WAPATO MUNICIPAL COURT
LOCAL COURT RULES

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WMAR 1.1
PREAMBLE

These local rules for Criminal matters, Infractions and Appeals 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 CrRLJ, ARLJ, CRLJ, and IRLJ.

WMAR 1.2
CITATION

These Rules should be cited as WMAR, WMCrR, WMCR, or WMIR

WMAR 1.3
PLACE OF COURT

Unless otherwise ordered, the court shall sit in the Courtroom of the Wapato Law and Justice Center at 205 S. Simcoe Ave, Wapato, Washington. The clerk's office shall be at the Wapato Law and Justice Center, 205 S. Simcoe Ave. Wapato, Washington.

WMAR 1.4
SESSIONS

Regular Court sessions shall be held every Monday afternoon for In Custody matters along with out of custody, Arraignment, Mitigation, Contested and Probation Violations and the first and third Thursday of the month for pre-trial and bench trials. Holidays and Court Holidays excluded.

WMLAR 1.5
ORDER OF DOCKET

(a) During sessions, the docket shall proceed according to the calendar posted and available from the clerk of the Court, except as modified from time to time by the court or except as provided by WMLAR 1.5 (b).

(b) Unusually complicated or lengthy trials and hearings may be specially set by the Court so as to expedite the matter and minimize the impact of the regular business of the Court. Parties in such cases may move the Court for a special setting, which motion shall be heard upon written affidavits, or may be granted upon the stipulation of the parties, The court may, sua sponte, schedule a special setting for a matter.

(c) Civil matters, other than infractions, shall be set as special settings, provided that no civil trial or hearing shall be set absent full compliance with CRLJ 40.

(d) For good cause shown, the Court may set any matter at other times and days.

WMLAR 1.6
OFFICE HOURS

The Clerk's Office shall be open Monday through Friday {except legal holidays} from 8:00 AM to 1:00 PM and from 2:00 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.

WMLAR 1.7
PROBATION DEPARTMENT

The Court shall contract with Yakima County Probation Services to provide services in all matters requiring supervision of defendants. The department shall be staffed with a full time probation officer and assistants as may be deemed necessary.

WMLAR 1.8
JUDGES PRO TEMPORE

Except as limited by statute, Judges Pro Tempore shall have the authority of a regular Judge during regular Court sessions for which he or she is appointed.

WMLAR 9
DISCLOSURE OF RECORDS

(g)(1) The following records and files are deemed confidential:

a. Affidavits, transcriptions or electronic records for search warrants prior to the return of service of such warrant;

b. Pre-sentence or after-sentence investigation reports;

c. Mental health, psychiatric and medical reports and records;

d. Alcohol, drug and controlled substance evaluations;

e. Deferred Prosecution Petitions and Stipulations

f. Certified copies of driving and criminal records unless duly admitted into evidence; and

g. Judge's notes and working documents, whether written or electronic.

(g)(2) Access to confidential records is strictly limited to persons or entities authorized by statute or Court order to obtain such records.

(g)(3) Requests for access to Court Records shall be made in writing on the form provided by the court, and shall be granted or denied only by the judge, who shall state reasons for denial in writing.

(g)(4) Costs of copying and transcription shall be borne by the person or entity requesting any copies. Unless otherwise ordered by the Court, copy costs shall be $.15 per page and $5.00 for certification of requested document.

(g)(5) Copies of Audio Court Proceedings shall be $20 per CD.

(g)(65) No documents or electronic data may be removed from the court office, chambers, court room, or probation department, except for storage, without prior written order of the Court.

WMLAR 11
FORMS

The Court may require pleadings, written motions, petitions or orders to be in a prescribed form and style or submitted on preprinted forms provided by the Court.

WMLRA 6.3
COPIES OF RECORDING

On appeal, the appellant shall make a written request for duplicates of CD's of court recording, and shall specify the name and number of the case and the date of trial. Unless waived by statute, constitutional provision, or the court, duplicates of CD's and of any log or index thereto shall not be delivered until full payment of the actual preparation costs as determined by the Court Administrator.

WMLCR 1A
CRLJ ADOPTED

Except as modified by these rules from time to time, the Washington Civil Rules for Courts of Limited Jurisdiction shall apply to all civil actions filed and tried in Wapato Municipal Court.

WMLCR 4.0 (g)
FORMS

All filings pursuant to CRLJ 40 shall be in substantial compliance with requirements of LCR 40 of the Superior Court of the State of Washington in and for the County of Yakima, provided that no statement of arbitrability shall be appended.

