

VII. 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 Court Administration. 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 3.4 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
3.5 / 3.6 MOTIONS DOCKET

- A. All motions filed pursuant to CrR 3.5 or CrR 3.6 shall be noted on the 3.5/3.6 docket in the respective County where the matter is filed. Matters noted on the 3.5/3.6 docket must be confirmed by the moving party in accordance with the procedure on the Court's Website.
- B. 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 Motion 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.
- C. It is the expectation of the Court that CrR 3.5 and/or CrR 3.6 matters and/or any pre-trial motions which do not have to be heard by the trial judge will be heard prior to the start of trial. Failure to resolve CrR 3.5 and/or CrR 3.6 matters prior to the Trial Readiness hearing could result in the trial being continued at the discretion of the judicial officer.
- D. For a complete list of what matters can be noted on the 3.5/3.6 docket, see the Court's Website. Failure to confirm a matter in accordance with the Court's procedure will result in the matter being stricken.

[Adopted Effective September 1, 2024]

Local Criminal Rule 4.5
OMNIBUS HEARINGS

A. General Provisions.

- 1. 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 Process as outlined on the Website.

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

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 motion 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 Court Administration no less than twenty-four (24) hours prior to the hearing.

[Adopted Effective September 1, 2024]