Kent Municipal Court
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KMC - GR13
USE OF UNSWORN STATEMENT IN LIEU OF AFFIDAVIT - DIGITAL OR WRITTEN SIGNATURE.

Law enforcement officers may use a digital signature that complies with the requirements of RCW 19.34 or GR 30 or by the officer explicitly signing the certification or declaration.

(Effective September 1, 2008)

KMC-GR 16
COURTROOM DECORUM

A. PHOTOGRAPHY, RECORDING, TELEVISING, BROADCASTING

The taking of photographs or the electronic recording of proceedings in the courtroom or its environs in connection with any judicial proceeding and the broadcasting of judicial proceedings by radio, television or other means is prohibited, except as provided in this rule.

As used herein, "judicial proceeding" means: (1) any hearing required to be held "on the record" by Supreme Court rule including but not limited to preliminary hearings, arraignments, pre-trial proceedings, motions, criminal and civil trials, sentencing, post-conviction relief hearings, mitigation and contested hearings; (2) any proceeding before a judicial officer, including a judge, court commissioner, traffic magistrate judge or judge pro-tem; (3) all sessions of any jury trial including jury orientation or selection, and (4) it shall include any person participating in a judicial proceeding, including witnesses, jurors, judicial officers and court employees.

"Courtroom" of the Kent Municipal Court means the courtroom itself, witness or jury rooms, and any location where civil infraction proceedings are conducted.

"Environs" means any area located within the interior confines of the Kent Municipal Courthouse, including but not limited to the entrances, hallways,

corridors, foyers, conference rooms, restrooms and lobbies therein including probation or other offices.

B. CELL PHONES, ELECTRONIC DEVICES AND TEXT MESSAGING

Lawyers, defendants and members of the public may carry cell phones or other portable electronic devices into the court facility. When in any courtroom, all phones or other portable electronic devices shall either be turned off or silenced. No phone calls or text messages shall be sent or received within any courtroom. If silenced, the possessor of the device shall make certain that any transmissions do not interfere with court proceedings.

Failure to comply with this section may result in the confiscation of the cell phone or other portable electronic device and may include a fine or incarceration for Contempt.

C. EXCEPTIONS

1. The following exception applies to sections A and B above:

   a. Court, probation or law enforcement personnel conducting official business.

2. With the consent of the courtroom's judicial officer, or the presiding judge of the court, the following exceptions may be granted to sections A and B above:

   a. News media conditions and limitations as addressed in GR 16;

   b. Ceremonial proceedings, including, but not limited to weddings or a judge or judicial officer's investiture;

   c. For the limited purpose of presenting evidence, perpetuation of the record of proceedings, and security;

   d. For the purposes of judicial administration;

   e. As otherwise authorized by the court.

KMC-CRLJ 10
FORM OF PLEADINGS - STYLE AND FORM - FACILITATING PROOF OF SERVICE AND FILING OF PAPERS

(a) Action Documents. Pleadings or other papers requiring action on the part of the Clerk/Court (other than file stamping, docketing and placing in the court file) shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, stating: “Clerk’s Action Required”. The action to be taken must be stated either next to the special caption or in the first paragraph on the first page. The clerk will not search through letters, notices of appearance, requests for discovery, or other materials to locate possible requests for action items.

(b) Format. All pleadings and other papers shall include or provide for the following, unless otherwise authorized by the court:

(1) Service and Filing. Space should be provided at the top of the first page of a document allowing on the right half for the clerk’s filing stamp, and in the left half for proof of, or acknowledgement of, service. The papers should when feasible, such as common pleading or service forms, be pre-drilled or punched at the page top for fastening in court files.

(2) Numbered Paper. All pleadings, motions, affidavits, briefs, and other supporting documents prepared by attorneys/parties should be on paper with line numbering in the left hand margin.

(c) Handling by Clerk. All pleadings or other papers with proper caption and cause number will be date receipted, docketed and secured/placed in the court file by the Clerk of the Municipal Court in the order received.

