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Judge
Jennifer Johnson Grant

Administrator
Kelley Gradwohl

Probation
Charles Mitchell

June 30, 2023

Re: Local Rules for Permanent Filing

Pursuant to Washington State Court General Rule 7, Lake Forest Park Municipal Court adopts the attached local rules for permanent filing in 2023.

Any questions may be directed to the Court Administrator, Ms. Kelley Gradwohl, at kgradwohl@cityoflfp.gov.

Sincerely,

A handwritten signature in blue ink, appearing to be "J. Grant", is written over the signature line.

Judge Jennifer Johnson Grant
Lake Forest Park Municipal Court

OUR MISSION

Dedicated to the fair and impartial administration of justice and equal access for all individuals.
Committed to serving with respect, competence, and efficiency.

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Judge
Jennifer J. Grant
Interim Court Administrator
Kelley Gradwohl

LAKE FOREST PARK MUNICIPAL COURT

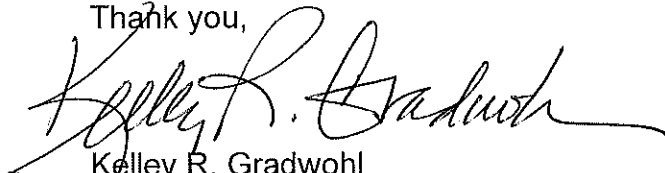
June 29, 2023

The Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174

RE: Local Court Rules

Please find attached the local court rules for Lake Forest Park Municipal Court.

Thank you,


Kelley R. Gradwohl
Interim Court Administrator



**LAKE FOREST PARK
MUNICIPAL COURT**

LOCAL COURT RULES

Effective July 1, 2023

**LAKE FOREST PARK MUNICIPAL COURT LOCAL RULES
TABLE OF LOCAL RULES**

LOCAL GENERAL RULES

LFPMCLGR 1.0	ADOPTION OF LOCAL GENERAL RULES
LFPMCLGR 1.1	TITLE OF RULES
LFPMCLGR 2.0	USE OF COLLECTION AGENCY
LFPMCLGR 6.13	EVIDENCE - COURT'S CUSTODY OF EXHIBITS
LFPMCLGR 30	ELECTRONIC FILING AND SERVICE

LOCAL CRIMINAL RULES

LFPMCLR 1.7	ADOPTION OF LOCAL CRIMINAL RULES
LFPMCLR 1.8	TITLE OF RULES
LFPMCLR 3.1	RIGHT TO COUNSEL
LFPMCLR 3.1.1	WITHDRAWAL OF ATTORNEY
LFPMCLR 3.2	RELEASE OF ACCUSED – BAIL SCHEDULE
LFPMCLR 4.2	PLEAS - Repealed
LFPMCLR 4.2.1	FORFEITURE OF BAIL
LFPMCLR 4.5	PETITIONS FOR DEFERRED PROSECUTION
LFPMCLR 5.4	PRE-TRIAL HEARINGS
LFPMCLR 7.2	SENTENCING – Rescinded
LFPMCLR 8.2	MOTIONS
LFPMCLR 8.2.3	JURY TRIAL SETTINGS – Rescinded
LFPMCLR 8.11	DISCLOSURE OF RECORDS

LOCAL INFRACTION RULES

LFPMCLIR 1.3	ADOPTION OF LOCAL INFRACTION RULES
LFPMCLIR 1.4	TITLE OF RULES
LFPMCLIR 2.2	FILING OF NOTICE: PHOTO ENFORCEMENT
LFPMCLIR 2.6	SCHEDULE OF HEARINGS: PHOTO ENFORCEMENT
LFPMCLIR 3.1	CONTESTED HEARINGS – PRELIMINARY PROCEEDINGS – SUBPOENAS AND DISCOVERY
LFPMCLIR 3.3(1)	CONTINUANCE – Rescinded
LFPMCLIR 3.4	FILING OF NOTICE OF APPEARANCE
LFPMCLIR 3.5	DECISIONS ON WRITTEN STATEMENTS – CONTESTED & MITIGATION PROCEDURES
LFPMCLIR 6.6	SPEED MEASURING DEVICE – EXPERT AND TESTIMONY BY PHONE
LFPMCLIR 6.7	CHANGE OF JUDGE
LFPMCLIR 6.8	DEFERRED FINDINGS
LFPMCLIR 6.9	NOTICE TO PROSECUTOR TO REQUEST SPEED MEASURING DEVICE EXPERT
LFPMCLIR 6.10	SPEED MEASURING DEVICE EXPERT: REMOTE TESTIMONY

LOCAL GENERAL RULES

LFPMCLGR 1.0 ADOPTION OF LOCAL GENERAL RULES

These rules are adopted pursuant to GR 7.

