

LARLJ 11

PROBATION DEPARTMENT

A misdemeanor probation department is established under the authority of ARLJ 11.

[Effective 1 September 2019]

= = = = =

LGR 16

RECORDING OF PROCEEDINGS

The recording or dissemination of the broadcast of any court proceedings through video conferencing is not permitted without written permission of the judicial officer conducting the hearing.

[Effective 1 September 2022]

= = = = =

LGR 17

ORIGINAL DOCUMENTS REQUIRED

Only the original of all pleadings, motions and other papers (including reports from treatment agencies) may be filed with the Clerk of the Court except that pleadings and motions may be filed pre-trial by facsimile transmission. No post-trial documents of any sort may be filed by facsimile transmission, except with the Court's permission.

[Effective 1 January 2006; Amended 1 September 2011]

= = = = =

LGR 21

EMERGENCY COURT CLOSURE

The Presiding Judge or, the Presiding Judge's absence, any judge pro tempore or, in the absence of a judge pro tempore, the Court Administrator, may close the court if weather, technological failure or other hazardous or emergency conditions or events are or become such that the safety and welfare of the employees are threatened or the court is unable to operate or demands immediate action to protect the court, its employees or property. It is the responsibility of the official ordering closure to notify the Office of the Administrator for the Courts of any decision to close a court both by electronic (telephone or e-mail) means and by forwarding a copy of the written order.

[Effective 1 September 2019]

= = = = =

LCrRLJ 2.2

WARRANT OF ARREST

(a) Warrants issued by the Court will specify whether a bond or bail may be posted to secure the release of the defendant. A warrant for \$5,000 or less may be quashed administratively by the Clerk of the Court upon the payment of a one hundred dollar warrant fee. No-bail warrants are not subject to this procedure.

(b) A written motion to quash any warrant may be made at any time and will be considered without a hearing.

[Effective 1 September 2002; Amended 17 August 2007]

= = = = =

LCrRLJ 3.1(e)

WITHDRAWAL OF COUNSEL

Once an attorney has been assigned and/or has filed notice of appearance in a criminal case and a trial date has been set, that attorney may withdraw from the case only with the consent of the court for good cause shown. If the withdrawal is mandated by the Rules of Professional Conduct, it will be granted upon the filing of a written motion and affidavit setting forth the reason. If a represented defendant fails to

appear for any hearing and the Court issues a warrant for the Defendant's arrest, an oral motion to withdraw may then be granted by the Court. All other motions to withdraw will be granted only upon the simultaneous substitution of counsel who is prepared to proceed on the scheduled trial date or upon the defendant's knowing, voluntary and intelligent decision to proceed without counsel.

[Effective 1 September 2002]

= = = = =

LCrRLJ 3.2(o)

RELEASE OF ACCUSED -- BAIL SCHEDULE

The Court adopts the following bail schedule pursuant to CrRLJ 3.2(b)(7) and CrRLJ 3.2(o):

(a) Domestic Violence Offenses: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for any crime alleging domestic violence under RCW 10.99.020(5).

(b) Driving Under the Influence/Physical Control: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for Driving Under the Influence pursuant to RCW 46.61.502 or Physical Control of a Motor Vehicle While Under the Influence pursuant to RCW 46.61.504, if:

1. Law enforcement or the jail has knowledge that the person has a prior offense as defined in RCW 46.61.5055; or,
2. Based on a review of the information available to the officer at the time of arrest or the jail at the time of booking that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(c) Sex Offenses and Sexual Motivation: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for any crime alleging a sex offense as defined by RCW 9A.44.128(10) and any crime with a special allegation of Sexual Motivation under RCW 9.94A.835.

(d) Stalking: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for Stalking under RCW 9A.46.110.

[Effective September 1, 2022]

= = = = =

LCrRLJ 3.2
RELEASE OF ACCUSED--BONDING REQUIREMENTS

Surety under CrRLJ 3.2(a)(5) or for any other purpose may be posted by any company and any agent authorized, licensed and/or justified to post bonds by the Washington State Department of Licensing under RCW 18.185 and by the Superior Court of Snohomish County.

[Effective 1 September 2002]

= = = = =

LCrRLJ 4.2 (i)
DEFERRED PROSECUTION

An order deferring prosecution under RCW 10.05 will be granted only to a petitioner who is participating in the proposed treatment plan at the time the order is entered.

[Effective 1 September 2001]

= = = = =

LCrRLJ 4.5
PRETRIAL MOTIONS

(a) Confirmation Required. Two court days prior to the calendared hearing date, the party demanding a CrRLJ 3.5 hearing and the moving party for all motions filed pursuant to CrRLJ 3.6, LCrRLJ 3.7(b), CrRLJ 8.3 and any other motion to suppress evidence or motion to dismiss, shall telephone the clerk of the court or email confirmation to Justice@LynnwoodWA.gov prior to 12:00 PM, and confirm that the motion is going to proceed.

Confirmation must include the name of the person confirming, the party they represent, the case number, and whether the defendant is in custody. Failure to confirm may cause the case to be stricken from the motion calendar.