(d) Form of Pleadings. Pleadings in compliance with this rule shall be in substantially the following form:

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SPACE FOR SERVICE        /    SPACE FOR COURT FILING
PROOF                    /    STAMP
                         /

     IN THE MUNICIPAL COURT FOR THE CITY OF KENT,
           KING COUNTY, STATE OF WASHINGTON

_________________________,)
                          )    CAUSE NO.  XXXXXXXX
          Plaintiff,      )
                          )   CLERK'S ACTION REQUIRED:
                          )    (note action required here or
                          )    in first paragraph)
                          )
     vs.                  )
                          )    MOTION  TO SET REVIEW
_________________________,)
                          )
_______Defendant ________)

CLERK'S ACTION REQUIRED:  (note action required here or  in caption).
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(effective September 1, 2003)

KMC-CrRLJ 1.5
STYLE AND FORM

The format requirements for papers being filed with the court shall be as specified in CrRLJ 1.5 and KMC-CRLJ 10.

(effective September 1, 2003)

KMC-CrRLJ 3.1
ASSIGNMENT OF A LAWYER-PROVISIONAL APPOINTMENT

(a) At the preliminary hearing or arraignment, all persons whether in-custody or out-of-custody shall automatically be appointed a lawyer on a provisional basis to assist them solely with that proceeding unless otherwise ordered by the court. Any person requesting further assignment of counsel must meet with the court's public defense screener who will then make the determination of indigence pursuant to the provisions of chapter 10.101 RCW. Notwithstanding any screening procedures, the judge may at any time appoint a lawyer in the administration of justice.

(b) This rule does not preclude any person from representing themselves at the preliminary hearing or arraignment. If the defendant chooses to proceed without a lawyer, the court shall determine on the record that the waiver is made voluntarily, competently and with knowledge of the consequences. The defendant

must be advised that waiver of a lawyer at arraignment does not preclude the defendant from asserting the right to a lawyer later in the proceedings.

(Effective September 1, 2008)

KMC-CrRLJ 3.2
RELEASE OF ACCUSED

(b) Bail Schedule: A bail schedule may be set by administrative order of the court.

(o)(2) Hold Pending Appearance Before A Judge:

(i) Domestic Violence Offenses: Except as may be permitted by a bail schedule adopted pursuant to KMC-CrRLJ 3.2(b)(7), a Defendant arrested and charged with a Domestic Violence Related Offense shall be held in non-bailable status pending hearing the next court day following booking.

(ii) DUI/Physical Control Offenses: Except as may be permitted by a bail schedule adopted pursuant to KMC-CrRLJ 3.2(b)(7), a Defendant arrested and charged with Driving Under The Influence (DUI) or Physical Control Of A Motor Vehicle While Under The Influence (Physical Control) shall be held in non-bailable status pending hearing the next court day following booking.

(Effective September 1, 2008)

KMC-CrRLJ 3.4(d)
VIDEO CONFERENCE PROCEEDINGS

(1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments held pursuant to CrRLJ 3.4 and 4.1, bail hearings held pursuant to CrRLJ 3.2, and trial settings held pursuant to CrRLJ 3.3(f), may be conducted by video conference in which all participants can simultaneously see, hear and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purpose 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 Kent Municipal Court judge, judge pro-tem or court commissioner. Any party may request an in-person hearing which may be granted at the discretion of the Municipal Court judge, judge pro-tem or court commissioner.

(2) Agreement. Other trial court proceedings, including the entry of a Statement of Defendant on Plea of Guilty as provided for by 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 Kent Municipal Court judge, judge-pro tem or court commissioner.

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

(effective September 1, 2003)

KMC-CrRLJ 4.8(a)
SUBPOENAS

The copy of any subpoena filed with the court pursuant to CrRLJ 4.8(a) shall be file stamped and placed in a subpoena file corresponding with the month the witness is commanded to appear. Upon an issue or request for enforcement arising under CrRLJ 4.8(b) or (e), or CrRLJ 4.10, the copy of the subpoena at issue shall be removed from the subpoena file, docketed and placed in the case file. Otherwise, copies of subpoenas filed shall be destroyed after 90 days has passed from the date the witness is commanded to appear.

