MUNICIPAL COURT

LOCAL RULES OF THE MUNICIPAL COURT OF NORTH BONNEVILLE, WASHINGTON

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Preamble

These local rules pertain to the operation of the North Bonneville Municipal Court, these rules are complementary and supplemental to the Rules for Courts of Limited Jurisdiction promulgated by the Washington Supreme Court.

The rules are designed to economize the time of counsel and to make efficient use of the Court's time. To be effective, the cooperation of the litigants and their counsel is required.

The rules that follow are ones that have been in effect for some time. Anyone having comments on these rules should address them in writing to the Presiding Judge of the Court.

Structure of the Court

The Municipal Court for the City of North Bonneville is located at City Hall, 214 CBD Mall, PO Box 7, North Bonneville, WA., 98639-0007.

The Court is staffed by one part-time Municipal Court Judge and one Court Clerk. Office Hours are Monday through Friday 8:00 am to 5:00 pm. Court days for trials and hearings are on the 1ST, 3RD, and the 5th Monday every month. In the event a national holiday is observed on the Monday Court day, the following Tuesday shall be a Court day.

Rule 1
Court Organization and Management

General Management: The general management of the Court shall be vested in the presiding Judge and the duties and powers are as set for below.

Duties of the Presiding Judge: The presiding Judge will act as chief administrative Judge and will set policy to be implemented by the Court personnel.

1) The presiding Judge will call meetings of the Court and preside over said meetings.

2) The presiding Judge will be responsible for scheduling of Court time.

3) The presiding Judge will speak for the Court on all matters.

4) The presiding Judge will be responsible for space management and facilities planning.

5) The presiding Judge will have the responsibility for monitoring the Court budget.

6) The presiding Judge will be responsible for communications with all other elected officials.

7) The presiding Judge will conduct probable cause determinations.

8) The presiding Judge will conduct preliminary hearings and criminal arraignments.

9) The presiding Judge will set bail, appoint counsel and perform other duties common to the preliminary hearing and arraignment process.

10) The presiding Judge will shall sign warrants for arrest.

Duties of the Court Clerk: The North Bonneville Court Judge shall select a Court Clerk to provide services for the Court and shall have the following duties.

1) Assist the Municipal Court Judge in directing case-flow management.

2) Assist in the preparation and presentation of the department budget and direct fiscal management inventory control and purchasing.

3) Brief the Judge on Municipal Court operations and status.

4) Prepares reports and complies statistics as required.

Rule 2
Security of Courtrooms and Related Areas

Weapons: No weapon designed for offensive or defensive purposes shall be allowed in any space assigned to the Municipal Court and a violation of this order shall constitute Contempt of Court.

Exceptions: This Rule shall not apply to Judges, commissioned police officers while in duty status, and corrections officers in duty status.

Rule 3
Appearance Bonds

Posting Appearance Bonds: Only those people approved by the Judge of the Municipal Court are authorized to seek and submit the post of appearance bonds.

Rule 4
Municipal Court Criminal Justice Rules

Purpose and Construction: These rules are intended to provide for the just determination of every criminal proceeding. They shall be construed to secure simplicity in procedure, fairness in administration, effective justice, and the elimination of unjustifiable expense and delay. These rules are constructed to supplement and not to supplant the Criminal Rules for Courts of Limited Jurisdiction (CrRLJ).

1) Bail Schedule

The Court may periodically publish a bail schedule which will include any bail schedule and penalty schedule promulgated by the Supreme Court of the State of Washington. Said bail schedule shall be provided to law enforcement agencies within the jurisdiction of the Municipal Court.

2) Bail

Misdemeanor bail shall not be combined with felony bail. If cash funds are received, it shall be kept separate. If a bail bondsman posts bail it shall be with separate bonds for the charged offenses. If someone other than the defendant posts cash funds as bail, it will be necessary to obtain the correct name and address of the posting party to be provided to the Municipal Court with the bail.

3) Bail Forfeiture

a) Should the defendant fail to appear as directed by the Court, bail forfeiture shall be immediately issued. The bail bondsman shall have 60 days to locate the defendant and if the bondsman presents the defendant to the Court before 60 days have elapsed, the bail forfeiture can be rescinded for cost. The cost shall be $100.00 for failure to appear at arraignment, pre-trial or sentencing proceeding; $200.00 for failure to appear for trial; or $300.00 for failure to appear for jury trial.

b) Should the permitted 60 days elapse and the defendant has not been brought

before the Court, the bond becomes due and payable immediately.

c) Should the defendant fail to appear as directed by the Court, bail forfeiture shall be immediately issued for any cash funds bail posted by the defendant or any party posting same on behalf of the defendant.

4) Pre-Trial Release

a) The arresting officer shall list on the criminal citation for any defendant, whether or not that person is detained at the jail for a misdemeanor or gross misdemeanor.

b) The arresting officer shall prepare a sworn statement for the Court describing probable cause for criminal charge for which the defendant has been arrested.

