

IX. LOCAL CRIMINAL RULES (LCrR)

Local Criminal Rule 1 REVIEW OF SEALED AFFIDAVITS AND SEARCH WARRANTS

- A. Review.** The court may review orders sealing search warrants and/or affidavits in support thereof at any time upon the request of the prosecuting attorney or upon motion of the court.
- B. Notice to and Response from Prosecuting Attorney.** In each case in which the court reviews a previously entered order sealing a search warrant and/or affidavit in support thereof, the prosecuting attorney will be provided at least fourteen (14) days prior written notice of such review. Prior to such review the prosecuting attorney may submit to the court a memorandum generally setting forth the state's position with regard to unsealing all portions of or none of the sealed affidavit and/or search warrant.
- C. Filing of Responsive Memoranda.** The original of any memorandum submitted pursuant to subsection (B) will be filed, unsealed, with the order sealing the affidavit and/or search warrant, and the prosecuting attorney will provide a bench copy to the court via eMotion or hard copy provided to the Court Administration office. The court will consider any requests by the State to seal all or portions of any affidavits or declarations filed in support of the State's memorandum, and, if granted, enter an appropriate order.
- D. Order on Review.** After considering the State's position and reviewing *in camera* the order and the affidavit and/or search warrant sealed pursuant thereto, the court will enter an order that (a) the affidavit and/or search warrant continue to be sealed as previously ordered, (b) designated portions of the affidavit and/or search warrant continue to be sealed and that the remainder thereof be unsealed, or (c) the affidavit and/or search warrant be unsealed.

[Adopted Effective September 1, 2004; Re-Formatted Effective September 1, 2023; Amended and Re-numbered Effective September 1, 2024]

Local Criminal Rule 3.1 RIGHT TO AND ASSIGNMENT OF COUNSEL

- A. Services Other than Counsel.** Pursuant to the authority under CrR 3.1(f), all requests and approval for expert services expenditures are hereby delegated to the Franklin County Office of Public Defense for Franklin County matters and to the Benton County Office of Public Defense for Benton County matters. Where services are denied in whole or in part, the defendant may move for *de novo* review to the Presiding Judicial officer.
- B. Upon Appeal.** In cases involving appeals from another court to the Superior Court in which the defendant wishes counsel to be appointed in the Superior Court on the basis of indigence, the following will apply:
 - 1. The trial attorney shall be responsible for:

- a. Perfecting the appeal to the Superior Court;
- b. Noting the issue of appointment of counsel upon the next criminal motion docket following the perfection of the appeal;
- c. Preparing an affidavit of indigence;
- d. Representing the defendant at such hearing; and
- e. The defendant shall be present at the hearing upon the motion to establish indigence.

[Adopted Effective April 1, 1986; Amended Effective September 1, 2003; September 1, 2009; Amended & Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Criminal Rule 3.2 RELEASE OF ACCUSED

- A. New Conditions of Release.** In the event that bail is forfeited for any reason, new conditions of release must be entered and a new bond posted. No order reinstating a previously forfeited bond shall be issued by the court; however, the court may, for good cause shown, vacate the judgment of forfeiture.
- B. Separate Bond Required.** All case filings wherein conditions of release requiring bail are set shall require a separate and distinct bond posted by the surety in the specific amount specified for each case. A bond in the aggregate amount for multiple cases will not be allowed, nor shall any order be presented to the court that fails to specify the exact amount of bail for each matter addressed in the order.
- C. Bench Warrant after Failing to Appear in Response to a Summons.** Any time a defendant fails to appear in response to a summons where it is shown that the summons was not deliverable to the address where sent, and a bench warrant is issued, bail shall be initially set at the sum of \$100.00.

