SUMNER MUNICIPAL COURT
LOCAL RULES

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Any party or attorney to a proceeding or subpoenaed witness who fails to appear within thirty minutes of the time scheduled for hearing or trial shall be deemed having failed to appear unless previously excused by the Court or timely notice having been provided to the Court for determination of an acceptable reason for such absence. The Court retains complete authority to reschedule the matter, issue warrant(s), or dismiss the case or proceeding.

Local Court General Rule 2

Sixty days after sentencing and/or final disposition of a criminal case or civil infraction, the attorney of record except for the matters appointed the public defender at City of Sumner expense, unless a notice of appeal has been filed, shall file a written notification with the court indicating the

attorneys desire to remain as the attorney of record on the case.

{Adopted effective June 30, 2009}

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 Sumner Municipal Court.

{Adopted effective September 1, 2002}

1.2
TITLE OF RULES

These rules shall be known and cited as Sumner Municipal Court Local Rules, and shall be referred to as SUMCLR.

{Adopted effective June 30, 2009}

1.3
EFFECT OF LOCAL RULES

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

{Adopted effective June 30, 2009}

1.4
RESERVATION OF DISCRETION

The Sumner 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 a motion of the Court in the interest of justice and/or the efficient operation of the Court.

{Adopted effective September 1, 2002}

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 traffic and criminal non-

traffic offense. The arraignment date set shall be the next regularly scheduled arraignment date, except as provided below. For citations charging Driving Under the Influence, Driver Under Twenty-one Consuming Alcohol, or Physical Control of Vehicle 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, the arraignment date shall be the next regularly scheduled Court session.

{Adopted effective September 1, 2002}

4.1
APPEARANCE OF DEFENDANT

Pursuant to CrRLJ 3 and 4, an attorney may enter an appearance and/or plea of not guilty on behalf of a defendant in any criminal non-traffic or criminal traffic offense, if said appearance or plea is made in writing or made in open court. However, the defendant must personally appear before the court for arraignment in cases where the appearance is mandated by statute, e.g., Driving under the influence, Driver under twenty-one consuming alcohol, or Physical control of vehicle under the influence, as defined in R.C.W. 46.61.502, 503 and 504, any Domestic violence offense as defined in R.C.W. 10.99.020 as enacted or hereinafter amended, or the following crimes required by this local rule:

- Sexual misconduct with a minor in the second degree as defined in RCW 9A.44.096 as enacted or hereinafter amended;
- Communicate with a minor for immoral purpose as defined in RCW 9.68.090 as enacted or hereinafter amended;
- Indecent exposure as defined in RCW 9A.88.010 as enacted or hereinafter amended;
- Crimes with sexual motivation, other than sex offenses as defined in RCW 9.94A.030;
- Crimes involving assault or sexual motivation that were forwarded to the County prosecutor for charging as a felony but were not charged by the County and returned to the municipality for charging as misdemeanor;
- Leaving a child unattended in a parked automobile as defined in RCW 9.91.060 as enacted or hereinafter amended;
- Abandonment of a dependent person in the third degree as defined in RCW 9A.42.080 as enacted or hereinafter amended;
- Aiming or discharging firearms, dangerous weapons as defined in RCW 9.41.230 as enacted or hereinafter amended; and
- Neglect of a child or dependent person as defined in Sumner Municipal Code (SMC) 9.04.100 as enacted or hereinafter amended.

{Adopted effective September 1, 2012}

4.2
CONTINUANCES

(a) All motions for continuance shall be in writing and shall set forth the reason for the requested continuance, and if available, the dates of prior continuances indicating which party requested each.

(b) Requests for Continuance of Jury Trial after readiness hearing shall not be granted except in extraordinary circumstances as permitted by the court.

Failure to comply with this rule may result in the imposition of terms relating to the expense incurred by the Court including, but not limited to, the costs of jury fee payments and mileage reimbursements.

{Adopted effective June 30, 2009}

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 conference shall be set. The hearing shall provide an opportunity for plea negotiations, resolution of all discovery issues, and trial setting. If the case is to be set for trial, an order shall be entered setting forth the following, if applicable:

(i) discovery schedule;

(ii) date and nature of pretrial motions;

(iii) date of readiness hearing;

(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 conference. Personal appearance of any of these parties shall not be waived without prior Court approval.