[Adopted effective September 1, 2023.]

LFPMCLGR 1.1 TITLE OF RULES

These rules of general application may be known and cited as the Lake Forest Park Municipal Court Local General Rules and shall be referred to as LFPMCLGR.

[Adopted effective September 1, 2023.]

LFPMCLGR 2.0 USE OF COLLECTION AGENCY

- (a) The court may use the services of a collection agency for the purposes of collecting unpaid and delinquent penalties on infractions, criminal fines, costs, assessments, and forfeitures. The terms and conditions of the contract for collection services shall be between the City of Lake Forest Park and/or the Lake Forest Park Municipal Court and said collection agency and may be amended as necessary.
- (b) The collection agency's fee or charge, as set forth in said contract, shall be added by the collection agency as a court cost to the total judgment of the court against each defendant whose account is referred by the court to the collection agency.
- (c) Nothing in this section shall prevent the court from notifying the Department of Licensing of the defendant's failure to pay a fine and/or costs as ordered by the court.

[Adopted effective September 1, 2023.]

LFPMCLGR 6.13 EVIDENCE COURT'S CUSTODY OF EXHIBITS

In a criminal or civil case, every exhibit in the court's custody, which is not reduced to a digital file, and is not contraband and for which ownership is not in dispute, shall be returned to the party who produced that exhibit upon motion of that party and expiration of the appeal period. In the event of a finding of committed in a civil case or guilty in a criminal case, for purposes of this rule, the appeal period shall begin on the day the court enters a committed finding (in a civil case) or imposes sentence or orders deferral of sentencing (in a criminal case). Exhibits not withdrawn shall be delivered by the court to the Lake Forest Park Police Department for disposition as abandoned property, or if contraband, for destruction. The Court shall not release an exhibit without documenting receipt by the receiving party.

[Formerly LFPMCLR 6.13 adopted effective September 1, 1994; amended and renumbered (LFPMCLGR 6.13) effective September 1, 2023.]

LFPMCLGR 30 ELECTRONIC FILING AND SERVICE

- (a) Electronic filing ("eFile") authorization, charges, exceptions, waiver and non-compliance.
 - (1) *Mandatory Electronic Filing*. Effective 60 days after Odyssey File and Serve is effective in

the court, attorneys shall electronically file (eFile) all documents using the court's designated eFiling service, eFile & Serve, unless this rule provides otherwise. Non-attorneys or *pro se* parties are not required to eFile, but are encouraged to do so.

- (2) *Documents That Shall Not Be e-Filed.* The following documents may not be eFiled:
 - (a) A criminal case initiation document (e.g., complaint, citation, or notice of infraction) that is not submitted through the Statewide Electronic Collision & Traffic Online Records (SECTOR) application per GR 30(d)(ii);
 - (b) A document that is required by law to be filed in non-electronic format, for example, original wills, certified records of proceedings for purposes of appeal, negotiable instruments, and documents of foreign governments under official seal;
 - (c) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;
 - (d) Documents larger than permitted in the User Agreement.
 - (3) *Working Copies.* Attorneys and other eFilers are not required to provide duplicate paper pleadings as "working copies" for judicial officers.
 - (4) *Waiver of the Requirement to eFile for attorneys.*
 - (a) If an attorney is unable to eFile 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 consider each application and provide a written approval or denial to the attorney. 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 eFiling 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.
 - (5) *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 fee against the attorney for each paper document filed.
- (b) *Electronic Service.* If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.

[Adopted effective September 1, 2023.]

LOCAL CRIMINAL RULES

LFPMCLR 1.7 ADOPTION OF LOCAL CRIMINAL RULES

These rules are adopted pursuant to GR 7, CrRLJ 1.7 and IRLJ 1.3.

