

SPOKANE MUNICIPAL COURT
LOCAL RULES

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SPMGR 7
LOCAL RULES - FILING AND EFFECTIVE DATE

(a – g) Reserved by state rule

(h) Reference. The provisions of the Local Rules are supplemental to the Rules for Courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them and are submitted pursuant to GR 7(e) with an intent to adopt as changed. These rules may be known and cited as Spokane Municipal Court Local Rules, and shall be referred to as "SPM" along with the corresponding rule abbreviation.

(i) The Court may suspend or modify any of the foregoing rules, in any given case, upon good cause being shown thereof or upon the Court's own motion.

(j) Prior Rules Repealed. These rules supersede and replace any prior rules.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2023)

SPMGR 14
FORMAT FOR PLEADINGS, PAPERS AND ELECTRONIC MEDIA

(a) Reserved by state rule

(1) Formatting: All pleadings, motions, documents, and other papers filed with the Court, except original citations, should be legibly drafted for production or reproduction on 8 ½ by 11 inch paper. The top margin should be at least one inch except as otherwise approved by the Court on certain forms. Except for footnotes, the font size shall be a minimum of 12-point.

(2) Colored pages are only allowed for certain court-approved forms.

(3) Handwritten Pleadings, Documents, and Papers: To ensure access to The Court for any self-represented party, handwritten pleadings may be submitted, legibly written in black or blue ink, double spaced (unless a mandatory form authorizes the use of single spacing), and utilizing only one side of each page.

(e) Required Content

(1) Mandatory Forms:

(A) In order to promote clarity in pleadings, reduce drafting errors, and to expedite the processing and entry of pleadings by court staff, the Court has promulgated a number of local mandatory forms which are required to be used by all parties to take an action when such form is available. Mandatory local forms may be obtained free of charge from the Spokane Municipal Court Clerk or by accessing the Spokane Municipal Court website at:
<https://my.spokanecity.org/courts/municipal-court/forms/>.

(B) Where no local mandatory form is available and a form has been promulgated by the Washington State Supreme Court, then use of the state form shall be mandatory. State forms may be obtained by accessing: www.courts.wa.gov/forms.

(2) Police Report/Incident Number: Any document presented to the Court for filing that will impact the custody status of an individual, involves a No Contact Order, firearm rights, or warrant must include the correct police report/incident number in the caption of the document.

(3) Action Documents - Clerk's Action Required: Pleadings or other papers requiring action on the part of the Clerk of the Court (other than filing, stamping, docketing and placing in the court file) shall constitute action documents. These include, but are not limited to, pleadings that must be forwarded to law enforcement, an evaluator, or a treatment agency. Action documents shall include a note in the caption indicating "Clerk's Action Required" with reference to the paragraph requiring action. The specific

action required of the Clerk shall be stated with particularity in the body of the pleading or other paper requiring action on the part of the Clerk.

(4) Correct Information: Any document or correspondence presented to the Court for filing which does not have the required content identified in this rule, shall be rejected for filing by the Court Clerk, physically marked accordingly, and returned to the presenter with a written explanation for the basis of the rejection.

(Adopted effective Sept. 1, 2011; amended effective Sept. 1, 2019;
amended effective Sept. 1, 2021; amended effective Sept. 1, 2023)

SPMGR 16.5

COURT FACILITY PHOTOGRAPHY, IMAGING, RECORDING, AND BROADCASTING

(a) Purpose. The purpose of this rule is to supplement, clarify, and provide processes and procedures for the implementation of General Rule 16 of the Washington State Court Rules for the Spokane Municipal Court and to provide guidelines for media organizations and their representatives, parties and participants in matters before the Court, and members of the public when planning to photograph, image, record, and/or broadcast court proceedings.

(b) Definitions

(1) "Broadcast" means to send out or transmit any image or audio by means of radio, television, streaming over the Internet, posting to a social media, blog, or other website, and/or any other means of disseminating such image and/or audio capture beyond the device on which it was originally captured.

(2) "Coverage" means any recording or broadcasting of a court proceeding using television, radio, photography, video, or recording equipment.

(3) "Media" means legitimate news gathering and reporting agencies and their representatives whose function is to inform the public, or persons engaged in the preparation of educational films or recordings.

(4) "Minor" means any person under eighteen (18) years of age.

(5) "Photograph" means a capture of a visual image using film, magnetic, or digital technology, including images captured by a still or video camera, telescope, other analog or digital device, and/or displayed on a computer or video screen.

(6) "Proceeding" means any trial, hearing, motion, argument on appeal, or other matter held in open court that the public is entitled to attend, whether in person or by videoconference. For the purposes of section C of this rule, "proceeding" includes any activity in the building in which the judicial proceeding is being held or any official duty is being performed in any location as part of the judicial proceeding.

(7) "Presiding Judge" means the judge, justice, master, referee or other judicial officer who is scheduled to preside, or is presiding, over the proceedings.

(c) Request to Photograph, Record, or Broadcast Proceeding

(1) Request Process: Requests to photograph, record, or broadcast proceedings shall be made in writing on the form promulgated by the Court to the presiding judge not less than one (1) business day before the proceeding is scheduled to begin. The presiding judge may waive the one-day requirement at his or her discretion.

(d) Coverage Guidelines

(1) Presumptively Permissible Coverage. Open access to all court proceedings is presumed.

(2) Presumptively Impermissible Coverage: Subject to specific findings by the presiding judge made on a case-by-case basis, coverage of the following is presumptively impermissible:

(A) Minor Participants. Coverage of a witness, party, or victim who is a minor in any judicial proceeding, except when a minor is being tried for a criminal offense as an adult.

(B) Jury Selection. Media coverage of jury selection.

(C) Jurors. Coverage of jurors during the judicial proceeding.

(D) Closed Proceedings. Coverage of proceedings which are otherwise closed to the public by law.

