Sedro-Woolley Municipal Court
Local Rules

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ORDER ADOPTING LOCAL RULES OF
SEDRO-WOOLLEY MUNICIPAL COURT

Pursuant to GR 7, Sedro-Woolley Municipal Court hereby adopts the proposed local rules which are attached to this order and by this reference incorporated herein as the local rules for Sedro-Woolley Municipal Court.

This order shall be effective on September 1, 2003 and the rules adopted hereby shall be enforced after that date.

Dated this _____ day of _____, 2003.

_____
Brian L. Stiles, Judge

SEDRO-WOOLLEY MUNICIPAL COURT LOCAL RULES
SEDRO-WOOLLEY MUNICIPAL COURT
ADMINISTRATIVE RULES

PREFACE

1. PROMULGATION. These rules shall be known as the Local Rules for the Municipal Court of the City of Sedro-Woolley. Copies of these rules will be filed with the Office of the Administrator of the Courts, and the Clerk of the District Court for Skagit County and the Clerk of the Municipal Court

of Sedro-Woolley. Copies of these rules will be distributed to all law offices in Skagit County, the County Law Library and Sedro-Woolley Public Library for public reference. Copies will be available from the Municipal Court Clerk for Sedro-Woolley. These rules will be effective on September 1, 2003.

2. NUMBERING. Consistent with GR 7(b) Washington Court Rules, these rules, to the extent possible, conform in numbering system and in format to those rules adopted by the Supreme Court of the State of Washington for Courts of Limited Jurisdiction and facilitate the use of the same. The number of each rule is preceded by the abbreviation of "SWM" designating the rule as a Sedro-Woolley Municipal Local Court Rule and as being supplemental to the corresponding Washington Court Rule for Courts of Limited Jurisdiction.

3. Revisions and Additions (reserved).

SWMARLJ 1.
SCOPE OF LOCAL RULES

These rules govern the procedure in the Sedro-Woolley Municipal Court. These rules are supplemental to the rules enacted by the Washington State Supreme Court for Courts of Limited Jurisdiction as specifically authorized by GR 7, CrRLJ 1.7, and IRLJ 1.3 of the Washington Court Rules. The Sedro-Woolley Municipal Court may modify or suspend any of these local rules in any given case upon good cause being shown or upon the Court's own motion.

SWMARLJ 2.
SCHEDULING

(a) Calendar. The Court Administrator shall develop and maintain a calendar for all hearings and trials.

(b) Priority. Whenever the caseload of the Court requires, trials and other matters will be subject to multiple settings on the same date. The order in which said matters proceed will be determined by the Judge, based on the speedy trial rule in criminal cases and the availability of jurors.

(c) Transfer of Cases. If the caseload or other circumstances require, the Court may appoint a Court Commissioner or Judge Pro Tempore to hear that trial or calendar of cases and may arrange for it to be heard in a location other than the usual courtroom.

(Adopted effective September 1, 2000)

SWMARLJ 9(g)
DISCLOSURE OF PUBLIC RECORDS

The following records and files are deemed confidential and are not available to the public for inspection or copying absent a court order.

1. Affidavits for Search warrants before a return of service and

inventory has been filed with the court;

2. Mental Health, psychiatric and medical reports;
3. Alcohol and drug evaluations and compliance reports;
4. Deferred prosecution evaluations and police reports;
5. Certified copies of driving records, abstracts of driving records and compiled reports of arrests and convictions;
6. Judge's notes and worksheets;
7. Witness statements and police reports;
8. Address of Jurors
9. Juror notes taken during trial.

Dissemination of data by the Court shall be done according to the JIS/DISCIS Policy and Sedro-Woolley Municipal Court's Data Dissemination Policy Adopted by the Court and subject to revisions or amendments duly enacted by the court. A copy of said policy is available upon demand made to the Sedro-Woolley Municipal Court Clerk's Office.

(Adopted effective September 1, 2000, amended September 1, 2003)

SWMCrRLJ 3.1 (e)
WITHDRAWAL OF LAWYER

No withdrawal after a case has been set for trial will be recognized by the Court, except for cause deemed sufficient by the Court. Approval of withdrawal may, if necessary to prevent a continuance, be denied, and such attorney be required to proceed with the trial.

(Adopted effective September 1, 2000)

SWMCrRLJ 3.1 (e) (1)
WITHDRAWAL OF PUBLIC DEFENDER

Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation five days following a final decision of the Court as defined in RALJ without need to file any document with the Court with the exception of domestic violence and driving under the influence cases.

