Renton Municipal Court
Local Court Rules

Table of Rules

Renton Municipal Court Local Rules

RMCLR 1.7. Adoption of Local Rules
RMCLR 1.8. Title of Rules
RMCLR 1.9. Courtroom and Office Hours

Forms
Advice of Rights(005a)
Motion to Recall Order Prohibiting Contact & Request for Hearing for Hearing (065)

RMCLR 3.1 Right to a Lawyer

Forms
Waiver of Lawyer - Arraignment(061)
Waiver of Lawyer - Trial(062)

RMCLR 3.1.1 Withdrawal of Attorney
RMCLR 3.2 Bail
RMCLR 3.3 Video Conference Proceedings
RMCLR 4.1. Appearance and Pleadings by Attorneys
RMCLR 4.2 Off-Record Continuances
RMCLR 4.5 Petitions for Deferred Prosecution

Forms
Order Granting Deferred Prosecution (DUI)(058)
Order on Pretrial Conference (048)

RMCLR 6.13 Evidence
RMCLR 7.2 Sentencing

Renton Municipal Court Local Infraction Rules

RMCLIR 1.0 Mitigation Hearings
RMCLIR 1.1 Subpoenas
RMCLIR 1.2 Motions
RMCLIR 1.3 Objection to Hearing Date
RMCLIR 1.4 {Reserved}
RMCLIR 1.5 Decisions on Written Statements

RMCLR 1.7.
ADOPTION OF LOCAL RULES

These rules are adopted pursuant to CrRLJ 1.7.

[Adopted Effective September 1, 2001]

RMCLR 1.8.
TITLE OF RULES

These rules shall be known as Renton Municipal Court Local Rules and shall be referred to as RMCLR.

[Adopted Effective September 1, 2001]

RMCLR 1.9.
COURTROOM AND OFFICE HOURS

(a) Court Hours. The Renton Municipal Court shall be in session on all judicial days from 8:00 a.m. to 11:00 p.m. and 1:00 p.m. to 5:00 p.m. For schedule of hearing types see http://rentonwa.gov/living/default then follow the links to Renton Municipal Court.

(b) Clerk's Office. The Renton Municipal Court Clerk's Office shall be open on all judicial days 8:00 a.m. to 5:00 p.m.

(c) Temporary Orders for Protection. Motions for a Temporary Order For Protection may be filed on judicial days from 8:30 a.m. until 3:30 p.m.

(d) Walk-in Calendar. Bench warrants may be quashed on Wednesdays only. To qualify for a hearing a defendant must appear at the Court clerk's office before 9:00 a.m. Photo identification is required without exception. A warrant fee will be required to be placed on the calendar.

[Adopted Effective September 1, 2001; Amended effective September 1. 2002; Amended effective September 1, 2007; Amended effective September 1, 2011]

**Insert Form - Advice of Rights(005a)
**Insert Form - Motion Recalling No Contact Order(065)

RMCLR 3.1
RIGHT TO A LAWYER

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

(b) 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. A lawyer shall not be denied to any person merely because his or her friends or relatives have resources adequate to retain a lawyer or because he or she has posted or is capable of posting bond.

(c) The ability to pay part of the cost of a lawyer shall not preclude assignment. The assignment of a lawyer may be conditioned upon partial payment pursuant to an established method of collection.

(d) The court, upon motion of a defendant, shall screen said defendant for the purposes of determining whether the defendant is indigent. The court may consider any factors regarding indigence it deems appropriate. The court may require proof of income at its discretion.

(e) A defendant may waive their right to be represented by an attorney. The court shall require all defendants entering a plea of guilty in the absence of an attorney to complete a Renton Municipal Court Waiver of Right to Attorney form. The court shall enter findings regarding whether the defendant made a knowing and voluntary waiver of an attorney before accepting a guilty plea or setting a case for trial.

[Adopted Effective September1, 2001]

RMCLR 3.1.1
WITHDRAWAL OF ATTORNEY

Pursuant to CrRLJ 3.1(e), no attorney may withdraw except upon consent of the court for good cause shown when a case has been set for trial. The motion shall be made in open court with notice to interested

parties. Except in cases where withdrawal is mandated by the Rules of Professional Conduct, the court should not permit withdrawal unless there is simultaneous substitution of a lawyer who is prepared to proceed on the scheduled trial date. A substitution of counsel not mandated by the Rules of Professional Conduct which is accompanied by a motion to continue the trial date should only be granted upon actual payment of terms and/or costs.

[Adopted Effective September 1,2001]

RMCLR 3.2
BAIL

When required to reasonably assure appearance in court for those persons arrested and detained in jail for new offenses, bail shall be set in accordance with a schedule approved by the presiding judge and available from the Court Administrator. Bail shall not be set for an accused arrested for new offenses involving domestic violence (Assault Fourth Degree, Interfering with the Reporting of Domestic Violence, Violation of a No Contact Order, Violation of a Protection Order) or alcohol related driving offenses (Driving Under the Influence, Physical Control, Minor Operating Motor Vehicle after Alcohol Consumption, Negligent Driving 1st (Alcohol)). Persons held in custody accused of domestic violence or alcohol related driving offenses shall personally appear before a judge the next judicial day following booking into jail.

[Amended Effective September 1,2006]

RMCLR 3.3
VIDEO CONFERENCE PROCEEDINGS

(a) 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 Renton 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.

(b) 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 Renton Municipal Court judge, judge-pro tem or court commissioner.

