OCEAN SHORES MUNICIPAL COURT
GRAYS HARBOR COUNTY
LOCAL COURT RULES

Table of Rules

Rule
1. Adoption
2. Reservation of Discretion
3. Regular Court Sessions
4. Judge Assignment
5. Bail Schedule
6. Arraignment Date
7. Combining Documents
8. Discovery
9. Motions and Hearings
10. Continuances
11. Jury Instructions
12. Pleas in Criminal Cases-Jury Trial Settings
13. Telephonic and Electronic Communication
14. Return of Exhibits
15. Payment of Fines and Penalties
16. Electronic Home Monitoring
17. Release of Accused
18. Automatic Withdrawal of Attorney at Public Expense
19. Decisions on Written Statements
20. Infraction Witness Fees

RULE 1.
ADOPTION.

These rules are adopted pursuant to GR7 CrRLJ 1.7. and IRLJ 1.3

[Adopted effective September 1, 2005; amended effective September 1, 2011]

RULE 2.
RESERVATION OF DISCRETION.

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

RULE 3.
REGULAR COURT SESSIONS.

A) Criminal Matters. Regular sessions for criminal matters pending in Ocean Shores Municipal Court shall be held on the third Wednesday of each month, commencing at 1:30 p.m., at the Ocean Shores Convention Center, and/or at such other times and places as the court may deem necessary for its proper administration.

B) Infractions. Regular sessions for traffic infractions and/or other civil infractions pending in Ocean Shores Municipal Court may be held on the third Wednesday of each month, and/or the third Thursday of each month, commencing at 1:30 p.m., at the Ocean Shores Convention Center, and/or, at such other times and places as the court may deem necessary for its proper administration.

RULE 4.
JUDGE ASSIGNMENT.

All cases filed in the court are assigned to the appointed judge of the court.

RULE 5.
BAIL SCHEDULE.

The court shall by written order filed with the court administrator establish bail schedules for use by the Ocean Shores Police Department. The schedule shall designate those types of criminal cases, if any, wherein the defendant may forfeit bail in lieu of arraignment.

RULE 6.
ARRAIGNMENT DATE.

Arraignments shall be in conformance with CrRLJ 3.4 and 4.1. The arresting officer shall set a defendant's arraignment date and time when issuing a citation charging a criminal charge. The dates set shall be consistent with the schedule to be provided by the court administrator. If the charging document states that one or more of the charges against a defendant involves domestic violence, harassment, violation of a no contact order, protection order or anti-harassment order, stalking, driving under the influence of intoxicants and/or drugs, physical control or minor under 21 operating a motor vehicle after consuming alcohol the defendant's arraignment shall be set on the next day in which the court is in session and the defendant's presence shall be mandatory. In all other cases the defendants may appear at the arraignment through an attorney. All citations shall be filed upon issuance.

RULE 7.
COMBINING DOCUMENTS.

A notice of appearance and plea of not guilty may be included in one document. A waiver of jury trial or speedy trial may be separate or combined in one document, and signed by the defendant, or by the defendant's attorney if the attorney certifies that the waiver has been expressly approved by the defendant. A demand for the appearance of a BAC technician, Washington State Toxicologist or a Speed Measuring Device expert pursuant to CrRLJ 6.13 shall be made in a separate document filed with the court and served upon the city attorney. Pleadings or documents may be filed with the court by facsimile, provided that hard copies of the pleadings or documents are subsequently filed with the court and copies are served upon the opposing party.

RULE 8.
DISCOVERY.

Discovery demands shall be by a separate document. Discovery shall be completed by the date set for the pretrial hearing. Failure to provide discovery materials, including bill of particulars if ordered, shall be deemed waived unless the court is notified at the time of the pretrial hearing.

RULE 9.
MOTIONS AND HEARINGS.

A) Pretrial Hearings. A pretrial hearing shall be set in all cases which have not been resolved at the arraignment. The city attorney, the defendant, and the defense attorney, if any, shall attend the pretrial hearing. At the pretrial hearing, the parties shall inform the court whether discovery has been completed, whether a plea bargain agreement has been reached, and if not, whether the case shall be continued, set for a bench trial, or set for a jury trial if a waiver of jury trial has not been previously made. If the case is set for a jury trial, an additional pretrial hearing shall be scheduled at least one (1) week prior to the date set for the jury trial.