(effective September 1, 2003)

SWMCrRLJ 3.1 (g)
WAIVER OF RIGHT TO COUNSEL

Unless a written waiver of the defendant' s right to counsel is signed by the defendant and filed with the Court, an attorney shall be appointed to represent the defendant at all stages of the proceedings. No matter may be set for trial for a self-represented defendant, unless a signed Waiver of Right to Attorney is filed with the Court.

(Adopted effective September 1, 2000)

SWMCrRLJ 3.2
RELEASE OF ACCUSED

Return of Cash Bail. The Court may apply cash bail posted in the defendant's name to pay the defendant's fines, penalties and costs on the present case or on any past due obligations to the court.

(Effective September 1, 2003)

SWMCrRLJ 3.3 (h)
TIME FOR TRIAL

Continuances. All contested motions for continuances shall be heard on the appropriate motion docket. Only in cases of extreme emergency and unforeseeable circumstances shall the trial judge consider motion for continuance without the proper notice and citation.

(Adopted effective September 1, 2000)

SWMCrRLJ 3.6
SUPPRESSION HEARINGS

A party moving to suppress evidence must file a written motion that sets forth in detail the specific factual and legal grounds for the motion. The motion should be filed with the Court at least seven (7) days prior to the pre-trial hearing. Said motion shall be supported by an affidavit or declaration under penalty of perjury of a person with testimonial knowledge that sets forth the facts to be elicited at an evidentiary hearing. The matter will be set for evidentiary hearing only if the Judge at a pre-trial hearing finds that there are facts in dispute. If the parties agree to the facts, a written stipulation shall be signed by the parties setting forth the facts on which the Court will render its decision. A copy of the motion and supporting documents must be served on the opposing party at least five court days prior to the date set for hearing.

(Adopted effective September 1, 2000)

SWMCrRLJ 4.1 (d)
CRIMES REQUIRING DEFENDANT'S APPEARANCE AT ARRAIGNMENT

A lawyer may not enter a written plea or not guilty plea on behalf of a client if the charging document states that one or more of the charges involves domestic violence, harassment, violation of an anti-harassment order, order of protection, or no contact order, driving while under the influence of intoxicants, driving while under the age of 21 after having consumed alcohol or physical control of a vehicle while under the influence of intoxicants. For such charges, the defendant must appear in person for arraignment; and the Court shall determine the necessity of imposing conditions of pre-trial release. Where legislation mandates the defendant's appearance on the next judicial day following arrest, the term "next judicial day" as applied to

the Municipal Court shall mean the next scheduled court day for the Sedro-Woolley Municipal Court.

(Adopted effective September 1, 2000)

SWMCrRLJ 4.11
DUTY TO NOTIFY COURT AND WITNESSES

When a case docketed for trial or other hearing is settled, or for any reason will not proceed to hearing at the set time, the parties shall give notice of that fact immediately to the Court. Notice to the Court should be in written form. Telephonic notice is acceptable where appropriate due to time constraints, provided that said notice is confirmed in writing. It shall be the duty of each party to notify it's own witnesses, not only of the date and time of the trial, but also of continuances, pre-trial hearings, motions and other proceedings. The Court will not pay witness fees to witnesses who appear for a case which has been continued or settled without trial or hearing. Such costs shall be borne by the party or attorney who called or subpoenaed the witness.

(Adopted effective September 1, 2000)

SWMCrRLJ 6.13(b)
EVIDENCE BLOOD DRAW CERTIFICATION

(1) Certification of Qualification to Draw Blood and of Blood Draw Procedure

(a) Admission of Blood Draw Certificate. In the absence of a request to produce the person who drew blood from the defendant made at least seven (7) days prior to trial, certificates substantially in the following form are admissible in lieu of a witness in any court proceeding held pursuant to RCW 46.61.502 through RCW 46.61.506 for the purpose of determining whether a person was operating or in actual physical control of a vehicle while under the influence of intoxicating liquors and/or drugs.

BLOOD DRAW CERTIFICATION

I do certify under penalty of perjury of the laws of the State of Washington, the following: I am a (physician) (registered nurse) (qualified technician) and I am qualified by medical training and experience to draw blood from the human body.

On (date) at (time) I drew (number of samples) blood samples from (name of person) at the direction and in the presence of _____(name of officer).

I further certify that with each sample, the blood draw site was sterilized with a non-alcoholic preparation (betadine) (other _____), and that each blood sample was drawn into a chemically clean dry container (hereinafter referred to as blood draw containers) consistent with the size of the sample and sealed with an inert leak-proof stopper. The blood draw containers are known by me to contain a suitable anti-coagulant and enzyme poison sufficient in amount to prevent clotting and stabilize the alcohol concentration. The anti-coagulant and

enzyme poison utilized in this blood draw were (sodium fluoride and potassium oxalate) (other:). To the best of my knowledge, no foreign substances or chemicals, including alcohol, were involved in the blood draw process other than those listed above.

