RULES OF THE UNION GAP MUNICIPAL COURT

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UGAR 1.1
PREAMBLE

These local rules are assembled and numbered to conform with the numbering system and format adopted by the Supreme Court of the State of Washington as required under GR 7. These rules supplement the Criminal Rules for Courts of Limited Jurisdiction as well as the Infraction Rules for Courts of Limited Jurisdiction.

UGAR 1.2
SCOPE AND EFFECTIVE DATE

The Court may modify or suspend these local rules in any given case upon good cause being shown or upon the Court's own motion when justice so requires.
These rules shall be effective on September 1, 1999.

UGAR 1.3
CITATION

These Rules should be cited as UGAR {Administrative Rules}, UGCrR {Criminal Rules}, or UGIR {Infraction Rules}

UGAR 1.4
PLACE OF COURT

Unless otherwise ordered, the Court shall sit in the Courtroom of the Union Gap City Hall, Union Gap, Washington. The clerk's office shall be at the Union Gap City Hall, Union Gap, Washington.

UGAR 1.5
Sessions

Mondays, Thursdays and Wednesdays are hereby designated as Judicial Days. If a Judicial Day falls on a legal holiday , the Court shall, unless otherwise ordered by the Presiding Judge, be in session on the next following day, excluding Saturdays, Sundays, and legal holidays.

(Amended 6/30/08, effective September 1, 2008)

UGAR 1.6.
Order of Docket

The docket of the Court shall be arranged, generally, in the following fashion:

Monday

8:00 a.m. All matters concerning defendants in custody.

9:30 a.m. Status Hearings, Probation Violation Arraignments and Hearings on such other matters as the Court may direct.

11:00 a.m. Status Hearings, Probation Violation Arraignments and Hearings on such other matters as the Court may direct.

1:30 p.m. Status Hearings, Probation Violation Arraignments and Hearings on such other matters as the Court may direct.

Wednesday

9:00 a.m. All matters set for jury trial.

Thursday

8:00 a.m. All matters concerning defendants in custody.

9:30 a.m. Out of custody, arraignments, motions requiring the testimony, trials, and probation violation arraignments and such other matters as the Court may direct, including Jury trials

1:30 p.m. Hearings on infractions and special-set for criminal hearings or trials or such other matters as the Court may direct.

(Amended 3/27/08, effective date 9/1/08)

UGAR 1.7
OFFICE HOURS

The Clerk's Office shall be open Monday through Friday {legal holidays excepted} from 8:00 AM to 12:00 and 1:00 PM to 5:00 PM. The Court may, under extraordinary circumstances, authorize closure of the Clerk's Office for a specific period of time during its otherwise normal hours of operation.

UGAR 1.8
Probation Department

Yakima County Probation Services is designated to provide services in all maters requiring supervision of defendants. The court shall specify, by written order, the defendants subject to such supervision and the terms of such supervision.

In connection with Probation Orders, Orders Deferring Prosecution, or Stipulated Orders for Continuance, if the Court issues an order staying the same, Probation Services is relieved of any duty to supervise the subject of the order, pending further directive of the Court.

(Amended 6/27/08, effective date 9/1/08)

UGAR 1.9
JUDGES PRO TEMPORE

Judges Pro Tempore shall have the full powers of the regular judge during regular Court sessions for which he or she is

appointed. Judges Pro Tempore may also, in the absence or unavailability of the Presiding Judge, have such powers as may be necessary to carry out the essential functions of the Court.

UGAR 1.10
DISCLOSURE OF RECORDS

{1} The following records and files of this Court are declared confidential:

(a) Affidavits for search warrants before a return of service has
been filed;

(b) Affidavits for probable cause for arrest warrants before the warrant has been served and returned to the Court:

(c) Pre-sentence and after-sentence reports;

(d) Mental health, psychiatric, and medical reports;

(e) Alcohol and drug evaluations;

(f) Deferred Prosecution petitions and stipulations of rights;

(g) Unless admitted into evidence, certified copies of driving records, abstracts of driving records, and compiled reports of arrests and convictions;

(h) Judges' notes and work sheets.

(2) Access to confidential records is limited to persons authorized by statute or Court order.

(3) Persons requesting access to court records shall file a written request. on a form provided by the Court. Any person objecting to a denial of access may file a Motion for Reconsideration, which will be set, by the Clerk, for hearing and determination by the Court.

(4) A charge of 50 cents per page shall apply to photocopies of all documents.

(5) Requests for duplicates of recorded tapes shall be in writing on a form prescribed by the court. Duplicates of tapes and photocopies the log for the record shall be delivered only after payment of the costs for the same, unless payment is excused from payment by statute or appropriate order of the court.

UGCrR 2.5
PROCEDURE ON FAILURE TO OBEY CITATION OR NOTICE

(1) Warrant Costs. The maximum warrant preparation fee permitted under RCW 10.01.160 shall be assessed whenever the Court orders a warrant based on a defendant's failure to

appear for any mandatory court appearance on a jailable offense. The fee shall include any costs for service of the warrant.

(2) Quashing Warrants. The Court, in its discretion, may quash a warrant under the following circumstances:

(a) The defendant may personally appear at the clerk's office and pay the amount of the warrant fee in cash. The defendant shall then personally sign a promise to appear at a hearing no later than the next judicial day. The Court will determine the appropriate conditions for the defendant's continued release at that hearing.

(b) Nothing in this rule shall be construed to limit the Court's power to quash a warrant when justice otherwise requires.