5) Arraignment

a) The arraignment date and time shall be written on the criminal citation by the arresting officer. The date of arraignment shall be no later than 14 days post-arrest date. Should the officer fail to put an arraignment date and time, the Court will set the arraignment date and notify the defendant through the mail. The arraignment shall consist of:

i) The defendant's true full name, residential address and mailing address, ties to the community, employment status and past criminal history

ii) Advise the defendant of the nature of the charges and the maximum penalties that may be imposed upon a finding of guilt

iii) Advisement of all rights

iv) Advisement of right to legal counsel and determination of indigence

v) The setting of bail and release conditions

vi) Attorneys at law, admitted to practice in the State of Washington, may enter a notice of appearance and plea of not guilty in writing on all cases filed in the Municipal Court

6) The Right to Assignment of Counsel

a) Unless waived by the defendant, legal counsel shall be provided to any person who is financially unable to obtain one without causing substantial financial hardship to themselves for family and pursuant to standards published by the State of Washington.

b) If at any time it appears that a person has retained private counsel, has funds sufficient to do so, or is otherwise not eligible for defense services, the appointed attorney may notify the Court and ask it guidance.

c) Conversely, it appears that counsel previously retained by a person has withdrawn, or that a person thought to have funds sufficient to obtain private counsel is not in fact able to do so, than the Court shall make a re-determination of eligibility for appointed counsel.

d) Unless a written notice to withdraw is approved by the Court, defendant's attorney must appear at all subsequent Court dates, including post conviction reviews. If the defendant's attorney fails to appear at any hearing, the Court may impose terms and any other conditions authorized by law.

7) Pre-trial Conference

a) The pre-trial conference shall be set by the Court and used for the following purposes:

i) Pre-trial hearings shall be within 30 days of defendant's first appearance

ii) File any pre-trial motion

iii) Negotiation for plea-bargaining purposes

iv) File petition for deferred prosecution

v) Submit a change in plea

vi) All pre-trial motions shall be in writing

vii) To dispose of the case in any other manner

8) Witness - Process - Subpoena

If a witness in criminal matters is to be subpoenaed, shall be requested by either party and presented to the Court for signature.

9) Status conference

a) Status conferences shall be set by the Court for the following purposes:

i) Defendant and counsel shall appear and failure to appear without just cause shall result in the issue of warrant

ii) The purpose of the status conference is to present witness lists to the Court, resolve all issued, determination of jury trial, bench trial, plea offering, or other resolution matters

iii) The Court shall set trial date

10) Reimbursement of Attorney Fees.

a) The Court shall determine, on information presented by accused of defendant's ability to partial to pay appointed attorney fees.

b) A person found to be partially eligible for defense services shall be required to make reimbursement to the Court as agreed at the time of adjudication.

c) Any defendant who is placed on probation may be required to reimburse the city for all or part of the costs of appointed counsel.

d) In no case shall appointed counsel set or attempt to obtain personal reimbursement for the costs of defense services.

e) If reimbursement is part of an order of probation, failure to make payment by the defendant could be sufficient to be a violation of probation.

f) The appointed counsel's representation of a client shall include the ability to oppose an order of the Court requiring reimbursement for defense services, provided there are arguable legal grounds for such opposition.

11) Jury instructions

a) Time of submission shall be by 8:00 am the morning prior to trial and an additional set shall be served upon the opposing party.

12) Trials

a) Trial briefs shall be filed no later than two days before trial.

b) Any motions filed on the date of trial shall begin at 8:15 am and jury trial shall begin at 8:30 am.

c) Should the Court rule in a manner that requires a continuance of the trial on the morning of the trial, the Court shall assess the costs of the jury against the attorney who the Court finds, in it's discretion, has failed to properly recognize, note or resolve the issues at the pre-trial hearing.

d) Return of exhibits in a criminal case will be returned to the party who produced that exhibit for identification. The return shall be made upon written application, following termination of the time for appeal. Exhibits not requested to be returned during that period by the producing party may be delivered by the Court to the local police authority for disposition by law as abandoned property; or if contraband, fo r destruction. No exhibit shall be delivered without being receipted for by the receiving party.

Rule 5
Traffic cases

1) Whenever a Notice of Infraction has been issued and not filed with the Court within 48 hours, the Clerk shall bring the untimely filing to the attention of the Judge.

a) If the citation is filed more than 72 hours after issuance of the Notice of Infraction, excluding weekends and national holidays, the clerk may mark the citation "dismissed without prejudice" and take no further action (IRLJ 2.2).

b) Infraction witness fees incurred by a party as set forth in RCW 46.63.151 shall pay the witness fees and mileage expenses due that witness. Any person who requests production of an electronic speed measuring device expert, and 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.

Rule 6
Record retention

Municipal Court records shall be retained pursuant to the District and Municipal Court Records Retention Schedule provided by the State of Washington.

Rule 7
Reservation of discretion

The Court reserves the authority to interpret and / or suspend or modify these rules in individual cases on motion or a party for good cause shown or its own motion in the interest of justice and /or the efficient operation of the Court.