Date and Place of signature. Signature of person making certification.

(Adopted effective September 1, 2000)

SWMCrRLJ 7.2(g)
ALTERNATIVE TO SENTENCING DEFERRED PROSECUTION

A petition for deferred prosecution pursuant to RCW 10.05 must be filed with the Court no later than seven (7) days prior to the Pre-trial/Trial Confirmation Hearing unless good cause exists for delay. Said petition and the accompanying declarations shall be in a form acceptable to the Court and in conformity with the statute. A complete copy of the police report of the defendant's conduct giving rise to the charge shall be attached to the petition. Said order shall provide for supervision for 60 months, completion of a treatment plan, payment of costs, abstinence from consumption of alcohol and non-prescription mood altering drugs, attendance at a victims impact panel, no major traffic offenses, a requirement that all vehicles driven by the defendant be equipped with an ignition interlock device for at least the first two (2) years of the deferred prosecution and no driving without being properly license and insured.

(Adopted effective September 1, 2000)

SWMCrRLJ 8.2
MOTIONS

(a) All motions, unless made during a hearing or trial, shall be made in writing and shall state with particularity the grounds therefore, and set forth the relief or order sought.

(b) Motions for continuance shall be made in writing, in person, via fax or e-mail by the defendant or the defense attorney. No telephone motions for continuances will be accepted. (Adopted effective September 1, 2000, amended effective September 1, 2003)

(c) The Court, on it's own motion or motion of the defendant or the prosecuting attorney, may continue a scheduled court appearance in the interest of justice or as authorized in CrRLJ 3.3. (Effective September 1, 2003)

(d) Upon agreement by both parties, the Clerk is authorized to continue a hearing without leave of Court upon request of either party within five days of the date the case is set for hearing/trial by issuance of notice. (Effective September 1, 2003)

(e) A request to extinguish or modify a No Contact Order in a Domestic Violence case may only be made by a party to the case. The party must file a request on a form prescribed by the Court. All parties and the alleged victim must be served with written notice at least five court days before any hearing to consider such a request.

(effective September 1, 2003)

(f) A request to re-impose a No Contact Order in a Domestic Violence Case may only be made a victim/party to the case and the party must file a written motion on a form prescribed by the Court. All parties must be served with written notice at least five court days before any hearing to consider such a request.

(Effective September 1, 2003)

SWMIRLJ 2.4
RESPONSE TO NOTICE

[1] Persons alleged to have committed infractions may submit a written statement, in lieu of appearing at a scheduled hearing, either contesting the infraction or explaining mitigating circumstances.

[a] Persons alleged to have committed infractions may submit a written statement via e-mail mitigation through the forms on the Sedro-Woolley Municipal Court Web Site.

[b] The e-mail mitigation hearing will be reviewed by the Judge who will make an appropriate decision and the judicial decision will be sent via e-mail and inwriting.

[2] Upon receipt of a request for either a contested or mitigation hearing, the Clerk shall provide to the defendant a Hearing by Mail.

[3] The written statement must be received by the Clerk at least one court day prior to the scheduled hearing in order to be considered.

(Adopted effective September 1, 2003)

SWMIRLJ 3.2(b)
MOTION FOR VACATION OF DEFAULT JUDGMENT FOR FAILURE TO APPEAR/RESPOND

A defendant against whom a judgment for a traffic infraction has been entered by default for failure to appear/respond may file a motion in writing, on forms provided by the Court, requesting that said judgment be set aside. The motion will then be presented to the Court ex parte for determination. If, upon review, the Court feels that a hearing upon the motion is necessary, the matter shall be set for hearing. The defendant must be present in the event the matter is set for hearing. The motion will be evaluated in conformity with CRLJ 60(b). If the Court grants the motion, the matter will be set for a hearing. Mitigation hearings may be heard at the time of the motion if the calendar allows.

(Adopted effective September 1, 2000)

SWMIRLJ 3.5 (f)
DECISION ON WRITTEN STATEMENTS

(1) A defendant may request the Court to make a decision on the infraction in the defendant's absence on the basis of the defendant's written affidavit, on a form provided by the court and the affidavit of the complaining officer and witnesses. The Court's decision shall be in writing whether an infraction was found to have been committed and what penalty, if any, was imposed and will be mailed to the defendant. (Adopted effective September 1, 2000)

(2) A defendant may request the Court to make a decision on a mitigation hearing for an infraction held via e-mail on the basis of the defendant's written e-mail affidavit. The Court's decision may be an e-mailed response and in writing whether an infraction was found to have been committed and what penalty, if any, was imposed and will be e-mailed or mailed via post card to the defendant.

(Effective September 1, 2003)