

# MUNICIPAL COURT APPEALS INSTRUCTIONS

## INFRACTION AND CRIMINAL CASES

These instructions are intended to give you an overview of the procedures to follow to appeal your case. You should also consult the Rules for Appeal of Decisions of Court of Limited Jurisdiction (RALJ).

### I. WHAT YOU MAY APPEAL (RALJ 2.2)

The final decision of a Municipal Court Judge may be appealed in the following types of cases: Criminal Traffic or Criminal Non-Traffic Matters; and Contested Hearings on an Infraction. *The law does not provide for a right to appeal after a mitigation hearing on an infraction.*

### II. STARTING AN APPEAL (RALJ 2.4-5)

A Notice of Appeal must be filed with the Municipal Court within 30 days after the decision of the Municipal Court. The purpose of the Notice of Appeal is to inform the Court, and the City Prosecutor that you are asking the Superior Court to review your case.

### III. NOTICE OF APPEAL (RALJ 2.6)

Use the attached Notice of Appeal form to start your appeal. You will need the following information to complete this form:

- A. The identity of the plaintiff and defendant in the case you are appealing.
- B. Your name (as appellant), the case number, the name of the court and date of the decision you are appealing.
- C. The type of case you are appealing with a description of the charge, if appropriate.
- D. A description of each decision you want reviewed.
- E. Your address and telephone number and the name, address and telephone number of your attorney (if you have one); the City Prosecutor involved in your case. *This information is available from the court where your case was decided.*

### IV. FILING AN APPEAL (RALJ 2.4)

When you have filled out the Notice of Appeal form, take the original and three (3) copies to the Municipal Court where your case took place and do the following:

- File the original Notice of Appeal and one copy with the Municipal Court.

- Take the second copy to the City Prosecutor's office. (Have your copy stamped "received" while you are there.)
- Keep the third copy for your records.
- Pay the court fees.

There is a filing fee of **\$230.00** for appeals of infractions. These fees are payable to the Municipal Court in cash, personal check, cashier's check or money order. No filing fee is due when a criminal case is appealed; however, the court will set an appeal bond hearing.

Once you have filed the Notice of Appeal and paid the fees, the Municipal Court will send a copy of the Notice to the Clerk of the Superior Court.

### V. GETTING THE APPEAL RECORD TO THE SUPERIOR COURT (RALJ 2.4, 6.2(a))

No later than 14 days after you file the Notice of Appeal, you must complete the attached Designation of Record on Appeal form. This form tells the Municipal Court which portions of the record you want sent to the Superior Court. You must be specific in your designation, especially in noting the tape numbers where your case can be found. Make three copies of the completed Designation form.

- Take the original and one copy of the Designation of the Record on Appeal to the Municipal Court.
- Take a second copy of the Designation to the City Prosecutor's office. (Have your copy stamped "received" while you are there.)
- Keep the third copy for your records.
- If appeal is based upon something that occurred within the court hearing, Superior Court will require the hearing be transcribed (written).

***Please note: If you do not complete the Designation of Record on Appeal and pay the necessary fees, your appeal transcript will not be sent to the Superior Court, and is dismissed.***

A cash bail or bond may also be required if you want to prevent enforcement of the judgement in your case. See *Section VIII*.

## **VI. NOTICES**

At the address you have provided the Municipal Court, you will receive notification of your hearing dates from Court Administration. This notice will include the number given your appeal by the Superior Court Clerks. Include this number on all documents you file in the Clerk's Office. This first hearing is held approximately 12 weeks after the Clerk of Superior Court receives your Notice of Appeal. The purpose of the hearing is to make sure that all the briefs have been filed and the appeal is ready to be heard by a Superior Court Judge. If everything is ready, you will receive a letter telling you when the oral argument will be heard.

## **VII. BRIEFS (RALJ 7.2)**

You must file a brief with the Superior Court Clerk within 45 days of filing your Notice of Appeal. This is a written document explaining to the Superior Court what happened in Municipal Court and what decisions you want reviewed. You will be expected to point out legal authority supporting your position. Your brief should include the Superior Court case number. Your original brief and two copies should be taken to the Franklin County Clerk's Office, Third Floor, Franklin County Courthouse, room B306. The Clerk will conform and keep the original and stamp the other two copies. One copy must be served on the City Prosecutor, who will stamp "received" on your copy. The third should be kept for your records.

## **VIII. STAY OF ENFORCEMENT OF JUDGEMENT (RALJ 4.3)**

Once a final decision has been made in the Municipal Court, the judgement will be carried out unless a stay of enforcement of judgement is entered.

In a criminal case, you must request a stay of judgement from the Court that entered the decision. The Municipal Court may set bail or bond at a reasonable sum, or the Court may determine that enforcement of the sentence should be stayed without cash bail or bond.

## **IMPORTANT**

**Be sure to read carefully any documents sent to you by the court. If you do not file your paperwork with the court or the prosecutor on time, your appeal may be dismissed.**

**These instructions are intended to provide you with an overview of the procedures for the appeal process. You should also consult the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ), which govern the appeal process. The RALJ rules are found in the County Law Library in the Franklin County Court House, or online at [www.courts.wa.gov](http://www.courts.wa.gov).**

IN THE MUNICIPAL COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF FRANKLIN

\_\_\_\_\_, ) No. \_\_\_\_\_  
Plaintiff, )  
vs ) Notice of Appeal  
\_\_\_\_\_, )  
Defendant, )

The Appellant (print your name) \_\_\_\_\_ seeks review by the Franklin County Superior Court of the decision reached in Municipal Court under cause number \_\_\_\_\_ entered on \_\_\_\_\_ in the above named Court.  
Defendants Date of Birth: \_\_\_\_\_ Copies of Notice of Appeal have been served on all parties.  
Specific errors of law claimed are: \_\_\_\_\_

Criminal (RALJ)

\_\_\_\_\_  
(include charge description)

Infraction (RALJ) \_\_\_\_\_

Appellant or Attorney for Appellant:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Name \_\_\_\_\_

IN THE MUNICIPAL COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF FRANKLIN

\_\_\_\_\_, ) No. \_\_\_\_\_  
Plaintiff, )  
vs ) Designation of Record to be Transmitted  
 ) to Superior Court  
 )  
\_\_\_\_\_, )  
Defendant. )

**TO CLERK OF COURT:**

Please prepare the following documents, exhibits, and tapes for transmittal to the Superior Court.