[Effective September 1, 1994; amended effective September 1, 2023.]

LFPMCLR 1.8 TITLE OF RULES

These rules may be known and cited as the Lake Forest Park Municipal Court Local Rules and shall be referred to as LFPMCLR.

[Effective September 1, 1994.]

LFPMCLR 3.1 RIGHT TO COUNSEL

- (a) Right to Counsel. The right to counsel shall extend to all criminal proceedings for offenses punishable by loss of liberty.
- (b) Appointment of Counsel. Unless waived, an attorney shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. The court, upon motion of a defendant, shall screen said defendant for the purposes of determining whether the defendant is indigent. The court may consider any factors regarding indigence it deems appropriate. The court may require proof of income at its discretion. An attorney shall not be denied to any defendant merely because their friends or relatives have resources adequate to retain a lawyer or because they posted or are capable of posting bond. The ability to pay part of the cost of an attorney shall not preclude assignment. The assignment of an attorney may be conditioned upon partial payment pursuant to an established method of collection.
- (c) Waiver of Right to Counsel. A defendant may waive their right to be represented by an attorney. The court shall require all defendants entering a plea of guilty in the absence of an attorney to complete a Renton Municipal Court Waiver of Right to Attorney form. The court shall enter findings regarding whether the defendant made a knowing and voluntary waiver of an attorney before accepting a guilty plea or setting a case for trial.

[Adopted effective September 1, 2023.]

LFPMCLR 3.1.1 WITHDRAWAL OF ATTORNEY

Pursuant to CrRLJ 3.1(e), no attorney may withdraw from representation except upon consent of the court for good cause shown and upon substitution of another attorney; or, upon the defendant's knowing and voluntary decision to proceed without an attorney. The motion shall be made in open court with notice to all interested parties. Except in cases where withdrawal is mandated by the Rules of Professional Conduct, the court should not permit withdrawal unless there is simultaneous substitution of a lawyer who is prepared to proceed on the scheduled trial date.

[Adopted effective September 1, 2023.]

LFPMCLR 3.2 RELEASE OF ACCUSED BAIL SCHEDULE

Lake Forest Park Municipal Court adopts the following bail schedule pursuant to CrRLJ 3.2(b)(7) and

CrRLJ 3.2(o):

A Defendant who is detained in jail after the initial arrest for a misdemeanor or gross misdemeanor shall be released upon posting bail in the amount of \$500 for a misdemeanor and \$1000 for a gross misdemeanor, except for the following offenses:

- (a) Domestic Violence Offenses. Defendants booked and detained in jail after the initial arrest for any crime alleging domestic violence under RCW 10.99.020 or similar local ordinance shall be held in non-bailable status until they have appeared before a judge or judge pro tem, unless bail is set by a judge or judge pro tem electronically at the time of arrest, or at a preliminary appearance, arraignment, or subsequent court appearance, or by written court order.
- (b) Driving Under the Influence or Physical Control. Defendants booked and detained in jail after the initial arrest 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 shall be held in non-bailable status until they have appeared before a judge or judge pro tem, unless bail is set by a judge or judge pro tem electronically at the time of arrest, or at a preliminary appearance, arraignment, or subsequent court appearance, or by written court order.
- (c) Other Crimes. Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing until they have appeared before a judge or judge pro tem, unless bail is set by a judge or judge pro tem electronically at the time of arrest, or at a preliminary appearance, arraignment, or subsequent court appearance, or by written court order for the following crimes:
 - 1. Harassment - RCW 9A.46.020
 - 2. Violation of an Anti-Harassment Order - RCW 9A.46.040
 - 3. Stalking - RCW 9A.46.110
 - 4. Communicating with a Minor for Immoral Purposes - RCW 9.68A.090
 - 5. Aiming or Discharge of a Firearm - RCW 9.41.230

[Effective September 1, 2014; amended effective September 1, 2023.]

LFPMCLR 4.2 PLEAS

[Repealed September 1, 2011.]

