

RALJ 2.2
WHAT MAY BE APPEALED

(a) Final Decision.

(1) A party may appeal from a final decision of a court of limited jurisdiction to which these rules apply under rule 1.1(a), except a decision in a mitigation hearing under RCW 46.63.100 and IRLJ 2.6(b), or a mitigation decision on written statement under IRLJ 2.6(c).

(2) For the purposes of these rules, a final decision includes (A) an order granting or denying a motion for new trial, reconsideration, or amendment of judgment, and (B) an order granting or denying arrest of a judgment in a criminal case.

(b) Amount in Controversy. Statutes control limitations on appeal based on the amount in controversy.

(c) Appeal by State or a Local Government in Criminal Case. The State or local government may appeal in a criminal case only from the following decisions of a court of limited jurisdiction and only if the appeal will not place the defendant in double jeopardy:

(1) *Final Decision, Except Not Guilty.* A decision which in effect abates, discontinues, or determines the case other than by a judgment or verdict of not guilty, including but not limited to a decision setting aside, quashing, or dismissing a complaint or citation and notice to appear, or a decision granting a motion to dismiss under CrRLJ 8.3(c).

(2) *Pretrial Order Suppressing Evidence.* A pretrial order suppressing evidence, if the trial court expressly finds that the practical effect of the order is to terminate the case.

(3) *Arrest or Vacation of Judgment.* An order arresting or vacating a judgment.

(4) *New Trial.* An order granting a new trial.

(d) Errors Raised for First Time on Appeal. The superior court may refuse to review any claim of error that was not raised in the court of limited jurisdiction. However, a party may raise the following claimed errors for the first time on appeal: (1) lack of jurisdiction, (2) failure to establish facts upon which relief can be granted, and (3) manifest error affecting a constitutional right. A party may present a ground for affirming a decision of a court of limited jurisdiction that was not presented to that court if the record has been sufficiently developed to fairly consider the ground. A party may raise a claim of error that was not raised by the party in the court of limited jurisdiction if another party on the same side of the case raised the claim of error in that court.

[Adopted effective January 1, 1981; Amended effective September 1, 1987; September 1, 1991; October 31, 2000; September 1, 2008; September 1, 2014.]