WMLCR 8.1 [c]
LIMITATION OF APPLICABILITY

These rules do not apply to civil infractions unless otherwise provided by WMCR or CRLJ.

WMLCrRLJ 3.1(e)
WITHDRAWAL OF LAWYER

(e) Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation thirty days following a final decision of the court as defined in RALJ without need to file any document with the court.

WMLCrRLJ 3.2
RELEASE OF ACCUSED

(n) Domestic Violence Cases. A defendant arrested on domestic violence offences shall be detained without bail until arraignment on the next judicial day. Standard bail for domestic violence cases after arraignment shall be $1,000, but the court may reduce or increase the amount of bail in an individual case giving due consideration to the factors specified in CrRLJ 3.2.

(p) In any case where bail has been required, such bail shall not be waived or reduced without a hearing at which the defendant shall be present.

(r)(i) Cash deposited as bail is presumed to be the property of the accused regardless of who actually made such deposit. Such bail may be forfeited or applied to any fines and assessments.

(p)(i) A payor may request a hearing pursuant to these rules by filing a request in person and in writing with the clerk of the court within 30 days of the entry of the order forfeiting such bail. Such payor shall have the burden of proving by a preponderance of evidence that the bail was either unjustly forfeited or that the funds were neither the property of nor a gift to the defendant.

(p)(ii) At such hearing, the court may consider written evidence, properly

presented, such as promissory notes or loan statements, but such evidence alone shall not be deemed decisive.

WMLCrRLJ 3.3
TIME FOR TRIAL

WMCrRLJ 3.3 (h)(3): Any agreed order or stipulation for continuance, or resetting shall be signed by the parties or their attorneys, prior to presentation to the judge or commissioner. Unsigned stipulations, agreed orders for continuance or resetting shall be deemed incomplete and not entertained by the court.

WMCrRLJ 3.3 (h)(4): Properly prepared agreed orders or stipulations for continuance or resetting may be granted without hearing, but the clerk shall make the appropriate docket entry.

WMCrRLJ 3.3 (h)(5): The Court may impose terms for continuance or resetting.

WMCrRLJ 3.3 (k)(1): The Clerk shall set a status conference on each case set for trial.

WMCrRLJ 3.3 (k)(2): Status conferences shall be set not less than two weeks prior to this trial date.

WMCrRLJ 3.3 (k)(3): Failure of a defendant to appear at the status conference shall be grounds for striking the trial date and issuance of a warrant for defendant's arrest.

WMCrRLJ 3.3 (k)(4): Failure of a defendant to contact counsel prior to the status conference may result in such terms and attorney's fees as the court may deem necessary being imposed against the defendant.

WMCrRLJ 3.3 (k)(5): Failure of a defendant to appear at the time and date scheduled for any mandatory hearing or trial, or appearing after the time set for the case it shall be considered a failure to appear for speedy trial purposes, apprehension or subsequent appearance.

WMLCrRLJ 3.4
MANDATORY APPEARANCE

(d) Defendants under the age of eighteen shall be accompanied by a parent or guardian at the time of arraignment, pre-trial, trial, and sentencing hearings. The Court may continue proceedings in the case until the presence of the parent or guardian can be secured, or the Court may waive the presence of the parent or guardian if satisfied that the minor is capable of understanding the proceedings and his or her peril.

(e) All defendants must be present at arraignment, status conference, suppression hearings, trial or other hearings, except the Court may, upon filing of a written notice of 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 and as provided by WMCrR 4.1, waive attendance at arraignment, or hearings on motions for continuance.

(f) Without exception, a defendant accused of Domestic Violence and DUI must be actually present at arraignment, status conferences, suppression hearings, trial or other hearings.

WMLCrRLJ 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.

WMLCrRLJ 4.1
ARRAIGNMENT

(e)(i) The defendant's personal presence is mandatory when the charging document states that one or more of the charges involves DUI or domestic violence. This requirement shall not be waived.

(f) Deferred Prosecution. A petition for Deferred Prosecution and Order Deferring Prosecution may be considered by the court if it meets the statutory requirements.

(1) Defendant must include the cause/citation number for each Petition for Deferred Prosecution and proposed Order Deferring Prosecution for on which Deferred Prosecution is sought.