UGCrR 3.2
RELEASE OF ACCUSED

Cash deposited as bail is presumed to be the property of the accused, unless otherwise shown upon the record of the Court.

UGCrR 3.3
TIME FOR TRIAL

(1) The clerk shall set a status hearing on each case set for trial.

(2) Status hearings shall be set not less than two weeks prior to the trial date.

(3) Failure of a defendant to appear at the status hearing shall cause the trial date to be stricken.

(4) Failure of a defendant to contact counsel prior to the status hearing may result in the imposition of terms upon the defendant if such results in delay or inconvenience to the plaintiff.

(5) The Court may continue a case pursuant to CrRLJ 3.3(d)(1).

UGCrR 3.4
MANDATORY APPEARANCE

(1) Defendants under the age of eighteen shall be accompanied by a parent or guardian at the time of arraignment, status, trial, and sentencing hearings. The Court may continue such proceedings until the presence of the parent or guardian can be secured.

(2) Defendants charged with Domestic Violence Offenses as defined in RCW 10.99, DUI (RCW 46.61.502), Driver Under 21 Years of Age Consuming Alcohol (RCW 46.61.503), Physical Control (RCW 46.61.504) and Negligent Driving in the First Degree (RCW 46.61.5249) must appear for arraignment on the next judicial day following arrest or signing of a promise to appear on a citation.

(3) Appearance at arraignment for defendants charged with other offenses may be waived by the Court upon filing of a written appearance as provided under CrRLJ 4.1(d) by an attorney admitted to practice in the State of Washington, and upon such conditions as the Court may deem necessary.

UGCrR 3.5
Bail/Bond

Upon a defendant's being released from jail on bail or bond, unless otherwise directed by court, the defendant shall appear in Union Gap Municipal Court, at 9:30 a.m. on the next Monday or Thursday thereafter, unless it is a legal holiday, in which case the defendant shall appear at 9:30 a.m.on the next immediately following Monday or Thursday.

(Adopted 6/30/08, effective 9/1/08)

UGCrR 3.6
SUPPRESSION PROCEDURE

(1) A hearing pursuant to CrRLJ 3.5 and/or 3.6 may be held immediately prior to jury selection or at such other time as set by the Court.

(2) At the time of the status conference, appropriate arrangements shall be made to set a date and time for CrRLJ 3.5 and/or 3.6 hearings.

UGCrR 4.2
PLEAS

Pleas of Guilty may be entered on any regular court day, but may be subject to terms pursuant to UGCrR 6.1.1(f).

UGCrR 4.7

DISCOVERY

(1) Unless otherwise ordered by the Court, the prosecutor shall provide all discoverable materials in the prosecutor's possession to the defense within 14 days of arraignment or as soon as is reasonably possible, and without written demand.

(2) Unless otherwise ordered by the Court, the defendant (if appearing pro se) or the defendant's attorney shall provide, without written demand, all discoverable materials to the prosecutor not less than three days prior to the status hearing, or in cases where there no status hearing has been set, not less than 14 days, or as soon as is reasonably possible, prior to the date set for trial.

UGCrR 4.11
STATUS HEARINGS

(1) The status-hearing is designed to determine the readiness of the case for trial, to provide accurate information to the Court as to which cases are actually expected to proceed to jury trial, or where appropriate, bench trial, and to address pre-trial issues.

(2) The parties and/or their attorneys should be prepared to exchange witness lists, address pre-trial motions and stipulations, discuss jury instructions where applicable, evidentiary issues other than those requiring a hearing pursuant to CrRLJ 3.5 and 3.6, the amount of time required for trial, whether or not a jury will be waived, and any other relevant issues.

(3) Petitions or Notices of Intent to File for Deferred Prosecution may
be filed at the status hearing and then scheduled for subsequent hearing by the Court.

UGCrR 6.1.1
TRIAL BY JURY

(1) Any case confirmed for jury trial at the status hearing shall remain set for a jury trial, unless the Clerk of the Court is advised by the parties that the jury panel need not be summoned or that the jury panel may be called off.

(2) At the time of the status hearing, the Court will set a specific date and time by which the parties can advise the Clerk that the jury panel need not be summoned.

(3) Otherwise, in any case confirmed as a jury trial and not proceeding to a jury trial, whether by entry of a plea or otherwise, terms, including costs for an unused jury panel, costs incurred in summoning a jury panel and witness fees, may be imposed by the Court.

UGIR 2.4
RESPONSE TO NOTICE

(1) Written responses either contesting or mitigating an infraction shall be permitted, provided such statement shall be either notarized or certified in the manner provided in IRLJ 2.4(b)(4).

(2) Upon request of the defendant, the clerk shall provide information so that the defendant may comply with this requirement, in substantially the following form:

"You have requested a hearing on your written statement ( ) contesting ( ) mitigating an infraction. Under the Court rules, your statement must bear the following language: "I hereby certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct." Sign and date the statement and note next to your signature the place where you signed it; i.e. Yakima WA, Seattle WA etc. Your statement must also contain your written promise to pay the monetary penalty that may be imposed if the infraction is found to be committed.

YOUR RESPONSE MUST BE POSTMARKED BY:_____TO BE CONSIDERED.

UGIR 2.6
SCHEDULING OF HEARINGS

(1) Hearings on infractions may be scheduled at the same time as hearings or trials on criminal matters arising out of the same occurrence. Multiple infractions arising out of the same occurrence may be heard at the same time, whether denoted as mitigation or contested.