KMC-CrRLJ 7.3(j)
JUDGMENT

Any fine, assessment or cost that is not in an even dollar amount shall be amended to a higher amount which produces the next greatest even dollar total. Provided however, this provision shall not apply if the total monetary penalty resulting from any increase shall exceed the maximum possible fines, costs and assessments allowed by law.

(effective September 1, 2005)

KMC-IRLJ 2.6
INFRACTION - PREHEARING CONFERENCE

(a) Prehearing Conference Required - Waiver. A defendant charged with an infraction who requests a hearing to contest the infraction shall first appear at a prehearing conference. The prehearing conference shall be scheduled in accordance with the provisions of IRLJ 2.6(a)(1)(i). The requirement that the defendant appear at the prehearing conference may be waived by the defendant, in writing, provided the waiver is received by the court before the time set for the prehearing conference. If the defendant fails to timely waive or appear at the prehearing conference, a default judgment shall be entered. In waiving the prehearing conference, the defendant shall complete a waiver form approved by the court. In the event that the defendant submits a waiver in a form other than that approved by the court, said waiver shall be ineffective unless it is in substantial compliance with the court approved form.

(b) Waiver of Prehearing Conference Constitutes a Waiver of Opportunity to Seek Deferral of Infraction. A defendant who waives his or her presence at the prehearing conference shall not be entitled to seek deferral of the infraction(s) charged.

(c) Setting Contested Hearing. If the infractions are not resolved following the prehearing conference, a contested hearing shall be scheduled for not more than ninety (90) days from the date of the prehearing conference. If the prehearing conference is waived, a contested hearing shall be scheduled for not more than ninety (90) days from the date the waiver of the prehearing conference is received by the court.

(d) Prehearing Motions For Contested Infractions - Written Notice Required - Time Limits For Oral Argument. All motions to exclude evidence or dismiss an infraction shall be filed no later than the conclusion of the prehearing conference. If a defendant elects to waive his or her appearance at the prehearing conference, any motion must be noted on the waiver form filed with the court pursuant to KMC-IRLJ 2.6(a). Any motion(s) not timely filed

shall be waived and shall not be considered by the court. All motions timely noted shall be addressed by the court at the time of the contested hearing. Unless otherwise ordered by the court, parties shall have a total of ten (10) minutes each to argue and/or respond to motions before the court. Any argument in support of, or in response to, motions before the court that will require more than ten (10) minutes to present shall be submitted in brief form.

(Effective September 1, 2002)

KMC-IRLJ 3.5
DECISIONS ON WRITTEN STATEMENTS

(a) Request for Decision on Written Statement. If the defendant submits a timely request for a hearing to contest or mitigate an infraction, the defendant may elect to seek a decision on written statement pursuant to the provisions of IRLJ 3.5 and KMC-IRLJ 3.5. A defendant who elects to contest or mitigate an infraction by decision on written statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.

(b) Time for Submitting Request for Decision on Written Statement. The request for a decision by written statements shall be submitted no later than fourteen (14) days prior to the date set for the in-court mitigation or contested hearing.

(c) Declaration for Written Statement Required. A defendant wishing to proceed by decision on written statement shall provide a written statement which sets forth the facts and/or defense(s) that the defendant would like the court to consider. A written statement submitted pursuant to this rule shall be submitted by declaration as follows: "I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct," and shall be in substantially the following form:

Name of Defendant:
Address:
Infraction Number (upper right corner of citation):
Violation Date:

I wish to mitigate the infraction [ ]
I wish to contest the infraction [ ]

Statement:

_____
_____
_____
_____
_____
_____
_____
_____

I declare under penalty of perjury under the laws of the state of Washington that the above information is true and correct.

Executed this _____ day of _____, 20____ at _____ (city/state).

_____
Signature

The written statement shall be submitted at the same time as the request for decision on written statement.

(d) Time for Examination, Factual Determination, Disposition and Notice to Parties. The time for examination, factual determination, disposition and notice to parties shall be pursuant to IRLJ 3.5(a)-(d).

(e) No Appeal Permitted. There shall be no appeal from a decision on written statements.

(Effective September 1, 2002)