(2) Defendant must file copies of all offense reports and related materials, including, but not limited to, breath test printouts, blood test results, abstracts of the defendant's driving record, evaluation and treatment plan at the time the Petition and Order for Deferred Prosecution are filed. Defendant must file a sufficient number of copies of the aforementioned documents for the court file of each cause/citation number, probation and treating agency. Defendant shall also provide copies of the Petition, proposed Order, evaluation and proposed treatment agency. Defendant shall also provide copies of the Petition, proposed Order, evaluation and proposed treatment plan for review by the Prosecuting Authority.

(3) In addition to the statutory conditions and requirements of deferred prosecution, each defendant shall pay the monitoring assessment to the Municipal Curt in the amount of $150 plus any other costs related to the case, All defendants placed on a deferred prosecution will also be placed on five-year probation: Active Supervised Probation for two years and Monitored Probation for three years, They will be required to pay the fees for Probation. Restitution is required as a condition of a deferred prosecution if applicable. Deferred Prosecution defendants will have ignition interlock installed on all person vehicles, which they drive, during their period of Active Supervised Probation. An order will not enter without the written signed contract for treatment being presented to the Court.

WMLCrRLJ 4.2
PLEAS (1)

A guilty plea may be entered at any time, provided that in cases wherein a defendant is represented by an attorney, not less than one day actual notice of such plea shall be given to the city, and provided further that a defendant may, at any hearing or trial scheduled in the case, enter a plea of guilty with or without notice.

WMLCrRLJ 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 4 days, or as soon as is reasonably possible, prior to the date set for trial.

WMLCrRLJ 4.11
STATUS CONFERENCES

(a) The Clerk of the Court shall set a pre-trial status/readiness hearing for every case set for jury trial. The conference shall be set two weeks prior to jury trial date. All parties must be in attendance at the readiness hearing in order to proceed to trial. Should the defendant fail to appear for the readiness hearing, the trial will be stricken, the F T A will be noted and a summons will be ordered for the appearance of the defendant.

WMLCrRLJ 6.1
RESTITUTION

Where the court orders that a defendant pay restitution, but does not set an amount at the time of disposition, a restitution hearing shall be scheduled. The prosecuting attorney shall file a restitution order with supporting documentation at the time of the hearing. If the Prosecutor does not file a restitution order at the time of the hearing, the matter of restitution shall be deemed waived unless otherwise authorized by the court. If the defendant does not object, the proposed amount shall be entered as judgment. Payment of restitution shall be made through the clerk of court unless

otherwise ordered by the court.

WMLCrRLJ 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 instruct counsel that should there be a settlement the clerk of court must be notified by 3:00 P.M. one day prior to trial which both 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.

WMLIR 2.4
Response to Notice

(b)(5) Written responses to mitigate an infraction or request a deferred finding, pursuant to RCW 46.63.070 (5), may be permitted

(b)(6) Upon request of the defendant, the clerk shall provide information so that the defendant may comply with this requirement. The defendant must respond within fifteen (15) days of the date the infraction was personally served or within eighteen (18) days of the date the notice was mailed. Responses by mail must be post marked within 15 days of personal receipt or 18 days of the date the notice was mailed.

(d) An attorney appearing on behalf of a defendant shall file and serve a written notice of appearance, which notice shall be substantially in the same form as the notice of appearance in a criminal case.

(e) A request for a speed measuring device expert (SMD) shall be made in writing and served upon all parties within fourteen (14) days prior to the contested hearing. The court shall set a hearing to include the SMD expert in accordance with the SMD expert's schedule.

WMLIR 2.6
SCHEDULING OF HEARINGS

(a)(3) 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.

WMLIR 2.7
DEFERRED FINDINGS ON INFRACTIONS

The clerk of court is authorized to resolve an infraction through a deferred finding as authorized b RCW 46.63.070 (5). The conditions of a deferred finding are that the defendant waives their contested/mitigation hearing, have no deferred findings within the prior seven years, pay an administrative fee of $150 within 120 days, and within one year complete defensive driving school and have no other traffic infractions, Successful compliance with the conditions shall result in a dismissal of the infraction. Failure of a defendant to comply with any of the terms of the deferred finding shall result in a finding of committed and assessment of the original infraction penalty as well as any assessment mandated by the State. Any monies previously paid shall not be credited toward the penalty imposed or the assessment. For non-moving violations for a deferred finding the conditions shall be $150 administrative fee and no violations for a period of one year. Upon successful completion of the deferred finding the violation will be dismissed.