B) Motions - All motions including, but not limited to amendments to the charges, for continuance and CrRLJ 3.5 hearing shall be heard at the pretrial hearing. Motions shall not be considered at the time of trial unless they could not have been raised at the pretrial hearing or the court on its own motion continued a matter to the time of trial.

(1) Filing and Service of Motions - All motions including supporting briefs, memoranda, documents and affidavits shall be filed and served at least twenty (20) days prior to the scheduled hearing date. The responding party shall file and serve any responding motions, briefs, memoranda, documents and affidavits at least five (5) days prior to hearing date. The court retains the authority to waive this requirement for good cause shown or if justice otherwise requires. The moving party shall notify the court administrator at the time of the setting of any motion herein if oral testimony is required and shall also provide to the court administrator the estimated time required, for the motion hearing. This rule does not authorize oral testimony when the facts are undisputed or can adequately be presented by affidavit and/or other documentary evidence.

(2) Judge Working Copy - A copy of all motions, briefs, memoranda, documents and affidavits and responding motions, briefs, memoranda, documents and affidavits shall be provided to the judge after being filed with the court.

(3) Motion Hearing Procedure - Oral argument on motions not requiring testimony shall be limited to fifteen (15) minutes for each side unless the Judge allows additional time, in which case the motion may be placed at the end of the court docket. Hearings requiring testimony shall be heard at the end of the docket or on a date and time to be scheduled by the court administrator. Failure to comply with these rules may result in the striking of the motion, denial of motion or imposition of terms.

C) Subpoenas. A party wishing the attendance of a witness at a hearing shall be responsible for securing a subpoena for the witness except that the city attorney shall subpoena necessary witnesses for a CrRLJ 3.5 hearing if the defendant or defense attorney has requested in writing such an attendance and has given notice for such motion as set forth herein. A party requesting the court to subpoena a witness shall provide the name and address of such witness, and, unless found to be indigent, payment of $50.00 per requested subpoena to pay for the witness and mileage fees, at least ten (10) days prior to the date set for trial.

D) Attendance Required. The Defendant must attend every scheduled court proceeding. If a defendant fails to attend a scheduled court proceeding, a warrant may issue for his/her arrest and all the scheduled court dates, including trial dates, may be stricken at the discretion of the court. The time period from the date of the hearing missed by a defendant until his/her next appearance in court, shall not be included in any time limitation requirements.

RULE 10.
CONTINUANCES.

A) Arraignments - The court administrator may, for good cause, continue an arraignment at the request of the defendant or counsel to the next available court session except in those cases when the charging document states that one or more of the charges involves domestic violence, harassment, violation of a no contact order, protection

order or anti-harassment order, stalking, driving under the influence of intoxicants and/or drugs, physical control or minor under 21 operating a motor vehicle after consuming alcohol.

B) Bench Trials - Stipulations. The court will grant a continuance of a bench trial date upon the stipulation of the parties, if filed with the court at least three (3) business days prior to the date set for trial.

C) Bench Trials - Written Motion. All requests for a continuance of a bench trial date not stipulated to by the opposing party shall be made by written motion and affidavit at least five (5) business days prior to the date set for trial, after notice to the opposing party.

D) Jury Trials. All requests for a continuance of a jury trial shall be presented by a written motion and affidavit with notice provided to the opposing party. Such motions shall be made at the pretrial hearing.

E) Good Cause. A motion for continuance of an arraignment, bench trial or a jury trial will be granted only upon a showing of good cause. The following shall be deemed good cause:

1) Illness with such verification as may be required by the court; or,

2) Unavoidable and/or unforeseen conflicts; or,

3) For trials, lack of discovery or discovery of new evidence requiring investigation; or,

4) Other causes, in the discretion of the court.

F) Imposition of Costs. Payment of costs of the court and the opposing party may be a condition for granting a motion for continuance.

G) Speedy Trial Waiver. A waiver of the right to a speedy trial may be required as a condition for granting a motion for continuance. A motion for continuance made by the defendant or defense attorney shall be deemed a waiver of speedy trial, effective until the next date scheduled for the trial.

H) Infraction Hearings. One telephonic request for a continuance may be granted by the court administrator. Thereafter, a request must be in writing and approved by the court.

RULE 11.
JURY INSTRUCTIONS.

A) When Submitted. Proposed jury instructions shall be submitted when the case is called for trial.

B) How Submitted. Three sets of instructions shall be submitted to the court on plain 8 ½ by 11 paper. These sets shall not be numbered. Another set shall be submitted to the opposing party. Citations of authority shall not appear on the unnumbered sets, but can be included on additional sets to be submitted to the trial judge and the opposing party.