LFPMCLR 4.2.1 FORFEITURE OF BAIL

Upon the non-appearance of a defendant at the time and place scheduled by the court and a warrant of arrest issued, the defendant's bail or bond may be ordered forfeited with or without further proceedings.

[Effective September 1, 2023.]

LFPMCLR 4.5 PETITIONS FOR DEFERRED PROSECUTION

- (a) Petitions for deferred prosecution must be submitted pursuant to RCW 10.05. Defendants must use the deferred prosecution forms provided by the court (From the Court or AOC's

- website). The petition must include the appropriate assessment and treatment plan.
- (b) The petition, order, assessment, and treatment plan must be filed with the court no later than five (5) court days prior to the hearing at which the case is to be heard.

[Adopted effective September 1, 2023.]

LFPMCLR 5.4 PRE-TRIAL HEARINGS

Unless the defendant pleads guilty or submits on the record at an arraignment, a pretrial hearing (PTH) shall be held. If the defendant or defendant's counsel appears at arraignment and enters a plea of "Not Guilty," then notice shall be provided by the court at the arraignment to the defendant or defendant's counsel of the date and time of the PTH. If an attorney, pursuant to CrRLJ 4.1(d), submits a written notice of appearance, waiving arraignment and entering a plea of "Not Guilty" on behalf of a defendant, then the court clerk shall issue notice of the date and time of the PTH to defendant's counsel.

[Effective September 1, 1994; amended September 1, 2023.]

LFPMCLR 7.2 SENTENCING

[Effective September 1, 1994; rescinded September 1, 2023.]

LFPMCLR 8.2 MOTIONS

(a) Time for Hearing

Motions shall be filed and served as follows:

1. Motion Requested at Time of Trial Setting: If a motion date is set at the same time the case is set for trial then the moving party's brief and all supporting documents shall be served on the opposing party and filed with the court at least 14 days before the date scheduled for the hearing.
2. Motion Requested at Time Other than at Trial Setting: If a motion is filed at any other time by either party, the moving party must file a note for motion, the moving party's brief, and all supporting documents at the time the motion is filed. The note for motion and supporting documents shall be served and filed with the court at least 21 days before the date requested for the hearing by the moving party.

(b) Responsive Documents

The non-moving party's brief and all supporting documents shall be served and filed at least 7 days before the date scheduled for the hearing. The moving party's reply and all supporting documents shall be served and filed at least 2 days before the date scheduled for the hearing. Failure to provide responsive pleadings shall be considered a waiver of the right to file responsive pleadings.

(c) Motions to Shorten Time

No party shall seek a motion for order shortening time for hearing a motion unless said party has first notified opposing counsel or the opposing party(s) that such a motion will be sought. The moving party's motion shall be supported by an affidavit or declaration under penalty of perjury detailing the nature of the emergency necessitating the shortening of time and further stating that opposing counsel/party has been provided with a copy of the motion

together and the time and place of the hearing wherein the moving party is seeking an order shortening time. Such affidavit or declaration shall state when and where opposing counsel was served with the motion and notice of hearing. The Court shall not grant an order shortening time unless it is satisfied that an emergency justifying the shortening of time truly exists and that the moving party has exercised due diligence in timely advising the opposing counsel/party of the hearing on said motion.

(d) Agreed Orders

Where appropriate, agreed orders will be considered by the court at the earliest possible date.

(e) Proof of Service

The parties must file suitable proof showing that the opposing party was served with the documents filed by the party.

[Adopted effective September 1, 2023.]

LFPMCLR 8.2.3 JURY TRIAL SETTINGS

[Rescinded June 19, 2019]

LFPMCLR 8.11 DISCLOSURE OF RECORDS

The court clerk shall make available the public records of the court in accordance with the ARLJ 9, subject to the following provisions:

- (a) Requests for copies of the public records of the court must be in writing and must be received by the court clerk during the City's normal business hours prior to the commencement of court and a scheduled hearing on any matter for which copies are sought. The name, address, email address and phone number of the person requesting copies of the public records of the court shall be in written requests for such records.
- (b) Duplication Fees. The following fees are established for the duplication and preparation of documents, absent a judicial determination of indigency:
 - (1) Duplication of all public records of the court
 - \$0.15 per page
 - \$0.10 per page for electronic records
 - (2) Certification of documents
 - \$5.00 per certified document (first page)
 - \$1.00 per certified document (each additional page)
 - (3) Duplication of part/whole CD (per CD)
 - \$10.00 per CD
 - (4) Preparing record of appeal to Superior Court
 - \$40.00

[Effective September 1, 2004; amended June 19, 2019.]

