RULE 16.15
PERSONAL RESTRAINT PETITION--SUPPLEMENTAL PROVISIONS

(a) Motion. The procedure for and form of a motion is as provided in Title 17. Motions will ordinarily be considered without oral argument.

(b) Release by Appellate Court of Person in Custody. The appellate court may release a petitioner on bail or personal recognizance before deciding the petition, if release prevents further unlawful confinement and it is unjust to delay the petitioner's release until the petition is determined. The appellate court or the superior court in its decision on the merits, or by separate order after a decision on the merits, may release a petitioner on bail or on personal recognizance. The appellate court may direct the release of petitioner with the conditions of release to be determined by a trial court.

(c) Oral Argument. Except as otherwise provided in rule 16.11(c), the procedure for oral argument is governed by Title 11.

(d) Disposition of Petition. The petition will be determined by the appellate court by written opinion or order briefly stating the reasons for the determination.

(e) Certificate of Finality. A certificate of finality is the written notification of the clerk of the appellate court to the trial court and the parties that the proceedings in the appellate court have come to an end.

(1) When Certificate of Finality is Issued by the Court of Appeals. The clerk of the Court of Appeals issues the certificate of finality:

(a) Thirty days after the decision is filed, unless (i) a motion for reconsideration of the decision has been earlier filed, or (ii) a motion for discretionary review to the Supreme Court has been earlier filed.

(b) If a motion for reconsideration is timely filed and denied, 30 days after filing the order denying the motion for reconsideration, unless a motion for discretionary review by the Supreme Court has been earlier filed.

(c) If a motion for discretionary review has been timely filed and denied by the Supreme Court, upon denial of the motion for discretionary review.

(2) When Certificate of Finality is Issued by the Supreme Court. The clerk of the Supreme Court issues the certificate of finality twenty days after the written opinion or order disposing of the petition is filed unless a motion for reconsideration of the decision is filed. If a motion for reconsideration is timely filed, the certificate of finality shall issue upon the entry of an order denying the motion for reconsideration.

(f) Costs. Costs are awarded as provided in Title 14.

(g) Indigency--Superior Court Determination. The provisions of CrR 3.1 apply to a personal restraint petition transferred to a superior court. If any of the petitioners expenses incurred in the superior court are to be paid with public funds, the expenses shall be paid with funds appropriated by the county in which the superior court is located.

(h) Indigency--Appellate Court Proceeding. If the restraint is imposed by the state or local government, and if the appellate court determines that petitioner is indigent, the court may provide for the appointment of counsel at public expense for services in the appellate court, order waiver of charges for reproducing briefs and motions, provide for the preparation of the record of prior proceedings and provide for the payment of such other expenses as may be necessary to consider the petition in the appellate court. Invoices for expenses of an indigent person in the appellate court must be submitted to the appellate court which decided the petition in the form and manner provided in rule 15.4, except that a trial court order of indigency is not required and the invoice must be submitted within 45 days after the appellate court decision terminating the proceeding is filed. If a petitioner who claims to be indigent is in the custody of an agency of the Department of Social and Health Services, the clerk of the appellate court will obtain a statement of petitioners known assets from the superintendent of the institution where petitioner is confined. Statutes providing for payment of expenses with public funds are not superseded.

References

Title 15, Special Provisions Relating to Rights of Indigent Party.