C) Pattern Instructions. The court does not maintain pattern instructions. All instructions must be prepared by the offering party.

RULE 12.
PLEAS IN CRIMINAL CASES - JURY TRIAL SETTINGS.

The court shall be notified of a plea bargain agreement not less than two (2) weeks prior to a jury trial. Failure to comply with this rule may result in the imposition of costs in addition to any other sentence imposed.

RULE 13.
TELEPHONIC AND ELECTRONIC COMMUNICATION.

All proceedings except infraction hearings, criminal changes of plea or criminal trials may be heard by telephone conference call at the request of either party with written notice to the court and at the discretion of the judge.

RULE 14.
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 was 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.

RULE 15.
PAYMENT OF FINES AND PENALTIES.

A) Infractions. Infraction penalties shall be paid no later than at the conclusion of any requested hearing. A defendant who does not request a contested hearing or a mitigation hearing, but who would like to make payments towards the applicable infraction penalty without appearing in court, may make payment arrangements with the court administrator within fifteen (15) days of the issuance of the notice of infraction.

B) Attorney and Jury Fees - Reimbursement. The court may require partial or full reimbursement to the city for the cost of court appointed counsel and/or jury fees from those defendants the court finds able to pay.

C) Other Costs and Fees. The court may require reimbursement to the city of other costs and fees as provided by statute including but not limited to: costs of incarceration, interpreter fees, emergency response fees, blood/breath testing, and expenses incurred for service of warrants. Assessments of costs and fees shall be subject to limitations provided by statute.

D) Conditions of Time Payment. All time payments in criminal payments shall be paid at the rate of fifty dollars ($50.00) per month or the total amount due divided by eleven, whichever is greater, unless a different payment schedule is approved by the court.

E) Petition to Modify. The defendant may petition the court to modify monetary payments at any time due to his/her changed financial condition.

F) Revocation of Probation. Probation shall be revoked for willful failure to pay fines, costs or other assessments.

RULE 16.
ELECTRONIC HOME MONITORING.

In appropriate cases the court will allow electronic home monitoring in lieu of incarceration for pretrial monitoring and sentencing subject to conditions set forth by the court.

RULE 17.

RELEASE OF THE ACCUSED.

A) Bail. When required to reasonably assure appearance in court for those persons arrested and detained in jail for new offenses, bail shall be set by the court. Bail shall not be set for accused persons arrested for new offenses involving domestic violence, violation of an anti-harassment order, violation of a protection order, or stalking, except at the preliminary appearance or arraignment.

B) Conditions of Release. The court may impose conditions of release pending trial, including, but not limited to: a no-contact order, ignition interlock device, electronic home monitoring, or any other conditions which are appropriate as set forth in CrRLJ 3.2 (a), (b), and (c).

IN OCEAN SHORES MUNICIPAL COURT
OCEAN SHORES, GRAYS HARBOR COUNTY, WASHINGTON

In Re:	)	
Order Adopting Local	)	
Court Rules	)	RE: LOCAL COURT RULES
	)	OF THE OCEAN SHORES
	)	MUNICIPAL COURT

Pursuant to GR 7, CrRLJ 1.7, and IRLJ 13, the Ocean Shores Municipal Court of Grays Harbor County, Washington hereby adopts the attached Local Rules for the Ocean Shores Municipal Court, which shall become effective July 1, 2005.

DATED AND SIGNED this twenty eighth day of June 2005.

_____
C. SCOTT SAGE, Judge.

RULE 18.
AUTOMATIC WITHDRAWAL OF ATTORNEY AT PUBLIC EXPENSE.

Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation thirty days following a final decision of the court as defined in RALJ without need to file any document with the court.

[Adopted effective September 1, 2011]

RULE 19.
DECISIONS ON WRITTEN STATEMENTS.

A) Upon the request of the defendant made in writing at least 1 day prior to the date and time set for a contested infraction hearing, the court may consider and decide the case on the basis of written statements, according to the procedure set forth in IRLJ 3.5, as now or hereafter amended. The court may also decide cases set for a mitigation hearing on the basis of written statements upon request of the defendant.

B) The court shall allow written statements through e-mail procedures as established by the presiding judge through administrative order. E-mail procedures shall meet the requirements of IRLJ 3.5

RULE 20.
INFRACTION WITNESS FEES

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 expense due that witness. Any person who requests production of an electronic speed measuring devise 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.

[Adopted effective September 1, 2013]