(E) Conferences of Counsel. There shall be no audio capturing, recording, broadcasting, or close up video capturing of conferences, which occur in a court facility, between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge held at the bench or in chambers, or between judges in an appellate proceeding.

(3) Priority of Coverage: Subject to specific findings by the presiding judge made on a case-by-case basis, Media will have priority in the allocation of permission for coverage.

(4) Coverage Equipment and Personnel. Subject to specific findings by the presiding judge made on a case-by-case basis the following presumptive guidelines will apply to all coverage of proceedings:

(A) Pooling Arrangements. When more than one request for coverage is made, the media shall select a representative to serve as a liaison and be responsible for arranging "pooling" among the media that may be required by these limitations on equipment and personnel. The identity of the person selected, including name, business address, phone, and email address, shall be filed with the clerk of the court in which the proceeding is to be held. Pooling arrangements shall be reached when the court is not in session and shall be the sole responsibility of the media without calling upon the presiding judge to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. Such pooling arrangements shall include the designation of pool operators, procedures for cost sharing, access to and dissemination of material, and selection of a pool representative if appropriate. In the absence of advance media agreement on disputed equipment or personnel issues, the presiding judge shall exclude all contesting media personnel from a proceeding.

(B) Limitations. At least one, but no more than two television cameras with one operator each, two still photographers using not more than two cameras each, and one audio system for radio broadcast purposes, will be permitted in any judicial proceeding.

(C) Personal Audio Recorders. Coverage may include the use of hand-held audio recorders. Such recorders may not employ microphone technology that is more sensitive than the human ear. Usage shall not be obtrusive or distracting, and no change of storage devices may be made during court sessions.

(D) Distractions. Only television, photographic, and audio equipment which does not produce distracting sound or light shall be employed to cover proceedings in a courtroom. Signal lights or devices that show when equipment is operating shall not be visible. Moving lights, flash attachments, or sudden light changes shall not be employed.

(E) Courtroom Light Source. If possible, lighting for all purposes shall be accomplished from existing court facility light sources. If no technically suitable lighting exists in the court facility, modifications and additions may be made to existing light sources in the facility, provided such modifications and additions are unobtrusive, located in places designated in advance of any proceeding by the presiding judge, and without public expense.

(F) Audio Pickup. Audio pickup for all purposes shall be accomplished from existing audio systems present in the court facility or from television/video cameras or other devices with a built-in microphone. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the presiding judge.

(G) Technical Difficulties. Court proceedings shall not be interrupted because of a technical or equipment problem or malfunction. If any problem occurs, that piece of equipment shall be turned off while the proceeding is in session. No attempt shall be made to correct the technical or equipment problem until the proceeding is in recess or has concluded.

(H) Location of Equipment and Personnel. The presiding judge will designate the location in the courtroom for equipment and operators to permit reasonable coverage without disruption of proceedings.

(I) Alterations. No permanent installation shall be made nor shall any court facility be altered, unless approved in advance by the presiding judge. Any expenses for alterations shall be borne by the individual or entity seeking such alteration.

(J) Movement During Proceedings. During proceedings, operating personnel shall not move about nor make any adjustment or change of any equipment which disrupts or distracts from the proceeding. Broadcasting, photographic, or audio equipment shall not be placed in or removed from the court facility except prior to commencement or after adjournment of proceedings each day, or during a recess in the proceeding.

(e) Modification of Rule or Procedures.

(1) Discretion of Presiding Judge. The presiding judge has the discretion to refuse, limit, terminate, or temporarily suspend coverage of an entire case or portions thereof, in order to (i) control the conduct of the proceedings before the court; (ii) maintain decorum and prevent distractions; (iii) guarantee the safety of any party, witness, or juror; and (iv) ensure the fair administration of justice in the pending cause. Such exercise of the presiding judge's discretion shall be made following the procedures established in section (e)(2).

(2) Evidentiary Hearing. Before denying, limiting, suspending, or terminating coverage, the presiding judge shall hold an evidentiary hearing, if such a hearing will not delay or disrupt the judicial proceeding. In the event an evidentiary hearing is not possible, affidavits may be used. The burden of proof shall be on the party seeking limits on media coverage. If there is no opposition to media coverage, the presiding judge may consider matters that are properly the subject of judicial notice. Individuals or organizations requesting coverage shall be allowed to present proof, either at the evidentiary hearing or by affidavit. Any finding that coverage should be denied, limited, suspended or terminated must be supported by substantial evidence that at least one of the four interests in section (e)(1) is involved, and that such denial, limitation, suspension, or termination is necessary to adequately reach an accommodation of such interest. The presiding judge shall enter written findings of fact detailing the substantial evidence required to support his or her order.

(f) Exclusions.

(1) Ceremonial Proceedings. The presiding judge has the discretion to refuse, limit, terminate, or temporarily suspend coverage of an entire case or portions thereof, in order to (i) control the conduct of the proceedings before the court; (ii) maintain decorum and prevent distractions; (iii) guarantee the safety of any party, witness, or juror; and (iv) ensure the fair administration of justice in the pending cause. Such exercise of the presiding judge's discretion shall be made following the procedures established in section (e)(2).

(2) Print Media. This rule does not govern the coverage of a proceeding by a news reporter or other person who is not using a camera or electronic equipment of any sort, including audio recording equipment.

(g) Compliance.

(1) Individuals or entities who fail to comply with this rule shall be subject to an appropriate sanction as determined by the presiding judge.

(Adopted effective Sept. 1, 2024)

SPMGR 17.5
E-MAIL COMMUNICATION

(a) Purpose: The purpose of this rule is to provide guidelines for the use of e-mail in communicating with the judges and/or court staff. This rule does not apply to other forms of communication and does not establish a preference for e-mail communication over any other form of communication. E-mail is another tool to provide information as is telephone communication or delivery of documents, but is not intended to substitute for oral argument on any issue.

