Rule 4
Municipal Court Criminal Justice Rules

Purpose and Construction: These rules are intended to provide for the just determination of every criminal proceeding. They shall be construed to secure simplicity in procedure, fairness in administration, effective justice, and the elimination of unjustifiable expense and delay. These rules are constructed to supplement and not to supplant the Criminal Rules for Courts of Limited Jurisdiction (CrRLJ).

1) Bail Schedule

The Court may periodically publish a bail schedule which will include any bail schedule and penalty schedule promulgated by the Supreme Court of the State of Washington. Said bail schedule shall be provided to law enforcement agencies within the jurisdiction of the Municipal Court.

2) Bail

Misdemeanor bail shall not be combined with felony bail. If cash funds are received, it shall be kept separate. If a bail bondsman posts bail it shall be with separate bonds for the charged offenses. If someone other than the defendant posts cash funds as bail, it will be necessary to obtain the correct name and address of the posting party to be provided to the Municipal Court with the bail.

3) Bail Forfeiture

a) Should the defendant fail to appear as directed by the Court, bail forfeiture shall be immediately issued. The bail bondsman shall have 60 days to locate the defendant and if the bondsman presents the defendant to the Court before 60 days have elapsed, the bail forfeiture can be rescinded for cost. The cost shall be $100.00 for failure to appear at arraignment, pre-trial or sentencing proceeding; $200.00 for failure to appear for trial; or $300.00 for failure to appear for jury trial.

b) Should the permitted 60 days elapse and the defendant has not been brought before the Court, the bond becomes due and payable immediately.

c) Should the defendant fail to appear as directed by the Court, bail forfeiture shall be immediately issued for any cash funds bail posted by the defendant or any party posting same on behalf of the defendant.

4) Pre-Trial Release

a) The arresting officer shall list on the criminal citation for any defendant, whether or not that person is detained at the jail for a misdemeanor or gross misdemeanor.

b) The arresting officer shall prepare a sworn statement for the Court describing probable cause for criminal charge for which the defendant has been arrested.

5) Arraignment

a) The arraignment date and time shall be written on the criminal citation by the arresting officer. The date of arraignment shall be no later than 14 days post-arrest date. Should the officer fail to put an arraignment date and time, the Court will set the arraignment date and notify the defendant through the mail. The arraignment shall consist of:

i) The defendant's true full name, residential address and mailing address, ties to the community, employment status and past criminal history

ii) Advise the defendant of the nature of the charges and the maximum penalties that may be imposed upon a finding of guilt

iii) Advisement of all rights

iv) Advisement of right to legal counsel and determination of indigence

v) The setting of bail and release conditions

vi) Attorneys at law, admitted to practice in the State of Washington, may enter a notice of appearance and plea of not guilty in writing on all cases filed in the Municipal Court

6) The Right to Assignment of Counsel

a) Unless waived by the defendant, legal counsel shall be provided to any person who is financially unable to obtain one without causing substantial financial hardship to themselves for family and pursuant to standards published by the State of Washington.

b) If at any time it appears that a person has retained private counsel, has funds sufficient to do so, or is otherwise not eligible for defense services, the appointed attorney may notify the Court and ask it guidance.

c) Conversely, it appears that counsel previously retained by a person has withdrawn, or that a person thought to have funds sufficient to obtain private counsel is not in fact able to do so, than the Court shall make a re-determination of eligibility for appointed counsel.

d) Unless a written notice to withdraw is approved by the Court, defendant's attorney must appear at all subsequent Court dates, including post conviction reviews. If the defendant's attorney fails to appear at any hearing, the Court may impose terms and any other conditions authorized by law.

7) Pre-trial Conference

a) The pre-trial conference shall be set by the Court and used for the following purposes:

i) Pre-trial hearings shall be within 30 days of defendant's first appearance

ii) File any pre-trial motion

iii) Negotiation for plea-bargaining purposes

iv) File petition for deferred prosecution

v) Submit a change in plea

vi) All pre-trial motions shall be in writing

vii) To dispose of the case in any other manner

8) Witness - Process - Subpoena

If a witness in criminal matters is to be subpoenaed, shall be requested by either party and presented to the Court for signature.

9) Status conference

a) Status conferences shall be set by the Court for the following purposes:

i) Defendant and counsel shall appear and failure to appear without just cause shall result in the issue of warrant

ii) The purpose of the status conference is to present witness lists to the Court, resolve all issued, determination of jury trial, bench trial, plea offering, or other resolution matters

iii) The Court shall set trial date

10) Reimbursement of Attorney Fees.

a) The Court shall determine, on information presented by accused of defendant's ability to partial to pay appointed attorney fees.

b) A person found to be partially eligible for defense services shall be required to make reimbursement to the Court as agreed at the time of adjudication.

c) Any defendant who is placed on probation may be required to reimburse the city for all or part of the costs of appointed counsel.

d) In no case shall appointed counsel set or attempt to obtain personal reimbursement for the costs of defense services.

e) If reimbursement is part of an order of probation, failure to make payment by the defendant could be sufficient to be a violation of probation.

f) The appointed counsel's representation of a client shall include the ability to oppose an order of the Court requiring reimbursement for defense services, provided there are arguable legal grounds for such opposition.

11) Jury instructions

a) Time of submission shall be by 8:00 am the morning prior to trial and an additional set shall be served upon the opposing party.

12) Trials

a) Trial briefs shall be filed no later than two days before trial.

b) Any motions filed on the date of trial shall begin at 8:15 am and jury trial shall begin at 8:30 am.

c) Should the Court rule in a manner that requires a continuance of the trial on the morning of the trial, the Court shall assess the costs of the jury against the attorney who the Court finds, in it's discretion, has failed to properly recognize, note or resolve the issues at the pre-trial hearing.

d) Return of exhibits in a criminal case will be returned to the party who produced that exhibit for identification. The return shall be made upon written application, following termination of the time for appeal. Exhibits not requested to be returned during that period by the producing party may be delivered by the Court to the local police authority for disposition by law as abandoned property; or if contraband, fo r destruction. No exhibit shall be

delivered without being receipted for by the receiving party.