LOCAL INFRACTION RULES

LFPMCLIR 1.3 ADOPTION OF LOCAL INFRACTION RULES

These rules are adopted pursuant to IRLJ 1.3.

[Adopted effective September 1, 2023.]

LFPMCLIR 1.4 TITLE OF RULES

These rules may be known and cited as the Lake Forest Park Municipal Court Local Infraction Rules and shall be referred to as LFPMCLIR.

[Adopted effective September 1, 2023.]

LFPMCLIR 2.2 FILING OF NOTICE: PHOTO ENFORCEMENT

For purposes of IRLJ 2.2(d), a Notice of Infraction issued pursuant to RCW 46.63.170 and LFPMC 10.06.020 for an infraction detected through the use of an automated traffic safety camera is filed upon the date issued by the officer if the Notice is electronically transmitted or assigned to a third party delegated administrative functions for traffic safety camera tickets.

[Effective September 1, 2011]

LFPMCLIR 2.6 SCHEDULE OF HEARINGS: PHOTO ENFORCEMENT

The court may delegate administrative functions, docketing of cases, and collection of fines generated by Notices of Infractions issued under RVW 46.63.170 and LFPMC 10.06 pursuant to the terms of an agreement between the court and a third party.

Hearings for disposition of such offenses may be heard in open court under IRLJ 2.6 or as provided in LFPMCLIR 3.5.

[Effective September 1, 2011]

LFPMCLIR 3.1 CONTESTED HEARINGS – PRELIMINARY PROCEEDINGS – SUBPOENAS AND DISCOVERY

- (a) The defendant, the plaintiff, and defendant's attorney will subpoena witnesses in accordance with IRLJ 3.1 (a). Service of subpoena will be in accordance with IRLJ 3.1(a). Lake Forest Park Municipal Court will not serve a subpoena on an officer or witness for either the defendant, the plaintiff, or defendant's attorney. Each party must serve their own subpoena in accordance with the Lake Forest Park Municipal Court written procedures determined by the presiding judge. These procedures are available from the clerk of the court on the court website.
- (b) A request for discovery must be served, in accordance with IRLJ 3.1 (b), on the city prosecuting

attorney's office. Service must be made at the office where the prosecutor receives mail for Lake Forest Park Municipal Court cases. The defendant must provide proof of such timely service at the time of a motion to dismiss or suppress evidence for failure to provide discovery. Service of a request for discovery on the court will not be considered service upon the prosecutor's office.

[LFPMLIR 3.1(a) and 3.1(b) adopted September 1, 2004; renumbered (LFPMLIR 3.1) effective September 1, 2023.]

LFPMLIR 3.3(1) CONTINUANCE

[Rescinded effective April 22, 2016.]

LFPMLIR 3.4 FILING OF NOTICE OF APPEARANCE

A defense attorney appearing for a defendant in an infraction case must file a Notice of Appearance with the court and serve it on the prosecuting authority assigned to the court in which the infraction is filed no later than seven (7) days prior to the hearing. Upon receipt of a Notice of Appearance the court will schedule or if already set, reschedule a contested hearing to a traffic infraction calendar where the prosecutor is regularly scheduled to appear, even if the date is beyond speedy hearing requirements.

Where a Notice of Appearance is not filed, an attorney may not represent a person who is charged with an infraction.

[Effective December 3, 2018; amended effective September 1, 2023.]

LFPMLIR 3.5 DECISIONS ON WRITTEN STATEMENTS – CONTESTED AND MITIGATION PROCEDURES

The court shall follow the provisions of IRLJ 3.5, Decision on Written Statements.

The defendant may elect to contest or mitigate an infraction or petition for a deferred finding by submitting a written statement under penalty of perjury pursuant to and in accordance with IRLJ 2.4, IRLJ 2.6, and IRLJ 3.5. Written submissions must be provided to the court in advance of the date set for contested or mitigation hearing. Defendant shall use the forms provided by the court clerk or on the court website. Written submissions may be mailed or emailed to the court or filed electronically via the Court's website.