(b) Guidelines for the use of e-mail: E-mail communication with court staff is appropriate in the following typical situations:

- (1) to obtain a date for an in-court hearing;
- (2) to submit proposed orders (when authorized by the judge) and/or bench copies of pleadings or trial aides;
- (3) to determine the judge's availability;
- (4) to determine the availability of equipment needed for trial (such as a projector, video/compact disc player or speaker phone);
- (5) to advise the Court of a settlement;
- (6) and/or other matters of a similar nature that would be appropriate to handle by way of a phone call to court staff.

(c) Bench Copies of Briefing: The Court will accept electronic bench copies of briefs prior to a hearing provided the following guidelines are followed:

- (1) All parties or their counsel must be provided contemporaneous copies of the e-mail.
- (2) Attached documents to an e-mail must be in PDF or Microsoft Word format.
- (3) The top margin of the first page must include a notation indicating the date and time set for hearing.
- (4) A party must advise the Court and parties of any later updated or changed versions of a document previously sent via e-mail.
- (5) No argument of the issues will be allowed within the e-mail. The purpose of the rule is solely to permit electronic transmission of copies of pleadings.

(d) Ex parte Communication Prohibited: The prohibitions regarding ex parte contact with the Court are fully applicable to e-mail communication. To avoid ex parte contact, all parties must be included in the email and clearly appear as additional recipients in the e-mail. If all parties are not included, the judge will not review the e-mail or its content. If an attorney or party is communicating substantive information to court staff, the e-mail must also be sent to - all opposing attorneys /parties and so indicate on its face. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated problems with scheduling, concerns regarding security, and other case-specific issues.

(Adopted June 29, 2018; effective Sept. 1, 2018; amended effective Sept. 1, 2019; amended effective Sept. 1, 2021)

SPMGR 19
PROCEEDINGS BY VIDEO CONFERENCE OR TELECONFERENCE

(a) Criminal Matters:

(1) Video Conference

(A) Preliminary appearances as defined by CrR 3.2(B) and CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings as defined in CrRLJ 3.3(f), conducted via video conference in which all participants can simultaneously see, hear, and speak with each other shall be deemed held in open court and in the defendant's presence for the purposes 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 Court. Any party may request an in-person hearing under this section, which may be granted at the Court's discretion.

(B) Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as defined 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 Court pursuant to this local court rule.

(C) The judge, counsel, all parties, and the public must be able to see and hear each other during video proceedings, and may speak as permitted by the Court. Video conference facilities must provide for confidential communications between attorney and client and sufficient security to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted as to assure that the interpreter can hear all participants.

(D) For purposes of video conference proceedings, the facsimile or electronic signatures of the defendant, counsel, interested parties, and the Court will be treated as if they were an physical signature. This includes all orders on Judgment and Sentence, No Contact Orders, Statements of Defendant on Plea of Guilty, and other documents or pleadings as the Court shall determine are appropriate or necessary.

(2) Teleconference:

(A) Hearings on motion to modify financial obligations may be conducted telephonically upon written request of the defendant.

(B) Hearings of any other type will not be conducted by telephone without prior approval of the Judge on a showing of good cause as to why the Court's video conferencing system would not suffice.

(b) Infraction Matters:

(1) Definitions:

(A) "Infraction matters" shall be deemed to include traffic infractions, non-traffic infractions, photo enforcement infractions, and parking infractions.

(2) Hearings on motions may be conducted telephonically upon approval of the Court.

(3) Hearings of any other type will not be conducted by telephone without prior approval of the Judge on a showing of good cause.

(Adopted June 29, 2018; effective Sept. 1, 2018; amended effective Sept. 1, 2019; amended effective Sept. 1, 2021; amended effective Sept. 1, 2023)

SPMGR 29
PRESIDING JUDGE

(f) Duties and Authority of Presiding Judge.

(f) (1-4) Reserved by state rule

(f)(5)(a) Personnel Assigned to Perform Court Functions

(i) Court Commissioners - Selection. Upon a vacancy for Court Commissioner, the Court may advertise the vacancy and accept applications.

The majority of the Judges shall decide which candidates to interview and conduct interviews. Any Judge of this Court may attend, participate, and vote during the selection process. The selection shall be by majority vote of the Judges present at a regularly scheduled Judges' meeting or a meeting called by the Presiding Judge for this purpose.

(ii) Court Commissioners - Termination. A Court Commissioner shall serve at the pleasure of the Judges and any decision to terminate shall be by a majority vote of the Judges at a Judges' meeting.

(f)(5)(b) Reserved by state rule

(f)(5)(c) Court Administrator

(i) Selection. Upon a vacancy, the Judges shall take the necessary steps to obtain qualified applicants. The Judges shall screen the written applications and conduct interviews. Any Judge may attend, participate, and vote. Selection of the Court Administrator shall be by majority vote of the Judges present at a regularly scheduled Judges' meeting.

(ii) Termination. The Court Administrator shall serve at the pleasure of the Judges and shall be terminated by a majority vote of the Judges at a regularly scheduled Judges' meeting.

(iii) Duties of Court Administrator. The Court Administrator shall assist the Presiding Judge in his or her administrative responsibilities. Subject to the general supervision of the Presiding Judge, the Administrator's duties shall include, but not be limited to, those duties set forth in the job description for the Court Administrator.

(f)(5)(d) Chief Probation Officer

(i) Selection. Upon a vacancy, the Judges shall take the necessary step to obtain qualified applicants. The Judges shall screen the written applications and conduct

interviews. Any Judge may attend, participate, and vote. Selection of the Chief Probation Officer shall be by majority vote of the Judges present at a regularly scheduled Judges' meeting.

(ii) Termination. The Chief Probation Officer shall serve at the pleasure of the Judges and shall be terminated by a majority vote of the Judges at a regularly scheduled Judges' meeting.

