

RULE NO. 16  
CRIMINAL JURY TRIAL

A. VOIR DIRE, Jury Instructions: The court may request that each party submit proposed general voir dire questions and jury instructions no later than seven (7) days prior to the date set for jury trial. Jury selection shall be by the struck jury method, unless otherwise ordered by the court. One original set of jury instructions without citation to Washington Pattern Jury Instructions or case law shall be submitted to the court along with one set with citations no later than the beginning of the trial. A copy of the set with citations shall be served upon opposing counsel at the same time jury instructions are filed with the court.

B. WITNESS, Present in Court: All witnesses to be called for a trial shall be excluded from the courtroom until they are called upon to testify, unless leave of the court is given for the person to remain. A person who has testified as a witness shall not remain in the courtroom following his or her testimony where there is a substantial likelihood that the person will be called again to testify in the same cause. Pursuant to ER 615, this rule does not authorize exclusion of (1) a party who is a natural person, or (2) an officer or employee of a party which is not a natural person designated as its representative by its attorney.

C. WAIVER of Jury Trial: A defendant may expressly waive his or her right to a jury trial at any time prior to a jury being impaneled. If the waiver occurs after 9:00 a.m., two (2) court days prior to the date set for trial, the court may order costs to be imposed. Once such a waiver has been made, a defendant has until the pretrial conference to change his or her mind and request a jury trial. However, if no pretrial is held in the case, a defendant has until thirty (30) days before the trial date to request the withdrawal of his or her waiver and the scheduling of a jury trial. Any motion for the withdrawal of a waiver of jury trial made after the appropriate time limit set by this rule shall be in writing and the court shall have discretion to grant or deny the motion.

D. CONFIRMATION of Jury Trial: The defendant must contact the Calendar Coordinator no later than the date and time set by notice, to confirm the jury trial. Failure to so notify the court will result in the jury being stricken and will be considered good cause for continuance. The court may assess terms if deemed appropriate.

E. WITNESS, Subpoenas, Costs: Where prospective witnesses who will be compelled to appear by subpoena outside the boundaries of Thurston County, leave of the court to issue a subpoena shall be obtained; request for leave must be obtained from the court no later than ten (10) days prior to the date set for trial. If leave is not obtained or the request for leave is not timely made, then the party issuing the subpoena shall be responsible for all costs associated with the appearance of the person subject to the subpoena unless good cause is shown.

F. WITNESS LIST: Each party shall provide to the other party a list of prospective witnesses to be called at trial no later than two (2) weeks prior to the scheduled date of trial. The list shall include the name, address and telephone number of each prospective witness, excluding the defendant.

G. SUBPOENA, Issuance: Either party may issue subpoenas to compel attendance of a witness at trial in the same manner as set forth in CRRLJ 4.8.

(Effective Date: 01/07/87; Amended 09/01/91)

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