(b) Pre-Trial Motions. Unless otherwise ordered by a Judicial Officer, motions pursuant to CrRLJ 3.5 and CrRLJ 3.6 shall be heard not later than 1 week prior to the trial date.

(c) Timing. The filing, content and calendaring of motions is governed by CrRLJ rules 3.6, 8.1 and 8.2, except that any responsive pleadings must be filed and served not later than noon on the court day before the scheduled hearing.

[Effective 1 September 2011, Amended 1 September 2022]

= = = = =

LCrRLJ 6.1.1

CONFIRMATION OF JURY TRIAL

(a) Jury trials are normally held on alternating Wednesdays each month, unless the Court otherwise directs.

(b) No later than noon of the Monday preceding the jury trial date assigned, both the prosecutor and the defendant, if appearing pro se, or the defendant's attorney, if the defendant is represented by counsel, shall contact the jury clerk of the Court and confirm that the case is going to proceed to jury trial as scheduled or advise the clerk that some other disposition has been reached by the parties. Such contact may be accomplished by telephone or by emailing Justice@LynnwoodWA.gov.

(c) Failure of a party to confirm a case for jury trial may cause the jury trial to be stricken. If a party has not confirmed a case for jury trial, the opposing party need not have its witnesses present on the date of the jury trial.

(d) Failure of a defendant, if appearing pro se, or a defendant's attorney, if the defendant is represented by counsel, to confirm a case for jury trial shall (1) constitute good cause to continue the jury trial to the next regular jury term, and (2) constitute a waiver of the defendant's right to speedy trial until the next regular jury term.

(e) Dispositions of cases set for jury trial may be heard on the jury trial date.

[Effective 1 September 2002; Amended 1 September 2019, Amended 1 September 2022]

- - - - -

LCrRLJ 6.15(a)

JURY INSTRUCTIONS

Proposed jury instructions which conform exactly to the latest edition of Washington Pattern Jury Instructions may be served and filed on the day of trial. Proposed jury instructions which deviate in any respect from Washington Pattern Jury Instructions shall be served upon the lawyer for each party and filed with the clerk no later than ten (10) days prior to the trial date.

[Effective 1 September 2002]

= = = = =

LCrRLJ 8.2

MOTIONS TO VACATE CONVICTIONS

Motions and proposed orders to vacate a gross misdemeanor or misdemeanor conviction under RCW 9.96.060 shall be made only on the form provided by the Office of the Administrator for the Courts.

[Effective 1 September 2019]

LCrRLJ 8.3

Motions

Every ex parte motion on any subject submitted to the court for decision will include a statement that a copy has been provided to the opposing party or counsel. A motion without such statement will not be considered by the court.

[Effective 1 September 2019]

= = = = =

LIRLJ 3.1 (b)

CONTESTED HEARINGS - PRELIMINARY PROCEEDINGS -- DISCOVERY

(1) In any case where the City intends to call or to rely upon the sworn statement of a local law enforcement officer, the duty to provide a list of witnesses to the Respondent may be met by

providing a copy of the citing officer's sworn statement on which the officer is identified.

(2) No motion to dismiss or to suppress evidence will be granted for failure to provide discovery not required by IRLJ 3.1(b) unless the moving party has previously obtained an order from the Court compelling production of the additional discovery.

[Effective 1 September 2001.]

= = = = =

LIRLJ 3.1(f)

CONTESTED HEARINGS--PRELIMINARY MOTIONS

Motions challenging the authority of the Court, the constitutionality of the Court, the constitutionality of any statute, ordinance or court rule pertaining to an infraction, the authority of the prosecuting attorney prosecuting an infraction, and/or the authority of the law enforcement agency or officer filing an infraction must be made in writing. Such motions, together with citations to authority and argument, must be filed with the Court and served upon the opposing party no later than fourteen days prior to a contested infraction hearing. Such motions may be decided by the Court with or without oral argument, as the Court may determine.

[Effective 1 September 2002]

= = = = =

LIRLJ 3.3(b)

PROCEDURE AT CONTESTED HEARING

At a contested hearing, the plaintiff shall be represented by an attorney.

[Effective 1 September 2002]

= = = = =

LIRLJ 3.5

DECISION ON WRITTEN STATEMENTS

At the request of the Respondent, the Court will conduct a

mitigation hearing authorized by RCW 46.63.100 or consider a petition to defer a finding under RCW 46.63.070(5), or conduct a contested hearing authorized by RCW 46.63.090, upon the written statements of the City's witness(es) and the Respondent, pursuant to IRLJ 3.5. A petition for a deferred finding which is denied by the Court will be treated as a request for a mitigation hearing on written statements.

[Effective 1 September 2001; amended affective 1 September 2002]

= = = = =

LIRLJ 6.6 (b)

SPEED MEASURING DEVICE EXPERT

A request for the production of an SMD expert at the contested hearing shall be made in a document separate from any and all other requests, demands and/or notices.

[Effective 1 September 2001.]

= = = = =