(iii) Duties of Chief Probation Officer. The Chief Probation Officer is subject to the general supervision of the Presiding Judge and the direct supervision of the Court Administrator. The Chief Probation Officer's duties shall include, but not be limited to, those duties set forth in the job description for the Chief Probation Officer.

(f)(5)(e) Judicial Administrative Assistant

(i) Selection. Upon a vacancy, the Judges shall take the necessary step to obtain qualified applicants. The Judges shall screen the written applications and conduct interviews. Any Judge may attend, participate, and vote. Selection of the Judicial Administrative Assistant shall be by majority vote of the Judges present at a regularly scheduled Judges' meeting.

(ii) Termination. The Judicial Administrative Assistant shall serve at the pleasure of the Judges and shall be terminated by a majority vote of the Judges at a regularly scheduled Judges' meeting.

(iii) Duties of Judicial Administrative Assistant. The Judicial Administrative is subject to the general supervision of the Presiding Judge and under the direct supervision of the Presiding Judge. The Judicial Administrative Assistant's duties shall include, but not be limited to, those duties set forth in the job description for the Judicial Administrative Assistant.

(f)(6-13) Reserved by state rule

(f)(14) Paralegals who are currently registered with the Spokane County Bar Association for the purpose of presentation of such orders may personally present agreed, ex-parte and uncontested orders signed by counsel, based solely upon the documents presented and the record in the file. Said privilege may be revoked or limited by the Court for noncompliance with this rule, or other misconduct, regardless of whether the Paralegal is permitted to present orders before other courts.

(h) Reserved by state rule

(1) The Presiding Judge shall maintain a record of absences of each judicial officer. All Judicial Officers must advise the Presiding Judge if they will not be on campus for the day and whether the reason is work-related or not. This

information will be made available to the public by request at the end of each calendar year, however, information about an on-going leave will not be made available until after the leave has ended.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2019; amended effective Sept. 1, 2021; amended effective Sept. 1, 2023)

SPMGR 30
ELECTRONIC SIGNATURES AND FILING

(a) Reserved by state rule

(1-5) Reserved by state rule

(6) "Conventional manner of filing" - The filing of paper documents with the Clerk as is done in cases that are not e-filed cases.

(7) "ePortal" - The eSuite electronic filing system used by the Spokane Municipal Court.

(8) "Electronic Document" ("e-document") - An electronic file containing informational text.

(9) "Electronic Filing" or "e-filing" - The electronic transmission of information to a court or clerk for the purpose of case processing.

(10) "Electronic Image" ("e-image") - An electronic representation of a document that has been transformed to a graphical or image format.

(11) "Electronic Service" ("e-service") - An electronic transmission of documents to a party, attorney, or representative in a case via transmission via the ePortal. However, e-service is not capable of conferring jurisdiction under circumstances where personal service is required as a matter of law.

(12) "PDF" - Portable Document Format (PDF) - A file format that preserves all fonts, formatting, colors, and graphics of any source document regardless of the application platform used.

(13) "Subscriber" - one contracting with a Vendor to use the e-filing system.

(b) Reserved by state rule

(1-4) Reserved by state rule

(5) Mandatory Electronic Filing.

(A) All attorneys shall electronically file all documents, including emergency pleadings, using the e-filing application, unless this rule provides otherwise.

(B) Non-attorneys or pro-se parties are not required to e-file but may do so.

(6) Documents That Shall Not Be e-filed. The following documents must be filed in paper form rather than e-filed.

(A) Documents submitted for in camera review, or documents supporting motions to seal, including documents submitted pursuant to GR 15;

(B) Documents presented for filing during a court hearing or trial;

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

(D) Documents from governments or other courts under official seal, excluding a copy that is e-filed as an exhibit to another document, such as a pleading, by leave of the Court;

(E) Motion and orders related to the sealing or redacting of court records under GR 15.

(7) eFiling of Special Documents. Under the conditions identified, the following documents may be e-filed.

(A) Appeals

(i) If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the case, including the expiration of any time period for review and/or appeal, and shall present the original document to the Court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

(B) Working Copies

(i) Judges' working copies for certain e-filed documents associated are required as provided in SPMCrRLJ 8.2(d),

(8) Maintenance of Original Documents:

(A) Anyone filing an electronic document that requires an original signature certifies by so filing, that the original signed document exists in the filing person's possession or that the document so filed is the original document as evidenced by the digital or electronic signature contained thereon. Unless otherwise ordered by the Court, the filing party must retain the original document as signed either conventionally or electronically, until one year after the date that judgment has become final

by the conclusion of direct review or the expiration of the time for seeking such review. The filing party shall make those signed originals available for inspection by the Court, the Clerk of the Court or by other counsel in the case, upon five (5) days' notice. At any time, the Clerk of the Court may request from the filing party a hard copy of an electronically filed document, which shall be provided within five (5) business days upon reasonable notice.

(9) Privacy Issues:

(A) It is the responsibility of the filing party or counsel to ensure that documents filed electronically do not disclose previously or statutorily impounded or sealed information or private information defined in Supreme Court General Rule 15 and 31.

(B) All documents in confidential, impounded, or sealed cases must be submitted conventionally to the Clerk's office for filing. A party who has a legal basis for filing a document under seal without prior court order must electronically file a motion for leave to file under seal. The motion must include an explanation of how the document meets the legal standards for filing sealed documents. The document in question may not be attached to the motion as an attachment.

(C) In addition to the materials referenced in Supreme Court General Rules 15 and 31, parties and their counsel shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all documents electronically filed with the Court, including exhibits, thereto, unless a prosecuting authority or probation representative is requesting a warrant or unless otherwise ordered by the Court.

(i) Social Security Number and Driver's License Number - If an individual's social security number must be included in a document, only the last four digits of the number shall be used. An individual's Driver's License Number shall not be used.

(ii) Names of Minor Children - If the involvement of a minor child must be mentioned, only the initials of that child's name shall be used;

(iii) Financial Account Numbers - If financial account numbers are relevant, only the last four digits of these numbers shall be used.

