

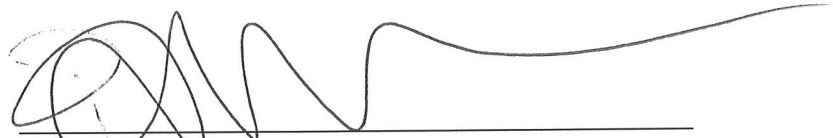
Olympia Municipal Court of Washington

**EMERGENCY
ORDER AMENDING (LCR 79)
LOCAL CIVIL RULE 79**

Pursuant to General Rule 7(f), the Municipal Court for the City of Olympia, hereby orders that the Local Rules of the Court are adopted on an emergency basis as follows:

1. Local Court Rules 1 through 14 were amended effective January 1, 2024, in the form attached hereto and incorporated herein.
2. They shall be extended for an additional 90 days, beginning April 1, 2024.

02/27/24
Date



Judge P. Nogueira

OMCLR 1: CONSTRUCTION AND SCOPE OF LOCAL RULES

These rules are adopted pursuant to GR 7, CrRLJ 1.7 and IRLJ 1.3 of the Washington Court rules.

These rules shall govern the procedures in the City of Olympia Municipal Court and are supplemental to the rules enacted by all other Washington applicable rules.

[Amended 12/01/23; Effective 01/01/24.]

OMCLR 2: TITLE

These rules may be known as the Olympia Municipal Court Local Rules and cited as OMCLR.

[Amended 12/01/23; Effective 01/01/24.]

OMCLR 3: APPEARANCES

1. All criminal defendants shall appear physically in person for arraignments, resolution of cases, and trial.
 - a. "Resolution of case" shall include changes of plea, stipulated orders of continuance, and deferred prosecutions and sentences.
 - b. Presence is not required, in person or remotely, for agreed dismissals.
2. In person appearance will be automatically excused if the defendant is in custody for the City of Olympia case. In these circumstances, appearance may be accomplished remotely via zoom.
3. In person appearance may be excused on a case-by-case basis.
 - a. Prior to obtaining counsel, defendants may contact court administration to request remote appearances. This request shall be done in writing (email or motion) and describe why the defendant would like this accommodation.
 - b. When represented, counsel shall file a motion or make an oral motion on the record prior to the hearing in which the excusal is being sought and describe why the defendant is seeking this accommodation.
4. Video appearance shall be permitted for criminal defendants for all other hearings, without further requests, as well as for all infraction matters.

- a. If appearing by zoom, the appearing party is responsible for having good connection as well as audio capabilities.
 - b. The Court may incorporate policies for remote appearance code of conduct.
5. CrRLJ 3.4 appearances:
- a. When defendants are ordered, as a condition of release, to appear at all court hearings, CrRLJ 3.4(a) appearances will not be allowed, unless requested ahead of time and presence is excused by the court.
 - b. If defendants are not specifically required to appear at all court hearings as a condition of release, CrRLJ 3.4 appearances will be allowed in accordance with that rule.
 - c. Attorneys may request 3.4 appearances when handling RCW 10.77 requests and reviews.
6. Attorneys:
- a. Presumably, when the criminal defendant is required to be present physically, the attorney is required to be present physically.
 - b. Attorneys with offices outside of Thurston County are permitted to appear remotely to all hearings, except voir dire and trial.
 - i. Exception: the attorney handling the arraignment calendars for public defense shall be present in person.
 - c. All parties are expected to be prepared for court when appearing for a hearing.

[Amended 12/01/23; Effective 01/01/24.]

OMCLR 4: BAIL AND REVIEW OF INCARCERATED DEFENDANTS

Any person arrested for the following offenses shall be held in jail without bail pending the first appearance:

- 1. Any offense classified under Section 10.99 of the Revised Code of Washington as Domestic Violence or under the Olympia Municipal Code.

[Prior OMCLR 4 is now OMCLR 5; Prior OMCLR 14: Amended 12/01/23; Effective 01/01/24.]

OMCLR 5: ARRAIGNMENT

Defendants shall appear in person to arraignments, unless excused by the Court for good cause. See OMCLR 3.

At arraignment or first appearance, if requesting appointed counsel, the defendant shall fill out an Indigency Screening Form. Any attorney assisting with arraignment, or first appearance shall ensure this form is completed. The Court will conduct screening for indigency and appointment of counsel, compliant with RCW 10.101.020 and CrRLJ 3.1.

[Prior OMCLR 4: Amended 12/01/23; Effective 01/01/24.]