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

[Adopted Effective September 1, 2011]

RMCLR 4.1.
APPEARANCE AND PLEADINGS BY ATTORNEYS

(1) Pursuant to CrRLJ 4.1, except in cases involving domestic violence

or alcohol related driving crimes, an attorney may enter an appearance and/or plea of not guilty on behalf of an accused in any criminal or traffic offense if said appearance or plea is made in writing or made in open court on the record. Appearance must be accompanied by an acknowledgement by defendant that they have been advised of their rights as a person accused of a crime.

(2) A defendant must personally appear in court in cases involving domestic violence (Assault Fourth Degree, Interfering with the Reporting of Domestic Violence, Violation of a No Contact Order, Violation of a Protection Order).

(3) A defendant must personally appear in court for arraignment in cases where the crime charged is Driving Under the Influence of Alcohol and/or Drugs or Physical Control.

(4) Unless previously commenced by an appearance made in open court, a written appearance shall commence the running of the time periods established in CrRLJ 3.3 from the date of receipt by the court. A written appearance waiving an arraignment, but without a plea, shall be considered a plea of not guilty, made in writing or in open court, and obviates the need for further arraignment and waives any defects in the complaint other than failure to state a crime.

(5) Telephonic requests or notice by defendant or defense counsel shall not constitute an arraignment, appearance or plea, and shall not commence the time periods under CrRLJ 3.3.

[Adopted Effective September 1, 2001]

RMCLR 4.2
OFF-RECORD CONTINUANCES

The court may continue cases at the pre-trial hearing off the record at its discretion. No off-record continuance will be allowed if pre-trial conditions of release have been ordered. Motions to continue cases where a prior continuation of the pre-trial hearing was approved shall be taken on the record.

[Adopted Effective September 1,2001]

RMCLR 4.5
PETITIONS FOR DEFERRED PROSECUTION

Petitions for deferred prosecution pursuant to RCW 10.05 shall be submitted no later than seven days prior to the date of presentation. Copies shall be served on the City of Renton Prosecuting Attorney and the court. All petitions shall be in strict compliance with the requirements of RCW 10.05. Findings of Fact, Conclusions of Law, and Order shall be submitted on Renton Municipal Court form Order Granting Deferred Prosecution.

[Adopted Effective September 1, 2001]

RMCLR 6.13
EVIDENCE

(a) Rules of Evidence. The rules of evidence are applicable to criminal prosecutions.

(b) Rules of Evidence-Infractions. The rules of evidence and statutes that relate to evidence in infraction cases shall apply to contested hearings. The court may consider the notice of infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing, unless the defendant has caused the officer to be served with a subpoena to appear.

(c) Request for Speed Measuring Device. The court shall follow the provisions of CrRLJ 6.13(d) concerning the request for a speed measuring device (SMD) expert, except that a request for a SMD expert shall be in writing and must be received by the court clerk at least seven court days prior to the original trial or hearing date.

[Adopted Effective September 1, 2001]

RMCLR 7.2
SENTENCING

The court shall follow the provisions of CrRLJ 7.2 on Sentencing.

[Adopted Effective September 1, 2001]

RMCLIR 1.0
MITIGATION HEARINGS

A defendant charged with an infraction who requests a hearing to explain mitigating circumstances per IRLJ 2.4(3) or RCW 46.63.070(4) shall appear before a magistrate. The magistrate's determination shall be final and is not subject to review before a judge.

[Adopted Effective September 1, 2001]

RMCLIR 1.1
SUBPOENAS

A defendant who requests a hearing to contest the determination that an infraction was committed may file upon the court a written demand that the court subpoena the officer who issued the Notice of Infraction, or whose written statement was the basis for the issuance of the notice if the demand is filed with the court at least 14 days prior to the first setting of the contested hearing. A defendant is responsible for obtaining and serving subpoenas in accordance with IRLJ 3.1 in all other circumstances.

[Adopted Effective September 1, 2001]

RMCLIR 1.2
MOTIONS

All motions, except those motions pursuant to IRLJ 2.2(d), shall be filed with the court and served on all interested parties no later than 14 days prior to the date of the Contested Hearing. Failure to comply with this rule shall constitute a waiver of the motion.

[Adopted Effective September 1, 2001]

RMCLIR 1.3
OBJECTION TO HEARING DATE

A defendant who objects to the hearing date set by the court pursuant to IRLJ 2.6 shall file with the court and serve upon the City Attorney a written motion for a speedy hearing date. Such motion shall be filed and served no later than 10 days from the date of written notice of the contested hearing date. Failure to comply with this rule shall constitute a waiver of the objection.

[Adopted Effective September 1, 2001]

RMCLIR 1.4
{Reserved}

[Adopted Effective September 1, 2001; Rescinded Effective September 1, 2011]

RMCLIR 1.5
DECISIONS 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 September 1, 2007]

ADVICE OF RIGHTS (005A)

The contents of this item are only available on-line.

MOTION TO RECALL ORDER PROHIBITING CONTACT & REQUEST FOR HEARING FOR HEARING (065)

The contents of this item are only available on-line.

WAIVER OF LAWYER - ARRAIGNMENT (061)

The contents of this item are only available on-line.

WAIVER OF LAWYER - TRIAL (062)

The contents of this item are only available on-line.

ORDER GRANTING DEFERRED PROSECUTION (DUI) (058)

The contents of this item are only available on-line.

ORDER ON PRETRIAL CONFERENCE (048)

The contents of this item are only available on-line.