(10) Format of Documents:

(A) All electronically filed pleadings, documents, and other papers shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings. Additionally, each electronically filed pleading and document shall include, either on the face of the document or a coversheet, the case caption and/or defendant's full name, case number, and the nature of the filing.

(B) Each electronically filed document shall also include the typed name, e-mail address, address, and telephone number of the attorney or pro se party filing such document. Attorneys shall include their Washington State Bar numbers on all documents requiring the attorney's signature.

(C) Documents must be converted to a text-searchable PDF compatible with the latest version of Adobe Reader. The computer file must not be password-protected, encrypted, or protected by rights management. Because scanning creates larger file sizes with images of lesser quality, scanning must be avoided when possible. To the extent possible, each text document must be converted directly into a PDF file using Adobe Acrobat, the word processing program's PDF conversion utility, or another software program. Any scanned materials must be made searchable using optical-character-recognition software, such as Adobe Acrobat. In the event that proposed orders are submitted in a case, the PDF of the proposed order must be generated directly from a word processing program.

(i) Any electronically filed document not requiring a judicial signature must be unalterable (such as sealed PDF), and be able to be printed with the same contents and formats as if printed from its authoring program.

a) The Court Clerk assigned to the screening of incoming e-filed document is required to verify each electronically filed document does not contain a virus or other malicious computer code. Materials submitted for e-filing found to contain a virus or malicious computer code shall be rejected for filing according to the provisions of paragraph 16(D) of this rule.

(D) Bulk Filings:

(i) Documents with different case numbers must be filed individually in separate transactions. Bulk filings of a document, or multiple documents combined, into one PDF document, associated with more than one case shall not be accepted, except as provided below.

a) Scheduling orders with multiple cases being co-scheduled for the same date and time are permitted.

Scheduling Orders with multiple case numbers must be submitted/filed only on the first case number listed in the pleading caption. In such instances the submitting party will only receive electronic submission and filing confirmations on the specific case number the pleading was efiled in.

(ii) Bulk filings of multiple pleadings and/or documents combined into one PDF document shall not be accepted, except as provided below.

a) Documents or pleadings designated and individually marked as exhibits, appendices, or schedules, and which are attached to a primary pleading or document submitted for e-filing, are acceptable and are not considered a "bulk filing".

(E) Electronic documents containing links to material either within the filed document or external to the filed document are for convenience purposes only. The external material behind the link is not considered part of the filing or the basic record.

(F) A person who files a document electronically shall have the same responsibility as a person filing a document in the conventional manner for ensuring that the document is complete, readable, and properly filed.

(G) Documents not complying with the format and/or required content specified by the applicable statute, or local rule, shall be rejected for filing by the Court Clerk, in accordance with the provisions of paragraph 16(D) of this rule.

(I) Nothing in this rule alters a party's obligation to serve documents on the opposing party.

(11) Filing of Exhibits:

(A) Text Documents: See Formatting of Documents above.

(B) Physical exhibits: Physical items for which a photograph may be substituted may be electronically imaged as a PDF and e-filed. Items not conducive to electronic filing, such as documents under seal and physical exhibits for which an image will not suffice shall be filed in their physical form at the Clerk's Office or in the Courtroom, as directed by order of the Court and in conformity with Supreme Court "Electronic Filing Standards and Principles". The Motion and Notice of Motion for permission to file any of these physical items may be submitted electronically.

(i) All photographic exhibits that are required to be physically filed must be filed in JPEG, PNG, or TIFF formats and must be filed with the Court in one of the data storage media types identified in paragraph F of this rule.

(C) Audio exhibits: If an audio recording is part of the record, the audio file must be included as an MPEG-1 Audio-Layer 3 file (usually referred to as .mp3). The preferred sampling rate for the file is 44.1 kHz and the preferred bit rate for the audio file is 64 Kbits/second, though the Court may request bit rates as high as 128 Kbits/second. The mp3 audio files must use a constant bit rate. The files must not be password-protected, encrypted, or protected by rights management. Each audio file must not exceed 100 MB. If the recording is too long to fit in one file, it may be broken into multiple files.

(i) In the event a party has an audio exhibit in a non .mp3 format that cannot be converted to that format, upon approval of the Court, the party may file such audio exhibit in formats supported by media players identified in paragraph (E) below. If an exceptional circumstance requires use of a media player other than one identified in paragraph (E), then the submitter will comply with paragraph (E)(i).

(D) If a video recording is part of the record, the video file must be included as an MPEG-4 Part 14 file (usually referred to as .mp4). Data compression is encouraged; though the submitter must assure that the video and audio content have sufficient quality. The files should not be password-protected, encrypted, or protected by rights management. Each video file must not exceed 5 GB. If the recording is too long to fit in one file, it may be broken into multiple files.

(i) In the event a party has a video exhibit in a non .mp4 format that cannot be converted to that format, upon approval of the Court, the party may file such video exhibit in formats supported by media players identified in paragraph (E) below. If an exceptional circumstance requires use of a media player other than one identified in paragraph (E), then the submitter will comply with paragraph (E)(i).

(E) Media Players: The Court supports the following media players: Quick Time (Apple), VLC media player (VideoLAN Organization), or Windows media player (Microsoft).

(i) If an audio or video exhibit requires a player not supported by the Court, the party receiving approval from the Court may file the exhibit with the software necessary to view or

play the file included on the same Digital Video Disc or USB Flash Drive. It must be clearly noted that a non-supported player is included on the storage media and/or the cover sheet required under the provisions of paragraph (G) below.

(G) All photographic, audio, and video exhibits must be filed with the Court on a physical Digital Video Disc "DVD" or a USB Flash Drive, labeled with the case number and attached to a cover sheet with the case caption, the name and contact information of the submitting party, and a description of the contents of the exhibit.

(H) Separator Pages: If an exhibit number is not on the exhibit image or in the exhibit file name, there must be a video/photo frame or page preceding the image to show the exhibit number.

