ROY MUNICIPAL COURT
LOCAL RULES

Table of Rules

1. Purpose, Scope and Construction

1.1 Adoption
1.2 Title of Rules
1.3 Effect of Local Rules
1.4 Reservation of Discretion

3. Rights of Defendants

3.1 Arraignment Date

4. Procedures Prior to Trial

4.1 Appearances of Defendant
4.2 Continuances
4.3 Pretrial Conference
4.4 Trial Readiness Hearing

6. Procedures at Trial

6.1 Jury Instructions

8. Infractions

8.1 Decision on Written Statements

1.1 ADOPTION

These rules are adopted pursuant to CrRLJ 1.7 and GR 7 and supersede any and all Local Court Rules heretofore adopted by the Roy Municipal Court.

{Adopted effective September 1, 1999}

1.2 TITLE OF RULES

These rules may be known and cited as Roy Municipal Court Local Rules, and shall be referred to as RMCLR.

{Adopted effective September 1, 1999}

1.3 EFFECT OF LOCAL RULES

The provisions of the Local Rules are supplemental to the Rules for Courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them.

{Adopted effective September 1, 1999}

1.4 RESERVATION OF DISCRETION

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

{Adopted effective September 1, 1999}

3.1 ARRAIGNMENT DATE

The arresting officer shall set the defendant's arraignment date and time when issuing a citation in all cases charging a criminal offense. The date set shall be the next regularly scheduled Court session if the citation is issued three or more days prior to that court session. For citations not charging Driving Under the Influence, Driver Under Twenty-one Consuming Alcohol,

Physical Control of Vehicle under the Influence or Minor Under the Influence, as defined in R.C.W. 46.61.502, 503 or 504 or any Domestic Violence offense as defined in R.C.W. 10.99.020 as enacted or hereinafter amended, which are issued less than three days prior to the next regularly scheduled court session, the date set shall be the following regularly scheduled Court session.

{Adopted effective September 1, 1999}

4.1 APPEARANCES OF DEFENDANT

Pursuant to CrRLJ 3 and 4, an attorney may enter an appearance and/or plea of not guilty on behalf of a client in any criminal or traffic offense, if said appearance or plea is made in writing or made in open court unless the defendant is charged with Driving Under the Influence, Driver Under Twenty-one Consuming Alcohol, Physical Control of Vehicle under the Influence or Minor Under the Influence, as defined in R.C.W. 46.61.502, 503 or 504 or any Domestic Violence offense as defined in R.C.W. 10.99.020 as enacted or hereinafter amended, in which instances the defendant must appear personally before the court for arraignment.

{Adopted effective September 1, 1999}

4.2 CONTINUANCES

All motions for continuance shall be in writing and must set forth the reason for the requested continuance and the dates of prior continuances indicating which party requested each.

{Adopted effective September 1, 1999}

4.3 PRETRIAL CONFERENCE

(a) Hearing to be Set. In all cases in which a defendant has

entered a plea of not guilty, a pretrial hearing shall be set. Said hearing shall provide an opportunity for plea negotiations, resolution of discovery issues, and trial setting. If a plea is not negotiated, an order shall be entered setting forth the following: (i) discovery schedule, (ii) date and nature of pre-trial motions, (iii) date of readiness hearing, if set, (iv) date of trial and (v) time for filing witness lists.

(b) Presence Required. The prosecuting attorney, defense attorney and defendant shall be required to attend the pretrial hearing. Personal appearance of any of these parties shall not be waived without prior court approval.

{Adopted effective September 1, 1999}

4.4 TRIAL READINESS HEARING

(a) Readiness Hearing Set. The Court shall, in its discretion, set trial readiness hearings in criminal cases set for trial.

(b) Appearance. Appearance by the attorneys and the defendant is required. Appearance by the attorneys who will be trying the case is preferred. For good cause, substitute counsel may attend on behalf of trial counsel so long as counsel is prepared to answer the inquiries of the court.

(c) Procedure at Hearing. At the trial readiness hearing, the Judge may inquire as to whether the case is expected to go to trial, whether the defendant expects to waive his/her right to jury, the number of witnesses expected to be called, the anticipated length of the trial, the number and nature of any motions and any other matter necessary to administer the trial efficiently. Any anticipated problems should be brought to the court's attention.

{Adopted effective September 1, 1999}

6.1 JURY INSTRUCTIONS

Jury instructions shall be filed with the Court and provided to the opposing party on the day of trial, unless otherwise ordered by the Court. Two sets of instructions shall be filed with the

court, one with citations, and one without citations. The set with citations shall be assembled in numbered sequence and stapled together. The set without citations shall be submitted to the court in the same order as the cited set, and shall be paper clipped together. One copy of the set with citations shall be provided to the opposing counsel or party.

{Adopted effective September 1, 1999}

8.1 DECISION ON WRITTEN STATEMENTS

(a) Generally. Mitigation and contested hearings may be submitted to the Court on a written statement. The court shall examine the citing officer's report and any statement submitted by the defendant. All statements submitted by the defendant must be received by the court within 90 days after the defendant filed the response to the notice of infraction. 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.

(b) Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

(c) Disposition. If the court determines that the infraction has been committed, it may assess a penalty in accordance with INRLJ 3.3.

(d) 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.

(e) No Appeal Permitted. There shall be no appeal from a decision on written statements.

{Adopted effective September 1, 1999}