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1.1

Adoption of Local Rules

These rules are adopted pursuant to GR 7, CrRlj 1.7 and IRU 1.3 The effective date of these rules shall be July 1, 2004, except as to those rules governed by GR 7, in which case the effective date will be September 1, 2004.

1.2

Title of Rules

These rules may be known and cited as Black Diamond Municipal Court Local Rules, and shall be referred to as BDMCLR.

1.3

Effect of Local Rules

The provisions of the Local Rules are supplemental to the Rules for the Courts of Limited Jurisdiction, as adopted or here after amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them.

1.4

Reservation of Discretion

The Black Diamond Municipal Court reserves the authority to interpret and/or suspend or modify these rules in individual cases on motion of a party for good cause or on a motion of the Court in the interest of justice and/or the efficient operation of the Court.

1.5

Next Judicial Day

The requirement of RCW 46.61.50571 that defendants arrested for driving while under the influence, driving under age twenty-one after consuming alcohol, or being in physical control of a vehicle while under the influence appear in court within one judicial day is waived. All such defendants shall be required to appear at the first date following arrest when Court is in regular session. Such date may be determined by calling the Black Diamond Municipal Court offices during business hours.

2.1

Quashing Warrants

(a) The defendant or defendant's attorney may file a motion and order to quash a warrant or pay an administrative fee to quash a warrant subject to subsection (b). The filing of a motion to quash a warrant will not stay the warrant and the defendant remains subject to arrest on the warrant. The motion to quash the warrant will be reviewed by the Judge and the court will either grant or deny the motion, or set a show cause hearing for the parties to appear. If a show cause hearing is set by the Judge the warrant will remain outstanding until the proper bond is posted, the defendant is arrested, or the defendant appears in open court and the Judge quashes the warrant and the defendant signs for a new court date.

(b) Warrants issued in an amount of $5,000 dollars or less are subject to an administrative warrant quash procedure whereby the defendant shall pay a nonrefundable administrative fee of $50.00 to the Court for the Court to quash the warrant and the defendant must sign for their next court date to appear. The warrant will not be quashed unless the defendant appears in person to sign for their next court date. Warrants issued in an amount over $5,000 are not subject to be quashed administratively by posting the administrative fee.

September 2, 2013, amended.

2.2

Witnesses

The party requesting the court to subpoena any witnesses whose testimony relies on expertise or on information obtained through their employment as to any speed measuring device shall be responsible for any cost, including reasonable fees normally charged by such a witness for this service and shall be responsible for all cost related to the witnesses' appearance in court, whether the witness testifies or not, as a cost assessed.

2.3

Release of Accused – Bail Schedule

The court adopts the following bail schedule pursuant to CrRLJ 3.2 (b) (7) and CrRLJ 3.2 (o):

A defendant who is booked and detained in jail after the initial arrest for a misdemeanor or gross misdemeanor shall be released upon promising to appear in court and posting bail in the amount of $500 for a misdemeanor and $1,000 for a gross misdemeanor, except for the following offenses:

1. Domestic Violence Offenses: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for any crime alleging domestic violence under RCW 10.99.020 (5) or domestic violence violations alleged under BDMC 9.96.010

2. Driving Under the Influence/Physical Control: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for Driving Under The Influence pursuant to RCW 46.61.502 or Physical Control of a Motor Vehicle While Under the Influence pursuant to RCW 46.61.504.

3. Other Crimes: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day for the following crimes:

   (a) Assault in the fourth degree – RCW 9A.36.041
   (b) Harassment – RCW 9A.46.020
   (c) Violation of an anti-harassment order – RCW 9A.46.040
   (d) Stalking – RCW 9A.46.110
   (e) Communicating with a minor for immoral purposes – RCW 9.68A.090
   (f) Indecent Exposure and/or Public Indecency – RCW 9A.88.010

(September 1, 2019, amended)

2.4

Mandatory Appearance at Arraignment

A defendant charged with a domestic violence offense (as defined in RCW 10.99), driving under the influence RCW 46.61.502), physical control (RCW 46.61.504), minor driving after consuming alcohol (RCW 46.61.503), or any sex crime including communication with a minor for immoral purpose, prostitution, or public indecency crime must appear personally for arraignment on the next arraignment calendar following arrest.

Adopted effective September 2, 2013.

2.5
Waiver of Arraignment

An attorney may enter an appearance and/or plea of not guilty on behalf of a client in any criminal or criminal traffic offense. Said appearance or plea shall be made in writing. In all cases not listed in BDMCLR 2.4, an attorney may waive arraignment. A written appearance and waiver of arraignment shall commence the running of the time periods established in CrRLJ 3.3 from the date of receipt by the Court. A written appearance and waiver of arraignment without a plea shall be considered a plea of not guilty and waives any defect in the complaint other than failure to state a crime. The Court does not accept telephonic notices or requests.

Adopted effective September 2, 2013.

2.6

DEFERRED PROSECUTION PETITION AND ORDER.

A Petition for Deferred Prosecution pursuant to RCW 10.05 must be filed with the Court and the prosecuting authority no later than seven (7) days prior to proposed entry unless good cause exists for delay.