(I) Electronic Media Exhibits – File security

All electronic photographic, audio, and/or video exhibits shall be screened by the Court to confirm the exhibit does not contain a virus or other malicious computer code. Materials submitted for filing found to contain a virus or malicious computer code shall be rejected for filing according to the provisions of paragraph 16(D) of this rule.

(12) Waiver of the Requirement to e-file for attorneys:

(A) If e-filing is mandatory and an attorney is unable to e-file 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 make waiver request forms available on the court website. The Court will consider each application and provide a written approval or denial to the attorney. Waivers will be granted on a case-by-case basis. 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 e-filing 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.

(13) 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 \$15.00 fee against the attorney for each paper document filed.

(14) Character of e-filed items: Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents that are not e-filed.

(15) Time of Filing, Confirmation, and Rejection:

(A) Time of Filing

(i) A party whose filing is untimely as the result of a technical failure of the Court's e-filing application may seek appropriate relief from the Court. The Court shall consider its e-filing application to be subject to a technical failure if the site is unable to accept filings, either continuously or intermittently, for more than one hour after 10:00 a.m. on any court day. Known systems outages will be posted on the Court website. Users are responsible for monitoring the Court website to be aware of regularly scheduled down time for maintenance.

(ii) Problems on the filer's end (such as phone line problems, problems with the filer's Internet Service Provider, or hardware or software problems) will not constitute a technical failure under this rule, nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end should explore other e-filing options. The filer's login and password will work on any computer that has internet access, e.g., at the library, home computer, or in commercial business service centers.

(iii) Filing a document electronically does not alter filing deadlines.

(iv) Any document filed electronically shall be considered as filed with the Clerk of the Court upon review and acceptance, and the transmission has been completed with the affixing of the Clerk's electronic filing stamp.

a) If the electronic filing is not filed with the Clerk because of (1) an error in the transmission of the document to the Court, which was unknown to the sending party or (2) A failure to process the electronic filing when received by the Court, the Court may, upon satisfactory proof, enter an order permitting the document to be subsequently filed effective as of the date filing was first attempted.

b) In the case of a filing error, absent extraordinary circumstances, anyone prejudiced by the Court's order to accept a subsequent filing effective as of the date filing was first attempted, shall be entitled to an order extending the date for any response, or the period within which any right, duty, or other act must be performed.

(c) The transmission date and time of transfer shall govern the electronic file mark. Pleadings received by the Clerk before midnight on a day the courthouse is open shall be deemed filed that day. If filed on a day the courthouse is not open for business, the document will be deemed filed the next business day.

(16) Confirmation of Filing:

(A) Upon receipt of submission of an electronic document to the Court, the Clerk shall issue a confirmation to the Subscriber. The confirmation shall indicate the time and date of receipt and serve as proof that the document has been submitted to the Clerk. A Subscriber will receive e-mail notification from the Clerk if a document is accepted or rejected for filing by the Clerk. In that event of rejection, the Subscriber may be required to re-file the document to meet necessary filing requirements.

(B) In the absence of the Court's confirmation of receipt and filing, there is no presumption that the Court received and filed the document. The filer is responsible for verifying that the Court received and filed any document that was submitted to the Court electronically using the Court's e-filing application.

(C) Each document reviewed and accepted for filing by the Clerk of Court shall receive an electronic file stamp. The stamp shall be endorsed in the name of the Clerk by the deputy clerk accepting the filing, and shall include the identification of the Court, the official time, and date of filing and contain the word "FILED". This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line. Electronic documents are not officially filed without the electronic filing stamp. Filings so endorsed shall have the same force and effect as documents time stamped in the conventional manner.

(D) Each document reviewed and rejected for filing by the Clerk of Court shall receive an electronic rejected file stamp. The stamp shall be endorsed in the name of the Clerk by the deputy clerk accepting the filing, and shall include the identification of the Court, the official time, and date of filing and contain the phrase "REJECTED FOR eFILING". This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line.

(17) Authentication of Electronic Documents.

(A) Filers agree to protect the security of their login credentials, including passwords and immediately notify the Court if they learn that their login credentials have been compromised. Sharing of login credentials with

anyone is strictly prohibited. Filers may be subject to sanctions for failure to comply with this provision.

(B) Any document filed electronically, including all pleadings, motions, documents, etc., using a verified user authentication shall be deemed to have been signed by the holder of the user authentication and shall bind the signer and function as the signer's signature for any purpose, including CRLJ 11.

(i) Documents containing facsimile or typographical signatures may be filed electronically and shall be deemed to have been signed in person by the individual.

(ii) When a document has been filed electronically, the official record is the electronic record of the document as stored by the Court, and the filing party is bound by the document as filed.

(iii) Original signatures of all non-electronic filers must be obtained before filing the document. The document must indicate the identity of each non-registered signatory. The filing party must retain the original document until one year after the date that the judgment has become final by the conclusion of direct review or the expiration of the time for seeking such review.

(iv) Where a Clerk is required to endorse a document, the typed name of the clerk shall be deemed to be the clerk's signature on an electronic document.

(18) Collection of Fees:

(A) The e-filing of a document requiring payment of a statutory filing fee to the Clerk of the Court in order to achieve valid filing status shall be filed electronically in the same manner as any other e-file document.

(c) Reserved by state rule.

(d) Reserved by state rule.

(1) Reserved by state rule

(2) Reserved by state rule

(A-C) Reserved by state rule

(D) Law enforcement officer signatures on documents signed under penalty of perjury.

(i) Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision & Traffic Online Records (SECTOR) application, the Law Enforcement Records Management System (LERMS), the Justice Information Network Data Exchange, Automated Traffic Safety (ATS) Axis™ or the local secured system "Xpediter" used by the County of Spokane and City of Spokane. Unless otherwise specified, the signature shall be presumed to have been made under penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the citation.