[Adopted Effective September 1, 2026]

Local Criminal Rule 3.4 COURT APPEARANCE OF DEFENDANTS

- A.** All preliminary and timely arrangements for the court appearances of any defendant held in custody shall be the responsibility of the Prosecutor in charge of the case.
- B.** Appearance by the defendant is mandatory at any Pre-Trial hearing if the defendant is calling ready for trial, and at any Trial Readiness/Trial Priority hearings, because appearance by the Defendant at such hearing(s) is necessary to advance a defendant's case and for the orderly and efficient administration of court resources. "Appearance" means in person, or by Webex, unless ordered to appear in person by the court. Failure of a defendant to appear at any hearing, including Trial Readiness/Trial Priority, could result in a "Failure to Appear" to be noted by the Clerk, a bench warrant to be issued, and/or the matter to be reset to the regular criminal

docket to reset trial dates at the discretion of the judicial officer. This local court rule shall not be construed to limit the authority of a judicial officer to order the in-person appearance of any defendant for any hearing for good cause pursuant to CrR 3.4(d).

[Adopted Effective April 1, 1986; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024; Amended Effective September 1, 2025]

Local Criminal Rule 3.5 CRIMINAL MOTION DOCKET

A. Order of Proceedings. CrR 3.5 and CrR 3.6 matters shall be scheduled and heard prior to submission of the joint pre-trial report.

B. Criminal Motion Docket. All motions filed pursuant to CrR 3.5 or CrR 3.6 shall be noted on the Criminal Motion docket in the respective County where the matter is filed. Matters noted on the Criminal Motion docket must be confirmed by the moving party in accordance with the rules outlined below.

1. *Benton County.* Held every **Friday** from 8:30 a.m. to 12:00 p.m. and consist of three of three (3) sessions:

- a. 8:30 a.m. to 10:00 a.m., with two cases set for 45 minutes each;
- b. 10:00 a.m. to 10:15 a.m.; and
- c. 10:30 a.m. to 12:00 p.m.

2. *Franklin County.* Held every **Wednesday** from 2:30 p.m. to 4:00 p.m.

C. Time Limits. No party may schedule a matter that is reasonably expected to exceed the allotted session time. Such matters must be set as special-set hearings under LMR 6 (A)(2) and (4).

D. Judicial Discretion. The presiding judicial officer may extend the time for a matter if no other matter is scheduled in the session or may extend a session if the following session contains no scheduled matter.

E. Matters Heard on the Criminal Motion Docket.

1. The Criminal Motion Docket is limited to the following matters:

- a. CrR 3.5 and 3.6 hearings;
Bail hearings expected to exceed ten minutes;
Knapstad motions;
Motions to withdraw pleas;
Lengthy sentencing hearings;
DOSAs revocation hearings;
Contested restitution hearings;

Motions under CrR 8.3;
Motions under CrR 7.4;
Motions under CrR 7.5;
CrR 7.8 motions not referred to the Court of Appeals;
Motions for joinder, consolidation, or severance under CrR 4.3, 4.3.1, and 4.4;
Pre-trial or post-judgment proceedings requiring testimony.

2. Matters deemed too lengthy by a judicial officer. The name of the judicial officer who made that determination must be on the Note for Docket.

F. Matters Not Permitted. Changes of plea, motions to continue, and similar matters are not permitted on the Criminal Motion Docket unless prior authorization is obtained from a judicial officer. Such authorization shall be noted on the Note for Criminal Motion Docket.

G. Briefing Requirements. The moving party shall serve and file a brief and witness list, if applicable, for any CrR 3.6 matters, or a witness list for any CrR 3.5 hearings, at the same time as filing the Note for Docket. The responding party shall serve and file any response and/or witness list no later than two (2) court days before the hearing. Bench copies shall be provided in accordance with LCrR 8.11.

H. Witness Lists. Any party intending to call witnesses shall file and serve a witness list with a two- to three-sentence summary of the anticipated testimony of each witness. The witness list shall be filed, served, and uploaded to eMotion at the same time and under the same deadlines applicable to the Note for Docket and briefing.

I. Scheduling Procedure. Hearings shall not be scheduled or announced on regular criminal dockets. Counsel or unrepresented litigant scheduling a matter on the Criminal Motion Docket shall:

1. File and serve a Note for Criminal Motion Docket at least five (5) business days prior to the requested hearing date; and
2. File and serve all documents required under CrR 8.2, CR 7, and applicable local rules.

J. Out-of-Custody Defendants. Out-of-custody defendants, or counsel authorized under CrR 3.4 or emergency court rules, must sign the Note for Criminal Motion Docket to confirm notice.