OMCLR 6: DISCOVERY

The prosecuting authority shall provide discovery in compliance with CrRLJ 4.7.

In cases with assigned counsel, the Order Appointing Counsel shall be considered a written demand for discovery, triggering discovery obligations.

In cases in which the defendant is in custody, discovery shall be provided within fourteen (14) days of the Order Appointing Counsel, when counsel is assigned or the defendant is pro se, or of the arraignment, when counsel is retained.

[Prior OMCLR 5: Amended 12/01/23; Effective 01/01/24.]

OMCLR 7: PROCEDURES PRIOR TO TRIAL

1. In all criminal cases, at arraignment, the case shall be set for a pre-trial hearing.
2. The pre-trial hearing shall be set shortly after the discovery deadline. At that point the parties should be ready to inform the Court:
 - a) Whether discovery is complete;
 - b) Whether evidentiary hearings are needed (CrRLJ 3.5 and 3.6);
 - c) Whether statutory defenses are claimed;
 - d) Whether any other hearings or issues ought to be addressed;
 - e) Whether the defendant is or has been referred to community court; and
 - f) Whether the case should be continued, set for trial or change of plea.

3. Upon request in the Pretrial Order for a special setting, Court Administration shall set the hearing. Court Administration will do its best to consider the attorneys' and witnesses' availability when doing this. However, it shall prioritize the court's availability and the defendant's speedy trial rights. Following the hearing setting, if motion and proper pleadings are not timely filed, the hearing shall be struck.
4. All motions shall be filed and served according to law and Washington Court rules.
5. All pleadings requiring a defendant's signature shall be signed by the defendant or marked "approved electronically" or "refused to sign," as applicable.
6. Continuances: Agreed motions to continue, where no speedy trial issues are involved, may be addressed in writing, ex parte.

[Prior OMCLR 6: Amended 12/01/23; Effective 01/01/24.]
[Prior OMCLR 7: Rescinded 12/1/2023.]

OMCLR 8: DISPOSITION OF EVIDENCE POST-CONVICTION

In a criminal case, every exhibit in the Court's custody, which is not contraband and for which ownership is not in dispute, shall be returned to the party who produced that exhibit upon motion of that party and expiration of the appeal period. For purposes of this rule, the appeal period shall begin on the day of sentencing or order of deferred sentencing following a finding of guilty by the Court. Exhibits not withdrawn shall be delivered to the Olympia Police Department for appropriate disposition as abandoned property.

[Prior OMCLR 9: Amended 12/01/23; Effective 01/01/24.]
[Prior OMCLR 8: Rescinded 12/01/23.]

OMCLR 9: INFRACTIONS - DECISION ON WRITTEN STATEMENTS

Mitigation and contested hearings based on written or e-mail statements, given under penalty of perjury as provided for in IRLJ 2.4(b)(4) and IRLJ 2.6(c), are authorized. This court adopts the procedures authorized by IRLJ 3.5. To be considered by the court, the court must receive written or e-mail statement(s) no later than seven (7) calendar days before the scheduled hearing. In accordance with the provisions of IRLJ 3.5, such hearings are not governed by the Rules of Evidence, and there shall be no appeal from a decision on written or e-mail statement(s). Statements authorized by this rule shall be

in substantially the following format:

For contested hearings:

I hereby state as follows:

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the court. I understand that the court's decision is final and there shall be no reconsideration or appeal from a decision on a written statement.

I certify (or declare) under penalty of perjury under the Laws of the State of Washington that the foregoing is true and correct.

Date and Place

Signature

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

For mitigation hearings:

I hereby state as follows:

I promise to pay the monetary penalty authorized by law or, at the discretion of the court, any reduced penalty that may be set. I understand that the court's decision is final and there shall be no reconsideration or appeal from a decision on a written statement.

I certify (or declare) under penalty of perjury under the Laws of the State of Washington that the foregoing is true and correct.

Date and Place

Signature

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

[Prior "1st" OMCLR 10: Amended 12/01/23; Effective 01/01/24.]
[1st OMCLR 10 previously adopted 09/01/09.]
[2nd OMCLR 10 previously adopted 09/1/00; rescinded 09/01/09.]

OMCLR 12 INFRACTIONS - FINES - NO VALID LICENSE WITH VALID ID
Rescinded 12/01/23 - contrary to RCW 46.20.015.

OMCLR 13: Speed Measuring Device - Infraction
Rescinded effective September 1, 2010.