(E) Judicial Electronic Signatures:

(i) Judicial officers may sign orders and search warrants with a digital or electronic signature, as defined in GR 30. In addition, documents may be signed by judicial officers using an electronic form that contains an electronic copy of the judicial officer's signature so long as the form is saved only on a directory that is accessible only by the judicial officers. and so long as the electronic signature is protected so that it cannot be electronically copied.

(ii) The printed version of these documents shall constitute an original order and shall be placed in, and become part of, the Court or search warrant return file.

(iii) Nothing herein alters the ability of the judge to sign documents in person or delegate the affixing of signatures by others if allowed by law or court rule.

(iv) This rule may be amended or supplemented during the year by general order.

(Adopted Sept. 1, 2011; amended effective June 23, 2011; amended effective Feb. 2, 2016; amended effective Sept. 1, 2017; amended effective Sept. 1, 2019; amended effective Sept. 1, 2021, amended effective Sept. 1, 2023)

SPMCRRLJ 3.1
ASSIGNMENT OF COUNSEL

(d) Assignment of Lawyer.

(1)(a) A determination of financial eligibility is valid for one hundred eighty (180) days or disposition, so long as the Defendant's financial circumstances have not materially changed.

(e) Reserved by state rule

(i) Withdrawal of Public Defender. Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation of the Defendant on any given case as follows:

(A) Sixty (60) days following a final decision entered by the Court on each count associated with the case, with the exception of therapeutic court dockets.

(B) One hundred eighty (180) days in warrant status.

(C) All automatic withdrawals under the provisions of this rule shall be effective without any requirement that the withdrawing attorney appointed at public expense file a Notice of Intent to Withdraw with the Court.

(D) A "final decision" includes the Court's entry of an Order of Dismissal, judgment of "not guilty," judgment of "guilty," finding the defendant not competent to stand trial, an Order Granting Deferred Prosecution, a Stipulated Order of Continuance, or any other similar disposition.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2017; amended effective Sept. 1, 2021; amended effective Sept 1, 2023)

SPMCrRLJ 3.2
RELEASE OF ACCUSED

(o) Bail in Criminal Offense Cases - Mandatory Appearance.

(2) Reserved by state rule

(a) Any person arrested by a Law Enforcement Officer on Probable Cause (without an arrest warrant) for the below listed offenses shall be held in jail pending the Defendant's First Appearance in the absence of a judicial order:

(i) An offense classified as Domestic Violence under Chapter 10.99 of the Revised Code of Washington or an equivalent local ordinance.

(ii) An offense classified as Harassment and/or Stalking under Chapters 10.14 and/or 9A.46 of the Revised Code of Washington or an equivalent local ordinance.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended adopted Sept. 1, 2019; amended effective Sept. 1, 2021; amended adopted Sept. 1, 2023)

SPMCrRLJ 3.3
TIME FOR TRIAL

(f) Continuances.

(f)(1-2) Reserved by state rule

(3) Form and Procedure. A continuance in a criminal matter shall be requested using the current form published by the Spokane Municipal Court, specifically stating the facts constituting “good cause” necessary to support the continuance request under the provisions of the Court’s Continuance Policy.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2019; amended effective Sept. 1, 2021; amended effective Sept 1, 2023)

SPMCrRLJ 4.1
ARRAIGNMENT

(g) Appearance by Defendant's Lawyer.

(g)(1-6) reserved by state rule

(7) Attorneys retained by defendants, or public defenders who have assumed representation of defendants, must promptly serve written notice of their appearance upon the prosecuting attorney, and file the same with the Clerk. The notice of appearance shall be contained in a separate document.

(8) The appearance or the plea of not guilty shall be made only in writing or in open court, and eliminates the need for a further arraignment, except in cases in which one or more of the charges involves domestic violence, driving under the influence, physical control, stalking, firearms or any other offenses for which the defendant's presence is mandated by law.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2017; amended effective Sept. 1, 2021; amended effective Sept. 1, 2023)

SPMCrRLJ 4.2
PROCEDURE UPON A PLEA OF GUILTY

(i) Written Statement. Guilty plea forms are available on the Washington State Court website <http://www.courts.wa.gov/forms>.

(j) Deferred Prosecution

(1) A Petition for Deferred Prosecution shall be filed at the time a defendant moves the court to grant a deferred prosecution under RCW Chapter 10.05. The petition shall be substantially in the form provided on the Washington State Court website (<http://www.courts.wa.gov/forms>).

(2) The written assessment prepared by an approved treatment facility shall be accompanied by a recommendation from Municipal Probation, or such other Court Designee authorized under Chapter 10.05 of the Revised Code of Washington.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2023)

SPMCrRLJ 4.7
DISCOVERY

(e) Discretionary Disclosures.

(1-2) Reserved by state rule

(3) Any motion for items and information not covered by Section (a) and (d) of CrRLJ 4.7 shall be accompanied by an affidavit or sworn declaration setting forth in detail the reasons the requested items and information are material and significant enough to amount to a denial of the right to a fair trial, if not ordered discoverable, so that the Court may have a basis for its ruling.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2021; amended effective Sept. 1, 2023)

SPMCrRLJ 6.3
SELECTING THE JURY

(a) When the case is called for trial, the jurors shall be selected at random from the jurors summoned who have appeared and have not been excused.

(b) A party seeking a venire panel consisting solely of City of Spokane residents must make this request no less than six (6) weeks before the scheduled trial, pursuant to the requirements of Spokane County Jury Management.

(c) In the event that a requested jury panel is no longer needed, the requesting party must cancel the request no later than 12:00 p.m. the day prior to trial; untimely cancellation without good cause may subject the requesting party to be assessed costs for incurred jury management expenses.

(Adopted effective Sept. 1, 2017; amended effective Sept. 1, 2021; amended effective Sept. 1, 2023)

SPMCrRLJ 8.2
MOTIONS

(a) Calendar Settings.