K. Forms. Note for Criminal Motion Docket forms for Benton County and Franklin County shall be available in all courtrooms. Additional forms are available at www.courts.wa.gov/forms.

L. Interpreters. Parties requiring interpreters shall submit requests outlined in Local General Rule 11.

M. Confirmation. Parties shall confirm scheduled matters by email during the designated confirmation windows:

1. *Franklin County*: criminalconfirmations@franklincountywa.gov. Shall be confirmed on Monday between 7:00 and 11:00 a.m. prior to the docket. Unrepresented in-custody defendants may confirm by phone.
2. *Benton County*: criminalconfirmations@co.benton.wa.us. Shall be confirmed on Wednesday between 7:00 and 11:00 a.m. prior to the docket.
 - a. The first two matters confirmed for the 8:30 a.m. session shall be scheduled in that session.
 - b. The Judicial Assistant shall coordinate with the assigned judicial officer to designate the hearing times and shall transmit the docket to the criminal department clerks for each county.
 - c. Criminal clerks shall post and distribute the final docket pursuant to standard procedure.

[Adopted Effective September 1, 2024, Amended Effective January 1, 2026; Amended September 1, 2026; Reformatted Effective September 1, 2026]

Local Criminal Rule 4 PROCEDURES PRIOR TO TRIAL/DOCKETS

A. Benton and Franklin Counties.

1. At 9:00 a.m. (or as soon thereafter as possible), the Court will call all out of custody arraignment matters.
2. For any defendant with multiple cases on the docket, all of that defendant's cases will be called together using the first case that appears numerically.
3. If a matter is not ready to proceed when called, the Court may continue or strike it as appropriate.

B. County Specific Case Call Order.

1. Benton County: After arraignments, the Court will call the docket in numerical order.
2. Franklin County: The Court will first call in custody change of plea and sentencing matters, followed by out of custody matters and sentencing matters. The docket will then proceed in numerical order after the 9:00 a.m. arraignments.

C. Arraignments. Defendants must appear in person for arraignments unless the Court finds good cause to waive the requirement, such as the defendant residing out of state. See CrR 3.4(b).

D. Continuances and Waivers of Speedy Trial. Waivers of speedy trial, defense continuance requests, and agreed continuances must be memorialized in writing using the form provided by the Court.

E. Pre-Trial Setting. Pre-trials shall be set at least two weeks before trial, such that when a Joint Pre-Trial Report is filed, the Trial Readiness hearing will be set on the second Monday (both

counties) after pre-trial provided that such settings respect the rights of the parties as provided by law and/or court rule.

F. Modification/Termination of No Contact Orders. The prosecuting attorneys for Benton and Franklin Counties are responsible for coordinating the scheduling of hearings on the Criminal Docket with victims and with individuals requesting modification or termination of No-Contact Orders. They are also responsible for uploading all related court documents to eMotion.

G. Disqualification/Recusal. The court will schedule a conflict judge on the Benton County criminal dockets (if a judge is available). If a conflict judge is not available, the matter shall be continued for one week for good cause.

1. Parties may not request a conflict judge.
2. Parties shall not contact the Court Administration office/Judicial Assistants to request a conflict judge.
3. In the case of a critical stage hearing where continuance would affect a fundamental right of a party or person with an interest in the matter and provided the Court has notice thereof, the Court may vary this rule.

[Adopted Effective September 1, 2026]

Local Criminal Rule 4.2 PLEAS

A. Guilty Pleas and Sentencings. Defendants shall appear in-person for any change of plea and/or sentencing.

B. Change of Pleas on Prelims. Change of Pleas and/or Sentencings that need to be addressed promptly may be scheduled on the Preliminary Appearance docket if the matter is expected to last 20 minutes or less.

