Milton Municipal Court

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LAR 1.1
JUDICIAL DAYS DEFINED

Regular judicial days shall be Tuesday of every week, Holidays and Court Holidays excepted.

In the event of holidays or other preemption, Court may be held the next scheduled Court day. Court sessions shall be at such times and places, as the Court may deem necessary for its proper administration.

[Adopted effective June 20, 2003. Amended effective September 1, 2008]

LGR 2.2
DELEGATING AUTHORITY TO ADJUDICATE FTA'S, AND RESCHEDULE TIME PAY AGREEMENTS

In addition to the Judge the following Court personnel are hereby granted authority to allow the rescheduling of time payments and to adjudicate FTA's reported to the department of Licensing:

* Deputy Court Administrator

* Court Clerk

* Part-time Court Clerk

[Adopted effective June 20, 2003. Amended effective September 1, 2008]

LIRLJ 2.4(b)(4)
MITIGATION AND CONTESTED HEARINGS BASED ON WRITTEN STATEMENTS

Submitting a written statement either contesting the infraction or explaining mitigating circumstances is authorized by local court rule. The statement shall contain the person's promise to pay the monetary penalty authorized by law if the infraction is found to be committed. The statement shall be sworn under penalty of perjury in compliance with RCW 9A.72.085.

LIRLJ 2.6(c)
SCHEDULING HEARINGS ON DECISIONS OF WRITTEN STATEMENTS

Decisions on Written Statements. The court has adopted a local rule authorizing decisions on written statements, and it shall, upon receipt of a statement pursuant to IRLJ 2.4(b)(4) and IRLJ 2.6 (c), consider the case in accordance with IRLJ 3.5. The court is not required to notify the parties of a date for the examination of the statements.

LIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

Mitigation and Contested hearings based on written statements, given under penalty of perjury as provided for in IRLJ 2.4 (b) (4) and IRLJ 2.6 (c) are authorized. The procedures authorized by IRLJ 3.5 are adopted by this court. To be considered, the written statement(s) must be received by the court pursuant to written instructions provided to the Defendant.

(Adopted effective June 20, 2003)

LIRLJ 6.6(d)
SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION

Any person who requests production of an electronic speed measuring device (SMD) 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, as provided in RCW 46.63.151.

(Adopted effective June 20, 2003)

LMCLR 3.1
RIGHT TO AND ASSIGNMENT OF COUNSEL

1) Types of Proceedings. The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty.

2) Explaining the Availability of a Lawyer. When a person has been arrested he or she shall as soon as practical be advised of the right to a lawyer. The Milton Police Department shall allow a person in custody access to a telephone and the current contracted public defender's number if they choose to consult with an attorney.

3) Assignment of Lawyer. Unless waived, a lawyer shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. The court will consult the current poverty guidelines as provided by RCW 10.101 to determine eligibility.

4) Withdrawal of Lawyer. When a case has been set for trial, no lawyer shall be allowed to withdraw, except upon consent of the court for good cause shown and upon substitution of another lawyer or upon the defendant's knowing and voluntary decision to proceed without a lawyer.

Upon completion of a case, a signed order deferring prosecution, or a Stipulated Order of Continuance, the lawyer shall be allowed to withdraw without consent of the court.

[Adopted effective June 20, 2003. Amended effective September 1, 2008]

LCrRLJ 3.2.2
MANDATORY APPEARANCES

A defendant who is arrested for an offense involving driving while under the influence as defined in RCW 46.61.502, driving under twenty-one after consuming alcohol 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 be required to appear in person before a judge on the Tuesday following arrest if the defendant is served with a citation or complaint at the time of the arrest. The following Tuesday shall be deemed the earliest practicable judicial day for the hearing.

Appearances are mandatory and may not be waived. The requirements of the RCW

46.61.50571 shall be imposed at the hearing.

A defendant who is arrested for an offense involving domestic violence as defined under RCW 10.99.020 shall be required to appear in person before a judge on the date indicated on the citation or complaint. Appearances are mandatory and may not be waived.