Date	Document Name
_____	_____
_____	_____
_____	_____
_____	_____

Copies of this notice have been served on all other parties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Appellant's Lawyer

\_\_\_\_\_  
Appellant's Signature

\_\_\_\_\_  
Print / Type Lawyer's Name / Bar #

\_\_\_\_\_  
Print / Type Appellant's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

IN THE MUNICIPAL COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF FRANKLIN

_____	)	No. _____
Plaintiff,	)	
vs	)	Transmittal of Record on Appeal to
	)	Superior Court
_____	)	
Defendant.	)	

TO THE CLERK OF SUPERIOR COURT, the record as designated by the appellant is hereby transmitted to the Superior Court.

The designation of record is attached.

Copies of this notice have been served on all other parties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Court Clerk

IN THE MUNICIPAL COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF FRANKLIN

\_\_\_\_\_, ) No. \_\_\_\_\_  
Plaintiff, )  
vs ) Notice to Clerk of Superior Court  
\_\_\_\_\_, )  
Defendant. )

TO THE CLERK OF SUPERIOR COURT,

Date appeal file \_\_\_\_\_

The appellant has not responded as the rules require to the following:

- \_\_\_\_\_ 1. Filing of the designation of the record as required in RALJ 6.23(a).
- \_\_\_\_\_ 2. Payment of the costs for record preparation has not been excused.  
RALJ6.2(a)

The Superior Court Clerk is notified that appeal in the Municipal Court is hereby closed.

Copies of this notice have been served on all other parties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Court Clerk

IN THE MUNICIPAL COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF FRANKLIN

\_\_\_\_\_, ) No. \_\_\_\_\_  
Plaintiff, )  
vs ) Motion, Affidavit and Order  
 ) In Forma Pauperis  
\_\_\_\_\_, )  
Defendant. )

**I. MOTION**

- 1.1 I, \_\_\_\_\_, Petitioner herein, move the Court for an Order authorizing me to proceed In Forma Pauperis (at public expense) and direct the Clerk of the court to file my Appeal from Court of Limited Jurisdiction, without payment of a filing fee.
- 1.2 The following affidavit, together with files, and records herein, is made in support of this motion.
- 1.3 I understand that any statement that I make in the following affidavit may be used against me.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**II. AFFIDAVIT**

- 2.1 I, \_\_\_\_\_, am Petitioner / Appellant herein
- 2.2 Appeal from Court of Limited Jurisdiction.
- 2.3 I am financially unable to pay a filing fee without causing substantial hardship to myself or family.
- 2.4 I declare under penalty of perjury that the following information is true and is intended to be relied upon by the court in determining my eligibility for filing at public expense.

**III. FINANCIAL STATEMENT**

3.1 General Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Social Security # \_\_\_\_\_ Date of Birth \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name and Address of your employer: \_\_\_\_\_

\_\_\_\_\_

Occupation: \_\_\_\_\_ Length of Employment \_\_\_\_\_

Name and Address of Spouse's Employer: \_\_\_\_\_

\_\_\_\_\_

Occupation: \_\_\_\_\_ Length of Employment: \_\_\_\_\_

**(3.2) Income and Assets**

Personal Gross Monthly Income \_\_\_\_\_

Spouse's Gross Monthly Income \_\_\_\_\_

Other Income \_\_\_\_\_

Cash on Hand \_\_\_\_\_

Home (cash value less amt owing) \_\_\_\_\_

Auto (cash value less amt owing) \_\_\_\_\_

Furniture (approx value) \_\_\_\_\_

Notes, Mortgages \_\_\_\_\_

Trusts, Deeds \_\_\_\_\_

Stocks, Bonds (approx value) \_\_\_\_\_

Other assets & Property \_\_\_\_\_

Persons whom you financially support:

Spouse ( )

Children ( ) Ages \_\_\_\_\_

Total \_\_\_\_\_

**(3.3) Expenses and Debts**

(A) Monthly Living Expense (itemize):

Rent or Mortgage \_\_\_\_\_

Food \_\_\_\_\_

Utilities \_\_\_\_\_

Transportation \_\_\_\_\_

Installment Payments \_\_\_\_\_

Medical/Dental \_\_\_\_\_

Insurance \_\_\_\_\_

Other \_\_\_\_\_

**(B) Debts**

Name of Creditor	Amt Owed
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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Total \_\_\_\_\_

I certify under penalty of perjury under the Laws of the State of Washington that I have read the foregoing statements in the Affidavit, know the contents thereof, and believe them to be true and correct.

Dated at Pasco, Washington on \_\_\_\_\_, 20\_\_\_\_\_.

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Signature

#### **IV. ORDER**

It is hereby ORDERED that:

- ( ) The petitioner is permitted to proceed without payment of the filing fee.
- ( ) The petition is denied.

Dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Judge / Court Commissioner