1. Change of Plea and/or Sentencings may also be set on the Criminal Docket if the matter does not need to be addressed promptly. Rules related to scheduling a Change of Plea and/or Sentencing on the Preliminary Appearance docket are outlined below:
 - a. When a Court Commissioner is scheduled to preside over the Preliminary Appearance docket, a conflict judge may be assigned.
 - b. Two (2) judges will not be assigned to preside over the Preliminary Appearance docket if the assigned judge has a conflict. The matter will need to be rescheduled. Parties should review the court's website for "today" and "tomorrow's" daily schedule.
 - c. Requests to special set a Change of Plea and/or Sentencing (20 minutes or less) outside of the Preliminary Appearance docket will not be approved unless the case is pre-assigned.

2. Change of Plea and/or Sentencings anticipated to last up to 45 minutes may be placed on the Criminal Motion Docket and are subject to the requirements outlined in those rules.
3. A Change of Plea and/or Sentencing anticipated to last more than 45 minutes shall be specially set following LMR 6(2) and (4).

C. Court Commissioners. Superior Court Commissioners appointed under Article 4, Section 23 of the Washington State Constitution or RCW 2.24.010 are authorized to accept and enter a plea of guilty.

[Adopted Effective September 1, 2026]

Local Criminal Rule 4.5 OMNIBUS HEARINGS

A. General Provisions. If all parties agree that an omnibus hearing would not be beneficial, then prior to the Omnibus hearing date, the Omnibus Order shall be presented ex parte along with a stipulation and order striking the Omnibus hearing which shall be signed by the prosecuting attorney and defense counsel or the *pro se* defendant.

[Adopted Effective April 1, 1986, Amended Effective September 1, 2011; September 1, 2018; September 1, 2019; September 1, 2021; February 1, 2023; Amended & Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Criminal Rule 4.11 CRIMINAL SPECIAL SET HEARINGS

A. General Provisions. No request by a party for a special setting in a criminal matter will be considered unless the parties have jointly emailed SpecialSets@co.benton.wa.us and have followed the Special Set rules as outlined in LMR 6(2) and (4).

B. Motion for Acquittal on Grounds of Insanity. For any motion filed under RCW 10.77.515 in which a pre-assigned judge has been designated, the filing party must submit a bench copy of the motion and supporting materials to: SpecialSets@co.benton.wa.us.

1. The moving party shall provide the date of speedy trial expiration in the said email, and the opposing party/counsel shall detail speedy trial expiration, if in disagreement.
2. Upon receipt of the bench copy, the Superior Court Administration's office will schedule a special-set hearing before the pre-assigned judge. The hearing date will be provided to the parties by the Court Administration's office.
3. The requesting party shall follow the special set rules outlined in LMR 6(2) and (4).

[Adopted Effective September 1, 2021; Amended & Re-Formatted Effective September 1, 2023; Amended and Re-numbered Effective September 1, 2024; Amended September 1, 2026]

Local Criminal Rule 4.12
EXPEDITED CONSIDERATION OF MOTIONS

- A. As necessary, to expedite the business of the court and in order to ensure the best use of judicial and court resources, criminal matters may be noted on a shortened-time basis on the daily preliminary docket, provided the note for docket cites to this rule.

[Adopted Effective September 1, 2017; Re-Formatted Effective September 1, 2023; Re-numbered Effective September 1, 2024; Amended Effective September 1, 2025]

Local Criminal Rule 8.11
BENCH COPIES FOR ADULT CRIMINAL MATTERS

- A. Not less than twenty-four (24) hours prior to any special set matter including sentencings, to any motion hearing, and/or any matter where the Department of Corrections or any treatment provider has filed any reports necessary for such hearing, including Pre-Sentencing Investigation reports, treatment compliance reports, or violation report(s), the moving party shall upload to eMotion bench copies of any document that either party intends to rely upon for the hearing, including bench copies of any briefing, memorandum of law, affidavits, reports, victim impact statements, etc. If a party does not have access to eMotion, hard copies of all bench copies must be provided to the Court Administration office no less than twenty-four (24) hours prior to the hearing.

[Adopted Effective September 1, 2024]

Local Criminal Rule 8.2
MOTIONS FOR RECONSIDERATION AND REVISION

- A. A Motion for reconsideration shall be governed by Local Civil Rule 59 as outlined in CrR 8.2. Revision by Court see RCW 2.24.050 and Local Civil Rule 59.

[Adopted Effective September 1, 2026]