Marysville Municipal Court
Local Court Rules

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General Rule 1.1
Indigent Defense Certification

The Supreme Court of Washington having set forth Standards for Indigent Defense and Certification of Compliance with the Standards for Indigent Defense shall be filed with the court, effective October 1, 2012, the Marysville Municipal court adopts this emergency local court rule.

1.2 Certificates of Compliance with the Standards for Indigent Defendants required by CrRLJ 3.1 shall be filed and kept at the Marysville Municipal Court clerk's office. Certification of Compliance shall be submitted electronically in the form provided by the court or in a substantially similar format. Certifications shall be filed quarterly with the court and are due: January 1, April 1, July 1, and October 1, or the next court day, if the filing day falls on a weekend or holiday.

1.1
Adoption and Title

These local court rules are adopted pursuant to GR 7, and CrRLJ 1.7. These rules shall be known as the Marysville Municipal Court Local Criminal Rules, and may be cited as "MMCLCR."

(Effective Date: September 1, 2002)

1.2
Criminal

1.2(A) A lawyer may enter a written notice and plea of not guilty on behalf of any defendant, including a waiver of formal arraignment, except for those criminal charges listed in MMCLCR1.2(B).

1.2(B) Arraignment - Defendant's Presence Required: A lawyer may not enter a written plea of not guilty on behalf of a defendant if the charging document states that one or more of the charges involve domestic violence, harassment, violation of an anti-harassment or protection order, stalking, driving while under the influence, being in physical control of a vehicle while under the influence, or driving while under the age of 21 after having consumed alcohol. For such charges, the defendant must appear in person for arraignment, and the court shall determine the necessity of imposing conditions of pre-trial release. Where legislation mandates the defendant's appearance on the next judicial day following arrest, the term "next judicial day" shall be the next regularly scheduled court session.

1.2(C) Defendants booked into custody on charges of Assault - Domestic Violence, Driving Under Influence, or Physical Control shall personally appear before a judge the next judicial day following booking into jail.

(Amended effective 9-1-08)

1.3
Pre-Trial Hearings and Confirmation of Jury Trials

(a) Pre-Trial and Trial Dates: All cases set for trial shall be assigned both a pre-trial hearing date and a trial date. The defendant, and the defendant's attorney if the defendant is represented, shall appear at the pre-trial hearing. The court will inquire whether the case is expected to go to trial, the number of witnesses to be called by each side and the anticipated length of trial, and if all motions, discovery and plea negotiations have been concluded. Any case confirmed for trial at the pre-trial hearing shall remain set for the assigned trial date. A defendant's failure to personally appear at the pre-trial hearing, as required herein, shall constitute a waiver of the defendant's speedy trial rights, and may result in a bench warrant for the defendant's arrest and forfeiture of any bail or bond.

(b) Confirmation of Jury Trial Required: 2 days prior to the date of the assigned jury trial, the defendant, if not represented by an attorney, or the defendant's attorney if represented by legal counsel, and the City Prosecutor shall contact the Jury Confirmation Line at 360.363.8071 between 9:00 AM and 3:00 PM, and confirm that the case is going to proceed to jury trial or that another disposition has been reached.

(c) Failure To Confirm: Failure of a party to confirm the jury trial or to advise the Court Clerk that another disposition has been reached may cause the case to be stricken from the jury trial calendar. Failure of the defendant, if appearing pro se, or the defendant's attorney if represented by counsel, to

confirm the jury trial or to advise the court clerk that another disposition has been reached shall constitute a waiver of the defendant's speedy trial rights. Failure of the defendant to appear on the jury trial date may result in the issuance of a bench warrant for the defendant's arrest and forfeiture of any posted bail, unless it is confirmed by the City Prosecutor and defendant that a disposition is to be proposed to the court. Dispositions will be heard on the jury trial date, or on another date as the court may direct.

(d) Costs and Sanctions: Any case confirmed for jury under this rule, and not proceeding to jury trial shall be subject to such sanctions, including but not limited to jury costs, witness fees and terms, as deemed appropriate by the court.

(Amended effective 9-1-08)

1.4
Deferred Prosecution

(a) Petition for Deferred Prosecution: A petition for deferred prosecution pursuant to RCW 10.05 must be filed with the Court and the prosecuting authority no later than seven (7) days prior to proposed entry, unless good cause exists for the delay.

(b) An order deferring prosecution will not be granted without written verification that the defendant has actually begun treatment in the program contained in the petition and order for deferred prosecution.

(c) An order deferring prosecution will not be granted unless the petition, order and treatment plan have been reviewed and approved by the Court's probation officer, no later than seven (7) days prior to the proposed entry, to insure compliance with RCW 10.05.

(d) An order deferring prosecution must identify the assessment utilized in support of deferred prosecution, and must state the name of the agency providing treatment.

(e) No changes in treatment, nor changes in treatment provider, shall be permitted without prior written authorization from the Court.

