

Washington State Court Rules: Mercer Island Municipal Court

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MIMCLR 1 ADOPTION OF LOCAL RULES

These rules are adopted pursuant to CrRLJ 1.7.

[Adopted effective September 1, 2006]

MIMCLR 2 TITLE OF RULES

These rules may be known and cited as the Mercer Island Municipal Court Local Criminal Rules. The criminal rules shall be referred to as MIMCLR.

[Adopted effective September 1, 2006]

MIMCLR 3 PRE-TRIAL AND READINESS HEARINGS.

- (a) Unless otherwise ordered by the Court in a specific case for good cause, all cases in which a defendant enters a plea of not guilty shall be set for a pre-trial hearing.
- (b) (1) The pre-trial hearing shall provide an opportunity for negotiation between the parties. The parties shall confer in good faith regarding any agreed disposition prior to trial. The defendant shall be required to attend the pre-trial hearing unless excused by the Court. Failure to attend may result in the issuance of a bench warrant and/or forfeiture of any bail/bond. In the event of a disposition, the parties shall execute the appropriate documents for the Judge to consider the matter on the record.
(2) In cases that proceed to trial, the parties shall identify with specificity all motions and counsel may be required to articulate on the record the basis for any motion. All rulings made at the pre-trial hearing or subsequent motion hearing(s) shall be binding on the parties and shall not be re-litigated at trial. Any motion not identified at pre-trial may be deemed waived unless otherwise allowed by the Court. Counsel shall identify only those motions for which there is a good faith belief that the motion is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.
- (c) The Court shall assign dates and give written notice to the parties for motion hearings and trial at the time of the pre-trial conference and shall, in so far as is reasonably possible, schedule those hearings after consultation with all counsel. Other factors, such as witness availability, shall also be considered.
- (d) (1) A jury call/readiness hearing will be scheduled in all cases proceeding to jury unless specifically waived by the Court in a particular case for good cause shown. This calendar will be held during the week prior to the scheduled jury trial. The defendant shall be required to attend this hearing unless excused by the Court. Failure to attend the readiness hearing may result in the issuance of a bench warrant, the case being stricken from the month's jury calendar, and/or forfeiture of bail/bond.
(2) A request for a jury trial date constitutes an assurance that the parties will be ready to begin jury selection immediately on the morning of trial.
- (e) A Jury trial must be confirmed by the defendant, or defense council, or prosecuting attorney by notifying the court at or before 1:30 p.m. the court day prior to trial. Failure to do so may result in witness or jury costs being imposed.

[Adopted effective September 1, 2006]

MIMCLR 4 DEFENSE CONTINUANCES

A request for continuance must be made either by the defendant or defendant's attorney 48 hours before the scheduled hearing. Only the following hearings are eligible for a one-time continuance by the clerk:

- 1) Non-Prosecutor Contested Hearings
- 2) Non-DV and Non-DUI Arraignments
- 3) For a first time continuance of a Pre trial hearing, the Court will require an agreed motion to continue, filed with a speedy waiver if applicable at least 48 hours before the scheduled hearing. Upon receiving the agreed order and/or waiver, the clerk will reschedule the hearing.

If a motion for continuance is received and it is not agreed, the clerk will file the motion in the court file. The motion to continue will be determined by the Judge at the scheduled hearing.

[Adopted effective September 1, 2006]

MIMCLR 5 REQUIREMENTS FOR PAYMENT OF JURY FEES

- (a) If a defendant requests a jury trial, and does not waive his or her right to a jury trial within 24 hours prior to the scheduled trial or otherwise notifies the Court that the jury trial will not proceed, and the Court incurs the expense of summing the jurors, the defendant may be responsible for payment to the Court in the amount of costs incurred.

- (b) If a jury trial is scheduled and the prosecutor does not notify the court within 24 hours the jury trial will not proceed due to known evidentiary problems, and the Court incurs the expense of summing the jurors, the Prosecutor may be responsible for payment to the Court in the amount of costs incurred.

[Adopted effective September 1, 2006]

MIMCLR 6 CONFIRMATION OF JURY TRIAL

Both parties shall confirm with the Court Clerk whether or not a case set for jury trial is going to be tried to a jury no later than 1:30 p.m. on the court day preceding the date that the case is set for jury trial. Failure to confirm may result in the imposition of sanctions against either or both parties, pursuant to MIMCLR 5.

[Adopted effective September 1, 2006]

MIMCLR 7 VIDEO CONFERENCE PROCEEDINGS

- (1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments held pursuant to CrRLJ 3.4 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 Mercer Island Court judge, judge pro-tem or court commissioner. Any party may request an in-person hearing which may be granted at the discretion of the Municipal Court judge, judge pro-tem or court commissioner.
- (2) Agreement. Other trial court proceedings, including the 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 Mercer Island Court judge, judge-pro tem or court commissioner.
- (3) Standards for Video Conference Proceedings. The standards for video conference proceedings shall be as specified in CrRLJ 3.4(d)(3).

(Adopted effective September 1, 2006)

MIMCLIR 1 ADOPTION OF LOCAL RULES

These rules are adopted pursuant to IRLJ 1.3.

[Adopted effective September 1, 2006]

MIMCLIR 2 TITLE OF RULES

These rules may be known and cited as the Mercer Island Municipal Court Infraction Local Rules. The infraction rules shall be referred to as MIMCLIR.

[Adopted effective September 1, 2006]

MIMCLIR 3 SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION
CERTIFICATION

Any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the Court to have committed the infraction, shall be required to pay the fee charged by the expert as a cost incurred by that party, as provided in RCW 46.63.151.

[Adopted effective September 1, 2006]

MIMCLIR 4 DECISION ON WRITTEN STATEMENTS

Upon timely request for a hearing to contest or mitigate a traffic infraction, the Court shall send the defendant written notice of the hearing date and time. The defendant will also be sent a letter describing the hearing by mail option and a declaration form that must be completed by the defendant and any witnesses. If a defendant elects to proceed by mail, the Court shall review the police officer's statement and declarations submitted by the defendant and issue a written decision by mail. Declarations must be received by the Court no later than the scheduled hearing time or they will not be considered.

[Adopted effective September 1, 2006]

MIMCLIR 5 NOTICE OF APPEARANCE REQUIRED FOR CONTESTED HEARINGS

Attorneys appearing on behalf of clients shall file a Notice of Appearance with the Court and Prosecutor no later than 3 court days prior to the hearing. Failure to provide such notice shall be grounds for continuing the case to the next available calendar when the Prosecutor will be present, even if the date is beyond speedy trial requirements.

[Adopted effective September 1, 2006]

MIMCLIR 6 PROOF OF INSURANCE

If a defendant who is charged with driving a motor vehicle without having proof of valid insurance pursuant to RCW 46.20, and that defendant presents satisfactory evidence that they have obtained valid insurance to the Clerk of the Court within 15 days of the date of the citation, for the vehicle the defendant was operating on the day he/she was cited, then the bail for the offense shall be reduced to \$250.00.

If the defendant presents satisfactory evidence of valid insurance being in effect at the time the citation was issued, for the vehicle the defendant was operating, within 15 days of the date of the citation, then the offense shall be dismissed upon payment of the \$25 administrative fee.

[Adopted effective September 1, 2006]

MIMCLIR 7 DRIVING WITHOUT A LICENSE

If a defendant who is charged with driving a motor vehicle without having a valid driver's license issued to Washington residents pursuant to RCW 46.20, and that defendant presents valid license proof to the court clerk, then the fine for the offense shall be reduced to \$250.

[Adopted effective September 1, 2006]