

# EAST WENATCHEE MUNICIPAL COURT

Local Court Rules 2024



Presiding Judge Clarke W. Tibbits

# **EAST WENATCHEE MUNICIPAL COURT**

## **LOCAL GENERAL COURT RULES**

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## **EWMCLGR 1 COURTROOM DECORUM**

### **A. PHOTOGRAPHY, RECORDING, TELEVISION, BROADCASTING**

The taking of photographs or the electronic recording of proceedings in the courtroom or its environs in connection with any judicial proceedings and the broadcasting of judicial proceedings by radio, television or tother means is prohibited, except as provided by this rule.

As used herein, "judicial proceeding" means: (1) any hearing required to be held "on the record" by Supreme Court rule including, but not limited to preliminary hearings, arraignments, pre-trial proceedings, motions, criminal and civil trials, sentencing hearings, post-conviction relieve hearings, mitigation and contested hearings; (2) any proceedings before a judicial officer, including a judge, court commissioner, traffic magistrate judge or judge pro-tem; (3) all sessions of any jury trial including jury orientation or selection, and (4) it shall include witnesses, jurors, judicial officers and court employees.

"Courtroom" of the East Wenatchee Municipal Court means the courtroom itself witness and jury rooms, and any location where civil infraction proceedings are conducted.

"Environs" means any area location within the interior confines of the East Wenatchee Municipal courthouse, including but not limited to the entrances, hallways, corridors, foyers, conference rooms, restrooms and lobbies therein including probation or other offices.

### **B. CELL PHONES, ELECTRONIC DEVICES AND TEXT MESSAGING**

Lawyers, defendants and members of the public may carry cell phones or other portable electronic devices into the court facility. When in the courtroom, all phones or other portable electronic devices shall either be turned off or silenced. No phone calls or text messages shall be sent or received within the courtroom. If silenced, the possessor of the device shall make certain that any transmissions do not interfere with court proceedings.

Failure to comply with this section may result in confiscation of the cell phone other portable electronic device and may include a fine or incarceration for contempt.

### **C. EXCEPTIONS**

1. The following exception applies to sections A and B above:

- a. Court, probation or law enforcement personnel conducting official business

2. With the consent of the courtroom's judicial officer or the presiding judge of the court, the following exceptions may be granted to sections A and B above:
  - a. New media conditions and limitations as addressed in GR16;
  - b. Ceremonial proceedings, including, but not limited to weddings or a judge or judicial officer's investiture;
  - c. For the limited purpose of presenting evidence, perpetuation of the record for proceedings, and security
  - d. For the purposes of judicial administration;
  - e. As otherwise authorized by the court.

(Effective September 1, 2024)

## **EWMCLGR 2**

### **EMERGENCY CLOSURES**

1. The Judge, Commissioner and/or Court Administrator may declare an emergency closure of the Court when she/he deems that severe weather conditions, natural disaster, or other emergency so requires. The Court will publicize the closure as soon as practical, file a written Administrative Order closing the Court, and notify the Office of the Administrator for the Courts as soon as practical, pursuant to GR 21.
2. While the emergency persists, no hearings will be held except that the Judge, Commissioner, or Judge Pro Tem of the Court will, if circumstances permit, determine probable cause, set release conditions, and otherwise adjudicate required first appearance hearings for defendants who are in custody. Such hearings may be held by telephone if deemed necessary due to the emergency.
3. Following an emergency closure, the Judge, Commissioner and/or Court Administrator may declare the Court to re-open when the severe weather conditions, natural disaster or other emergency allows. The Court will publicize the re-opening as soon as practical,
4. This rule shall only apply to the business of the Court and shall not be construed to govern activities of other branches of City government.

(Effective September 1, 2024.)



## EWMCLGR 3

### ELECTRONIC FILING AND SERVICE

(a) Electronic filing (“eFile”) authorization, charges, exceptions, and waiver [option: and non-compliance].

(1) *Mandatory Electronic Filing.* Effective [30 days after go-live], attorneys shall electronically file (eFile) all documents using the court’s designated eFiling service, eFile & Serve, unless this rule provides otherwise. Non-attorneys or *pro se* parties are not required to eFile, but are encouraged to do so.

(2) *Documents That Shall Not Be e-Filed.* The following documents may not be eFiled:

(a) A criminal case initiation document (e.g., complaint, citation, or notice of infraction) that is not submitted through the Statewide Electronic Collision & Traffic Online Records (SECTOR) application per GR 30(d)(ii);

(b) A document that is required by law to be filed in non-electronic format, for example, original wills, certified records of proceedings for purposes of appeal, negotiable instruments, and documents of foreign governments under official seal;

(c) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;

(d) Documents larger than permitted in the User Agreement.

(3) *Working Copies.* Attorneys and other eFilers are not required to provide duplicate paper pleadings as “working copies” for judicial officers.

