

BNM 3.1
PRE-HEARING PROCEDURES

(a) Request For Subpoena. Any request for a subpoena to be issued by the court must be filed in writing at least fourteen (14) days before the hearing, or such lesser time as the court deems proper. The request may not be combined with a Notice of Appearance or any other pleading.

(b)

(1) Infractions Discovery. Defense discovery requests for material other than a copy of the infraction, the officer's report and the speed measuring device certification must be by written Motion and set for hearing to determine the relevance of such requests.

(2) Discovery Violations. Any party alleging a violation of the rules of discovery set forth in IRLJ 3.1 (b), or a failure to respond to a discovery request, shall document proper and completed service of the discovery demand upon the opposing party by either providing a copy of the discovery demand with a stamp from the opposing party indicating the demand was received in a timely manner or providing a return receipt from the US Postal Service or private postal carrier documenting that the opposing party was served with the discovery demand in a timely manner or a copy of the declaration of mailing on the retained copy which was originally stamped on the original demand. Discovery demands made to the City in infraction matters shall be directed to the City Prosecutor's Office, which shall date-stamp all discovery demands when received.

(3) Advance Notice of Evidence. No party shall introduce evidence or witnesses not listed in the police reports, information filed pursuant to BNM GR 30, or publicly available SMD certifications filed with the court, without disclosing such evidence to the opposing party, no later than 14 days prior to the date set for the hearing. Such Evidence includes the names and addresses of lay and expert witnesses, the subject of their testimony and any reports relating to the subject of their testimony. Such evidence also includes any books, papers, documents, photographs, or tangible objects which a party intends to use in the hearing or trial.

(c) Motions. Respondent's motions shall be made in writing and served on the Prosecutor for the City, and filed with the Clerk of the Court, at least fourteen (14) days before the infraction hearing. Untimely motions will be denied. Motions challenging the authority of the Court, the constitutionality of the Court, the constitutionality of any statute, ordinance or court rule pertaining to an infraction, the suppression of evidence, the authority of the prosecuting attorney prosecuting an infraction, and/or the authority of the law enforcement agency or officer filing an infraction must be made with citations to authority and legal argument, and will be decided by the Court without oral argument, as per Washington State's IRLJ 3.5.

(d) Witnesses. In any case where the City intends to call or to rely upon the sworn statement of a witness, the duty to provide a list of witnesses to the Respondent may be met by providing a copy of a citing officer's sworn statement on which the witness is identified.

(e) Dismissal by Suppression. No defendant's motion to dismiss or to suppress evidence for failure to provide discovery not required by IRLJ 3.1(b) may be heard by the Court unless the moving party has previously obtained an order from the Court compelling production of the additional discovery.