{Adopted effective June 30, 2009}

4.4
TRIAL READINESS HEARING

(a) Readiness Hearing Set. The Court shall set jury trial readiness hearings in criminal cases set for trial. No readiness hearings will be set for bench trials.

(b) Appearance. Appearance by the prosecuting attorney, defense attorney 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 motions other than motions in limine that can be handled in a short time prior to jury selection shall be set on a separate motion date prior to jury trial date. Any anticipated problems should be brought to the Court's attention.

(d) Failure to Appear at Hearing. The Court will strike the jury trial and may issue a bench warrant for a defendant who fails to appear at the Readiness Hearing.

{Adopted effective June 30, 2009}

6.1
JURY INSTRUCTIONS

Standard WPIC 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. Any specialized instructions (crafted by the individual attorneys based upon case law or other statutory authority) shall be submitted for the opposing parties and courts review no later than readiness hearing without specific

authority granted 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 June 30, 2009}

8.1
DECISIONS ON WRITTEN STATEMENTS

Mitigation and Contested infraction 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.

8.2
CITATIONS FOR NO INSURANCE

If a defendant who was cited with a violation of RCW 46.30.020 presents to a court clerk or administrator evidence that the person had in effect at the time of the citation liability insurance as required by that statute, then upon the payment of twenty-five ($25) administrative costs, the case shall be dismissed and the court clerk/administrator shall be authorized to make appropriate notation of the dismissal in the Court file.

If a defendant who was cited with a violation of RCW 46.30.020, for failure to have liability insurance is able to show evidence that the person did not have insurance at the time of the citation but has subsequently obtained liability insurance in conformity with the requirements of the statutes, then the penalty upon a first violation of such statute shall be reduced to two hundred seventy-five dollars ($275); upon a second violation shall be reduced to three hundred seventy-five dollars ($375); in either event the court clerk/administrator shall be authorized to enter a finding that the infraction was committed, and make appropriate notations in the Court record, and the person shall be relieved of any further need to appear in court in connection with that particular infraction.

8.3
CITATIONS FOR NO HANDICAPPED PLACARD/IDENTIFICATION

If a person is cited more than one time in a two year period with a violation for improper parking in a disabled space without proper parking placard, license plate or picture identification, presents to the court clerk/administrator evidence that the person had in effect at the time of the citation the required parking placard, and an identification card bearing picture, name and date of birth of the permit holder, as well as the placard's serial number, then upon payment of a twenty-five dollar ($25) administrative cost, the infraction shall be dismissed and the court clerk/administrator shall be authorized to make appropriate notation of the dismissal in the Court record.

{Adopted effective June 30, 2009}

8.4
CITATIONS FOR DOG/CAT LICENSE REQUIREMENTS

If a defendant who was cited with a violation of SMC 6.04.030 for failure to have a dog and/or cat license presents to a court clerk or administrator evidence that although the person did not have a license for their dog/cat at the time of the citation but has obtained a license in conformity with the requirements of the ordinance within 21 days from date of issuance then the penalty upon a first violation within a 5 year period shall be reduced to two hundred seventy five dollars ($275); upon a second violation shall be reduced to three hundred seventy-five dollars ($375); in either event the court clerk/administrator shall be authorized to enter a finding that the infraction was committed, and make appropriate notations in the Court record, and the person shall be relieved of any further need to appear in court in connection with that particular violation.

{"Corrected" amended rule effective September 1, 2012}

9.1
SCHEDULE OF FEES

The Sumner Municipal Court shall charge fees consistent with R.C.W. 3.62.060. Any other expenses including but not limited to postage shall be imposed per the current expense to the City of Sumner.

JIS Data dissemination charges will be set in accordance with the Administrative Office of the Courts.

This rule does not apply to law enforcement agencies, governmental agencies, or other departments within the City of Sumner, or criminal cases involving indigent defense counsel.

{Adopted effective June 30, 2009}

10.1
PUBLIC RECORDS REQUEST

Public Records Requests must be submitted in writing on the Sumner Municipal Court Public Records Request Form noting fees may apply and must be paid prior to dissemination of information.

{Adopted effective June 29, 2010}