LCrRLJ 4.5
PRE-TRIAL PROCEDURE

(A) Pre-Trial Hearings. All cases scheduled for jury trial shall be set by the clerk for a pre-trial hearing. The state or city prosecutor, defense counsel and the defendant shall attend the pre-trial hearing to consider such matters as will promote a fair and expeditious trial. Upon agreement that the discovery process has been completed to the satisfaction of the parties and that there are no other issues to be heard by the court at the scheduled pre-trial hearing, a stipulated pre-trial statement of readiness, substantially in the form set forth as "Form 1" below, may be filed by the parties. The filing of a stipulated pre-trial statement of readiness will serve to excuse counsel and the defendant from appearing at the scheduled pre-trial hearing.

(B) Motions. All amendments to the charges, pleas or pre-trial motions shall be made prior to or at the time of the pre-trial hearing. Motions which should have been heard at a pretrial hearing shall not be considered at the time of trial unless the judge at the time of the pre-trial hearing expressly continues such motions to the time of trial. Absent good cause, motions for dismissal or suppression of evidence in criminal cases shall be in writing and shall be provided to the prosecutor or city attorney at least 24 hours before the pre-trial hearing. Motions which are lengthy, complex, or which require the presence of witnesses will be heard by the court at a subsequent 3.5/3.6 hearing calendar.

(C) CrRLJ 3.5 Hearings. Pursuant to CrRLJ 3.5(a) all demands for hearing on the admissibility of confessions must be made no later than the pre-trial hearing. All motions filed pursuant to this rule shall be heard by the court at a subsequent 3.5/3.6 hearing calendar.

(D) Deferred Prosecution - Time for Petition - Forms for Petition and Order. A petition for deferred prosecution shall be filed with the court at least seven days before the date set for trial but, upon written motion and affidavit establishing good cause for the delay and failure to comply with this rule, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial. The petition for deferred prosecution shall substantially comply with CrRLJ 4.2(I). The proposed findings and order shall substantially comply with the form set forth as "Form 2" below.

(E) Stays of Proceedings - Form of Order. In the event the parties enter into a stay of proceedings, the agreement between the parties shall be reduced to writing in a form which substantially complies with the form set forth as "Form 3" below.

[Adopted effective September 1, 2011]

Comments

The purpose of these rules is to eliminate surprise and unnecessary delay and expense. While the purpose of these rules is not to create traps for the unwary, when a party's failure to follow these rules causes unnecessary extra expense to the opposing party, the inconvenienced party may apply to the court for the imposition of sanctions. The purpose of these sanctions is not to punish but rather to insure that the appropriate party is responsible for the predictable costs of unnecessary delay.

Comment to section (A): The stipulated pre-trial statement of readiness was adopted by the court at the request of counsel who wanted to avoid the necessity of clients appearing at unproductive pre-trial hearings. Attorneys are encouraged to use the pre-trial statement of readiness to avoid the

necessity of clients appearing when there are no pre-trial issues requiring his or her presence.

Comment to section (B): The purpose of this section is to provide a predictable structure to the pre-trial motions process and to insure that the non-moving party has adequate time to prepare for the hearing. However, if counsel desire to avoid multiple hearings, the parties may agree to present evidence and argue pre-trial motions at the scheduled pre-trial hearing rather than following the procedure described by this rule.

Comment to section (C): See the comments to section (B).

Comment to section (D): See RCW 10.05.010.

Comment to section (E): The stay of proceedings form set forth below is generally consistent with the forms currently in use in the Cle Elum Municipal Court. In creating a uniform stay of proceedings form, it is not the court's intention to suggest what conditions should be part of an agreement between the parties. For example, if an agreement between the parties in a specific case does not include the defendant stipulating to the admissibility of the police reports, or a stipulation that the reports are sufficient to convict, the court expects the parties to line out that portion of the stay of proceedings form.