An Order deferring prosecution will not be granted unless proof of compliance with the following is shown:

1. Petition for Deferred Prosecution is submitted on the form identified in CrRLJ 4.2.

2. Order for Deferred Prosecution is submitted on a form approved for use by the Court.

3. Petitioner has written verification that he or she has begun treatment in the program contained in the petition and order for deferred prosecution.

Effective September 1, 2015

2.7

Criminal Motions

All dates for testimonial or over length motion hearings shall be scheduled in court at the pre-trial hearing. These include, but are not limited to CrRLJ 3.5 and CrRLJ 3.6 motions. At the pre-trial hearing where the motion date is requested, the moving party shall file or have already filed a copy of the brief and all supporting documentation on the opposing party and the court. The court shall then set a motion hearing date and may set a briefing schedule for the nonmoving party's response and moving party's reply.

Any motion not identified at the pre-trial hearing or subsequent motion hearings may be deemed waived unless otherwise allowed by the court.

Effective September 1, 2015

2.8

READINESS HEARING

Within ten (10) days prior to an assigned jury trial date, or as set by the court, there shall be held a readiness hearing. All parties must be present, and the following matters will be concluded: plea bargaining, exchange of witness lists, exchange of discovery, and motions on any newly discovered evidence creating legal issues. Any motions in liminae that are anticipated to take longer than 30 minutes to litigate must be served on the court and opposing party no later than 2 days prior to trial.

Following conclusion of the readiness hearing the court will set conditions for the confirmation of the jury trial pursuant to BDMCLC 2.9-CrRLJ 4.5(b). Conditions may include the defendant calling and/or meeting with their attorney prior to the scheduled trial date. Failure to comply with the conditions may result in the jury trial being stricken and sanctions imposed pursuant to BDMCLC 2.9-CrRLJ 4.5(b).

Effective September 1, 2015.

2.9

Jury Confirmation

(i) Confirmation Required. No later than 3:00 PM, two (2) days prior to the date of the assigned jury trial, the defendant, if appearing pro se, or the defendant's attorney, if represented by legal counsel, and the City Prosecutor shall contact the Court Clerk and confirm that the case will proceed to jury trial.

(ii) Failure to Confirm. Failure of a party to confirm the jury trial or to advise the Court Clerk that another disposition has been reached may cause the case to be stricken from the jury trial calendar. Failure of the defendant, if appearing pro se, or the defendant's attorney, if represented by legal counsel, to confirm the jury trial or to advise the Court Clerk that another disposition has been reached shall constitute an excluded period of the defendant's speedy trial right pursuant to CrRLJ 3.3(e)(3). Likewise, failure to comply with any conditions set at the readiness hearing pursuant to BDMCLC 2.8-CrRLJ 4.5(a) may result in the jury trial being stricken and the finding of an excluded period pursuant to CrRLJ 3.3(e)(3).

(iii) Failure to Appear. Failure of the defendant to appear on the jury trial date may result in the issuance of a bench warrant and the forfeiture of any posted bail unless a disposition has been confirmed by all parties. Any disposition will be heard on the next regularly scheduled court day unless an alternative date is set by the parties and is approved by the judge, judge pro tem or court commissioner.

(iv) Sanctions. Failure to comply with this rule or BDMCLC 2.8-CrRLJ 4.5(a) or any case confirmed under this section and not proceeding to trial may result in the imposition of sanctions, including but not limited to jury costs, witness fees and terms, as deemed appropriate by the trial court. If a failure of a party to comply with this rule results in a jury pool actually appearing at the court unnecessarily, sanctions of not less than $250 plus jury costs will be assessed against the offending party.

3.0

Video Court Proceedings

(1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments held pursuant to CrRLJ3.4 and 4.1, bail hearings held pursuant to CrRLJ 3.2, and trial settings held pursuant to CrRLJ 3.3(f), may be conducted by video conference in which all participants can simultaneously see, hear and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purpose of any statute, court rule or policy.

All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the judge, judge pro tem or court commissioner. Any party may request an in-person hearing which may be granted at the discretion of the judge, judge pro tem or court commissioner.

(2) Agreement. Other trial court proceedings, including entry of a Statement of Defendant on Plea of Guilty as provided for by CrRLJ 4.2, may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the judge, judge pro tem or court commissioner.

(3) Standards. The standards for video conference proceedings shall be as specified in CrRLJ 3.4(d)(3).

Effective September 1, 2015.

BDMCLC-IRLJ 4.1

CONTESTED HEARINGS PRELIMINARY MOTIONS

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 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 in writing. Such motions, together with citations to authority and argument, must be filed with the Court and served upon the opposing party no later than fourteen days prior to a contested infraction hearing. Such motions may be decided by the Court with or without oral argument, as the Court may determine.

Effective September 1, 2015

BDMCLC-IRLJ 4.2
Service & Filing of Subpoenas

The respondent, the plaintiff and respondent's attorney will subpoena witnesses in accordance with IRLJ 3.1(a). Service of subpoenas will be in accordance with IRLJ 3.1(a). Black Diamond Municipal Court will not serve a subpoena on an officer or witness for the respondent, plaintiff or respondent's attorney. Each party must serve their own subpoenas.

Any request for the Speed Measuring Device Expert shall be in accordance with IRLJ 6.6. The Speed Measuring Device Expert may appear telephonically for the hearing.

Effective September 1, 2015.