(Adopted effective June 20, 2003. Amended effective September 1, 2008)

LCrRLJ 3.3
MOTION FOR CONTINUANCE

All motions for continuance shall be in writing and supported by an affidavit containing the following information:

1. Date of Arraignment;
2. Dates that current hearings are scheduled;
3. Dates of prior continuances and which party requested the same; and
4. Reason for this requested continuance, including the date, which the information, which this motion is came to the attention of the moving party.

[Adopted effective September 1, 2008]

LCrRLJ 4.2
COMMITMENT OF DEFENDANTS TO JAIL

Commitment procedures enumerated herein are consistent with statutory provisions contained in RCW Title 10. This Court Order further defines the intent of the Municipal Court Judge wherein case law or judicial discretion might determine an appropriate case disposition.

DEFENDANTS COMMITTED TO SERVE JAIL TIME ONLY:

Jail time imposed may be ordered consecutive to other jail time imposed within the discretion of the Judge. Costs of commitment may be imposed as authorized by statute.

(Adopted effective June 20, 2003)

LCrRLJ 4.3
WARRANT RECALL PROCEDURES

1. If a defendant has not failed to appear for any prior hearing the defendant may appear within two (2) working days of their prior hearing date and reset their hearing.

2. After the warrant has been issued:

First Warrant:
Upon written Motion of the Defendant a Warrant Hearing will be scheduled. The Warrant will remain outstanding pending the hearing.

Second Warrant:
Upon payment of a $100.00 Warrant Fee and upon the written Motion of the Defendant a Warrant Hearing will be scheduled. The Warrant will remain outstanding pending the hearing.

Third/Subsequent Warrants:
Defendant will be taken into custody and held on the warrant pending hearing or posting of bail.

[Adopted affective September 1, 2008]

LCrRLJ 4.5
READINESS TRIAL HEARINGS

A Readiness Hearing shall be held before the Municipal Court Judge in every case in which a timely demand for jury is made. Notice shall be given in open Court by the Judge to all parties indicating the date and time for this hearing. At the hearing the city prosecutor, defendant and the defendant's counsel (if any) must be present. By the Readiness Hearing date all discovery must be completed and all motions must have been timely filed. Furthermore, parties shall advise the Court if the case can be settled by other than a jury trial. The Readiness Hearing date shall be set no later than ten (10) judicial days before the date of trial. The Court will strike the scheduled Jury Trial and may issue a Bench Warrant for any defendant that does not appear at the Readiness Hearing.

After the readiness hearing the following restrictions to the proceedings shall apply:

All Plea Negotiations shall be concluded at or before the readiness hearing. The court will grant no amendments to the charges or plea bargains after the readiness hearing. Therefore, after readiness the case will be tried by a jury, unless waived by the defendant, or concluded by a guilty plea to the original charge, or dismissal of the charge(s).

Continuances on the scheduled trial date will only be granted for good cause.

[Adopted effective June 20, 2003. Amended effective September 1, 2008]

LCrRLJ 8.2
WRITTEN MOTIONS AND BRIEFS

Written motions and briefs other than those for continuances shall be filed with the Court and served on the opposing party not less than fourteen (14) days before the motion date. Responses thereto shall be filed and served not less than seven (7) days before the hearing date. Motions shall be heard on Tuesdays at the time prescribed in open Court, and not later than seven (7) days before trial.

Failure to comply with this rule may result in the Court's refusal to hear such motion or in the imposition of terms, both to the adverse party or parties and to the City of Milton for the expense caused by resulting delays.

[Adopted effective June 20, 2003. Amended effective September 1, 2008]

LCrRLJ 9.0
DEFERRED PROSECUTION

Quasi-Public Documents. The following are not subject to public review, but are subject to review by the defendant and the defendant's lawyer:

Petition for deferred prosecution, statement of defendant for deferred prosecution, order granting deferred prosecution, evaluation, and recommendation of chemical dependency agency, status reports from chemical dependency agency.

[Adopted effective June 20, 2003. Amended effective September 1, 2008]