All motions shall be initiated and scheduled by filing a note for "Motion" form with the Court Clerk, containing the date and time of Motion and relief sought.

(b) Dispositive Motions and Motions to Suppress Evidence.

Dispositive Motions and Motions to Suppress shall be filed and served at least three (3) weeks prior to the hearing and heard not later than one (1) week before the case is set for trial. The responding party shall file and serve any responding brief or memoranda one (1) week prior to the Motion Hearing. A rebuttal brief shall be filed and served no later than three (3) days prior to the hearing. However, the Court may waive these requirements if due diligence has been shown or justice otherwise requires. It is the duty of the moving party to notify the assigned Judge by noon of the day prior to the motion day if oral testimony is required and provide an estimated length of time required for the Motion. This rule does not authorize oral testimony when the facts can be adequately presented by affidavit and other documentary evidence.

(c) Agreed Orders - Criminal Cases.

Agreed Orders may be presented ex parte for approval or denial by any Judge or Commissioner. Submitted orders that are denied must be noted on the Order and initialed by the Judicial Officer making that decision.

(d) Copies of Motions, Memoranda and Affidavits.

A copy of the motion, brief, memorandum, documents and affidavits shall be furnished to the Judge after the originals have been filed. Responding briefs, memoranda, and other documents shall also be filed with the Clerk, and copies furnished to the assigned Judge. Working copies shall be delivered to the Judicial Assistant by hard copy or e-mail in Microsoft Word or Adobe Acrobat format. Working copies must contain a notation in the caption with the date, time, and courtroom location of the motion and the notation "Working Copy."

(e) Motion Hearing Procedure.

Oral argument on motions shall be limited to ten (10) minutes for each side unless the Judge determines otherwise, in which case the motion may be placed at the end of the calendar.

(f) Reconsideration of Motions.

A motion for reconsideration shall be clearly labeled. Motions for Reconsideration may not simply re-argue the original motion, but must allege a change in law or circumstances that would materially affect the Court's prior decision on the motion and may be summarily denied. A response to a Motion for Reconsideration may be filed, but is not required unless requested by the Court. The request will set a time when the response is due, and may limit the response to particular issues or points raised by the motion.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2021; amended effective Sept. 1, 2023)

SPMcrRLJ 8.4
SERVICE, FILING AND SIGNING OF PAPERS

(c) Filing with the Court.

(1) All pleadings must contain the case number(s) noted above the document title. Pleadings that do not include the correct case number may be rejected by the Clerk or returned by the Court.

(Adopted effective Sept. 1, 2011; amended effective Sept. 1, 2021)

SPMIRLJ 2.2
INITIATION OF INFRACTION CASES

(d) Filing of Notice.

(1) Whenever a Notice of Infraction has been issued and not filed with the Court within 5 days of issuance, the Clerk or his/her designee shall note the citation as "Dismissed without prejudice on Court's motion per SPMIRLJ 2.2," and provide written notification to parties.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2021; amended effective Sept. 1, 2023)

SPMIRLJ 2.6
SCHEDULING OF HEARINGS

(a) Contested Hearings.

(1)(i) The procedure authorized in IRLJ 2.6 (a)(1)(i) for scheduling of a prehearing conference is adopted by this Court.

(ii) This rule applies to traffic infractions involving collisions, traffic infractions involving overweight vehicles, all violations cited under the Spokane County Code, and all violations cited under the Spokane Municipal Code excluding those citations issued under title 16A.

(Adopted Jan. 27, 2012; amended effective Sept. 1, 2023)

SPMIRLJ 3.3
PROCEDURE AT CONTESTED HEARING

(f) Motions and objections. The Court will not consider dispositive motions or motions to suppress evidence at the time of the contested hearing. Said motions must be brought prior to the contested hearing, pursuant to CRLJ 7(b), CRLJ 11(a) and (b), and SPMIRLJ 6.8. If either party objects during the contested hearing to the admission of certain evidence, and the Court deems that if sustained suppression of the evidence would be dispositive of the case, the Court may at its discretion continue the hearing for briefing on the issue unless briefing was previously served on the Court and the opposing party at least 48 hours prior to hearing.

(Adopted effective Sept. 1, 2018; amended effective Sept. 1, 2019, amended effective Sept. 1, 2023)

SPMIRLJ 3.4
HEARING ON MITIGATING CIRCUMSTANCES

(a-c) Reserved by state rule

(d) All requests for mitigation shall be heard by written statement, pursuant to IRLJ 3.5(3) and any other applicable rule.

(Adopted effective Sept. 1, 2023)

SPMIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

(a-b) Reserved by state rule

(c) The court has adopted the local option for decisions on written statements, as provided in IRLJ 3.5(a).

(1) If a defendant elects to contest by written statement, the clerk shall notify the prosecuting authority, who may submit additional evidence for consideration. Any additional evidence must be received by the clerk no later than two days prior to the scheduled review. This rule does not authorize the Court to consider any evidence not specified in IRLJ 3.5(a). This notice requirement does not apply to: (i) infractions issued through the parking enforcement system or infractions issued through a photo enforcement system.

(2) If a defendant elects to contest by written statement, the case shall not be set for a prehearing pursuant to SPMIRLJ 2.6.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2012; amended effective Sept. 1, 2021; amended effective Sept. 1, 2023)

SPMIRLJ 6.8
MOTION PRACTICE

- (a) Pending Cases. All motion settings shall be served on the prosecuting authority five (5) days prior to the date of the hearing. It will be at the discretion of the judicial officer, after ruling on the motion, whether the infraction can then proceed to contested hearing immediately, or be reset on a contested docket. Failure to comply with the above procedure may result in the Court striking the motion.

- (b) Adjudicated Cases. All motions shall be heard in chambers without a scheduled hearing. If the judicial officer determines that the motion raises substantial issues, the clerk shall set the case for hearing and notify the prosecuting authority.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2023)