(Amended effective 9-1-08)

1.1
Adoption

These Local Traffic Rules are adopted pursuant to IRLJ 1.3. These rules shall be known as the Marysville Municipal Court Local Infraction Rules "MMCLIR".

(Effective Date: September 1, 2002)

1.2
Representation By Lawyer

At a contested hearing where an attorney has appeared for the defendant or witnesses have been subpoenaed, a lawyer representative of the City Prosecutor's office shall personally appear at the time of hearing. A defendant issued a Notice of Infraction and represented by an attorney must provide a written Notice of Appearance to the City Prosecutor for the municipality issuing the Notice, together with filing a copy of the Notice of Appearance with the Court Clerk. The Notice of Appearance shall be filed not later than 10 days following the date defendant's request for a contested hearing has been filed with the Court Clerk. Upon receipt of a Notice of Appearance, the Court Clerk shall set, or reset the contested hearing to an appropriate calendar. The failure to timely file a notice of appearance may result in the contested hearing being continued beyond the 120 days from the date the Notice of Infraction was issued.

(Effective Date: September 1, 2002)

1.3
Contested Hearings - Preliminary Proceedings

(a) Speed Measuring Device Expert: As provided in RCW 46.63.151, 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 that party. A request for the presence of a SMD Expert must be submitted, in writing, to the City Prosecutor of the municipality issuing the Notice of Infraction not less than 30-days prior to the scheduled date of the contested hearing. A untimely request for the presence of a SMD Device Expert may be treated by the Court as a request for a continuance to the next date on which the City Prosecutor has scheduled the appearance of the SMD Expert.

(b) Costs and Fees For Other Witnesses: Each party is responsible for cost incurred by that party, including witness fees as set forth in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due the witness.

(Effective Date: September 1, 2002)

1.4
Liability Insurance

If a defendant is cited, with driving a motor vehicle without having proof of valid insurance pursuant to RCW 46.30.020, and the defendant presents satisfactory evidence that they have subsequently obtained valid liability

insurance to the Court Clerk, within 15 days of the date of the Notice of Infraction, for the vehicle the defendant was operating on the day he or she was cited, then the bail for the offense shall be reduced to $255.00. If the defendant presents satisfactory evidence that they were in compliance with the requirements of RCW 46.30.020(1) at the time the Notice of Infraction was issued, which evidence must be presented within 15 days from the date of the notice, the infraction shall be dismissed, and a administrative cost of $25.00 shall be assessed and paid by the defendant.

(Effective Date: September 1, 2002)

1.5
Decisions On Written Statements

(a) Written Submissions: Traffic infractions may be heard by the Court on the basis of written documents submitted by the City and a defendant, as provided in IRLJ 2.4(b)(4) and IRLJ 2.6. A written submission must be received by the Court no later than 7 days prior to the scheduled date of the contested or mitigation hearing, or the submission will not be considered.

(b) Generally: The Court shall examine the citing officer's report and any written documents submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(c) Factual Determination: For purposes of a contested infraction hearing, the Court shall determine whether the City has established, by a preponderance of all submitted evidence, that the defendant committed the infraction.

(d) Disposition: If the Court determines that the infraction has been committed, it may assess a penalty amount, and any appropriate and permitted costs to be paid by the defendant.

(e) Notice to Parties: The Court shall notify the parties in writing, whether an infraction was found to have been committed and what penalty, if any, was imposed.

(f) No Appeal Permitted: There shall be no appeal from a Court determination based upon written statements.

(Effective Date: September 1, 2002)

1.6
MONETARY PENALTY FOR UNSCHEDULED INFRACTIONS

The Administrative Office of the Courts (AOC) has interpreted School Zone Speeding pursuant to RCW 46.61.440 to be an "unscheduled" infraction under IRLJ 6.2 (b). On the assumption that this is a correct interpretation, the Marysville Municipal Court has by this rule established a

local rule as permitted by IRLJ 6.2 (b) to make the School Zone Speeding penalties consistent with IRLJ 6.2 (d) and the obvious intent of the legislature in adopting RCW 46.61.440 (3).

Pursuant to IRLJ 6.2 (b) this rule adopts as the penalty for speeding in a school zone the monetary base penalty set for in IRLJ 6.2 (d) for the relevant speed, but then doubled pursuant to RCW 46.61.440 (3). The base penalty, together with the statutory assessments may not be waived, reduced or suspended. The court will not consider a request for deferred findings under RCW 46.63.070 (5) in a school zone speeding case.

Penalty schedule

1-5	mph over limit	$157.00
6-10	mph over limit	$177.00
11-15	mph over limit	$239.00
16-20	mph over limit	$321.00
21-25	mph over limit	$423.00
26-30	mph over limit	$526.00
31-35	mph over limit	$628.00
Over 35	mph over limit	$751.00

(Effective 09/01/2006)