quashed the warrant.

No warrant will be quashed until the defendant has paid a fee pursuant to a schedule maintained and made available by the Court Services Manager.

11.
PROCEDURE AT CONTESTED HEARINGS

When any speed measuring device expert is requested to testify in a contested infraction hearing, the expert may testify by telephone, unless otherwise ordered by the court. The party requesting production of such evidence shall be responsible for arranging the expert's testimony and advising the court clerk in writing prior to the scheduled time for the contested hearing.

12.
INFRACTION CONTINUANCES

A court clerk may grant one (1) request for a continuance. The continuance must be requested by 12:00 pm the day before the scheduled hearing. Thereafter, all requests must be in writing and approved by the court.

13.
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.

14.
INFRACTION FINES - NO PROOF OF LIABILITY INSURANCE

If a person who has been cited with a violation of RCW 46.30.020 (failure to have proof of liability insurance) 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 ($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. This section is applicable only if the person charged has otherwise complied with all rules and procedures that govern responding to notices of infraction.

15.
INFRACTIONS DISCOVERY

Discovery requests for material other than a 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.

16.
REQUEST FOR SUBPOENA

Any request for a subpoena to be issued by the court must be filed in writing at least fourteen (14) days before the hearing, or such lesser time as the court deems proper. The request may not be combined with a Notice of Appearance or any other pleading.