(4) *Waiver of the Requirement to eFile for attorneys.*

- (a) If an attorney is unable to eFile documents, the attorney may request a waiver from the court. The attorney must make a showing of good cause and explain why paper document(s) must be filed in that particular case. The court will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who receive a waiver shall place the words “Exempt from eFiling per waiver filed on (date)” in the caption of all paper documents filed for the duration of the waiver.
  - (b) Upon a showing of good cause the court may waive the requirement as to a specific document or documents on a case by case basis.
- (5) *Non-Compliance with this Rule.* If an attorney files a document in paper form and does not have an approved waiver from e-Filing, the court may assess a fee against the attorney for each paper document filed.
  - (6) *Electronic Service.* If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.

(Effective September 1, 2024)

**EWMCLR 3**  
**PRESIDING JUDGE**

The Presiding Judge shall conduct duties of the officer pursuant to GR 29  
(Effective September 1, 2024)



## **EWMCCLR 4 DEFENSE CONTINUANCES**

A request for continuance must be made by either 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:

- a. Non-Prosecutor contested hearings;
- b. Non-DV and Non-DUI preliminary hearings;
- c. 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.

(Effective September 1, 2024)

**EWMCLR 5**  
**REQUIREMENTS FOR PAYMENT OF JURY FEES**

- A. If a defendant requests a jury trial, and does not waive his or her rights 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 summoning jurors, the defendant may be responsible for payment to the Court in the amount of costs incurred.
- B. If a jury trial 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 summoning the jurors, the Prosecutor may be responsible for payment to the Court in the amount of costs incurred.

(Effective September 1, 2024)

**EWMCLIR 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 by RCW 46.63.151

A request for the presence of a SMD Expert must be submitted, in writing, to the City Prosecutor of the municipality issuing the Notice of Infraction not less than 30 days prior to the scheduled date of the contested hearing. An untimely request for the presence of a SMD Expert may be treated by the Court as a request for a continuance to the next date on which the City Prosecutor has scheduled the appearance of the SMD Expert.

(Effective September 1, 2024)

## EWMCLIR 4

### DECISIONS ON WRITTEN STATEMENTS

- A. Request for Decision on Written Statement or email. If the defendant submits a timely request for a hearing to contest or mitigate an infraction, the defendant may elect to seek a decision or request for Deferred Finding on written statement, or email, pursuant to the provisions of IRLJ 3.2 and EWMCLIR 4. A defendant who elects to contest or mitigate an infraction decision on written statement or email shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.

In the case where a defendant requests or petition for Deferred Finding which is denied by the court, the request will be treated as a request for a mitigation hearing on written statement or email.

- B. Time for Submitting Request for Decision on Written Statement or email. The request for a decision or request for a Deferred Finding by Written Statement or email shall be submitted no later than the scheduled hearing time or it will not be considered.
- C. Declaration for Written Statement or email required. A defendant wishing to proceed by decision or request for Deferred Finding on written statement or email shall provide a written statement or email which sets forth the facts and/or defense(s) that the defendant would like the court to consider. A written statement or email submitted pursuant to this rule shall be submitted by declaration as follows:

*and shall be in substantially the following form:*

*Name of Defendant:*

*Address:*

*Infraction number (upper right hand corner of citation):*

*Violation date:*

☐ *I wish to request a Deferred Finding*

☐ *I wish to mitigate the infraction*

☐ *I wish to contest the infraction*

*Statement:*

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*"I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct,"*

Executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ (City, State)

\_\_\_\_\_(Signature)

The written statement or email shall be submitted at the same time as the request for decision on written statement or email.

- D. Time for examination, factual determination, disposition and notice to parties. The time for examination, factual determination, disposition and notice to parties shall be pursuant to IRLJ 3.5(a)-(b).

(Effective September 1, 2024)

**EWMCLIR 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 not later than 3 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.

(Effective September 1, 2024)



## **EWMCLIR 6 PROOF OF INSURANCE**

If a defendant who is charged with driving a motor vehicle without having proof of valid insurance pursuant to RCW 46.20.030, and that the defendant presents satisfactory evidence that they have obtained valid insurance to the Clerk of the Court within 30 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.

If, within thirty (30) days of the date of the citation, the defendant presents satisfactory evidence of valid insurance being in effect at the time of the citation issued, the offense shall be dismissed upon payment of the \$25 administrative fee. "Satisfactory evidence" shall mean 1) written identification card from the insurance company and 2) proof that the defendant was insured to drive the vehicle s/he was operating at the time of the violation. If the defendant is not named on the insurance card, the defendant must provide (a) a copy of the policy verifying the defendant is noted as a named insured on the policy; (b) a copy of the policy showing who is covered (i.e. that it covers all other drivers who operate the vehicle with the permission of the owners); or (c) a letter from the insurance agent clearly stating that the defendant would have been covered under the policy provisions on the date charged.

(Effective September 1, 2024)