A defendant who elects to proceed by requesting a decision on written statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person. A petition for deferred finding which is denied by the Court will be treated as a request for a mitigation hearing on written statement.

The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed. No Appeal Permitted. There shall be no appeal from a decision on written statements.

[Adopted September 1, 2004; Amended effective September 1, 2023.]

LFPMCLIR 6.6 SPEED MEASURING DEVICE EXPERT & TESTIMONY BY PHONE

The court shall follow the provisions of IRLJ 6.6 concerning the request for a speed measuring device (SMD) expert, except that a request for such a SMD expert shall be in writing and must be received by court clerk at least seven working days prior to trial.

The court may allow the speed measuring device expert to testify from a location other than the courtroom via Zoom or other electronic means acceptable to the court with written notice to the court by either party and at the discretion of the judge. The party required to produce such evidence shall be responsible for arranging the expert's testimony.

[Effective September 1, 2004, Amended effective September 1, 2023]

LFPMCLIR 6.7 CHANGE OF JUDGE

A party to an infraction hearing in Lake Forest Park Municipal Court may file an affidavit of prejudice, but only in accordance with RLJ 40(f). An affidavit of prejudice not filed in accordance with the time restrictions of CRLJ 40(f) will be denied.

[Adopted September 1, 2004.]

LFPMCLIR 6.8 DEFERRED FINDINGS

Lake Forest Park Municipal Court will grant deferred findings in a traffic infraction case in accordance with RCW 46.63.070. The presiding judge will create local requirements for the terms of the deferred finding by administrative order. Except for a deferred finding granted pursuant to this rule, no other types of deferred findings or orders will be allowed in any traffic infraction case. No person who has had a deferred finding in another court, within seven (7) years of the pending infraction, is entitled to another deferred finding or deferral of any kind.

[Adopted September 1, 2004; amended September 1, 2023.]

LFPMCLIR 6.9 NOTICE TO PROSECUTOR TO REQUEST FOR SPEED MEASURING DEVICE EXPERT – TESTIMONY BY PHONE

- (1) **INTENT:** The court finds that defense failure to notify the prosecuting authority of its intent to request a deferred finding or ask for a continuance at a contested hearing impacts judicial economy and efficiency when the prosecutor has subpoenaed a speed measuring device expert, a defense request. Timely notice by defense that there will be a request for a continuance, or a deferred finding will allow the prosecutor to cancel the subpoena for the speed measuring device expert. As a result, the speed measuring device expert will not be inconvenienced, nor funds expended where not necessary.
- (2) **NOTICE TO PROSECUTOR OF REQUEST FOR SMD EXPERT:** A request to the prosecutor for the presence of a speed measuring device (SMD) expert at a contested hearing must be made in accordance with IRLJ 6.6(b) and served in accordance with IRLJ 3.1(b) and LFPMC 3.1.
- (3) **NOTICE TO PROSECUTOR OF INTENT TO REQUEST CONTINUANCE OR DEFERRED FINDING AT**

HEARING: Once a defendant or defense counsel has requested the prosecutor to produce a SMD expert, then the defendant or counsel must notify the prosecutor in writing, no later than five (5) business days prior to the contested hearing they intend to request either a continuance or a deferred finding at the hearing or by ex parte motion. The purpose of this notice is to allow the prosecutor to timely cancel or reschedule the SMD expert.

- (4) FAILURE TO PROVIDE NOTICE: Failure to provide notice as set forth in this rule and in the event that prosecutor has subpoenaed the SMD expert and that the expert appears at the hearing, the judge will deny further continuance and will not allow a deferred finding, without a showing of good cause.

[Adopted August 22, 2014.]

LFPMLIR 6.10 SPEED MEASURING DEVICE EXPERT: REMOTE TESTIMONY

The court may allow the speed measuring device expert to testify from a remote location other than the courtroom, via speakerphone, Zoom, or other electronic means acceptable to the court, upon request of either party with written notice to the court and at the discretion of the judge. The party required to produce such evidence shall be responsible for arranging the expert's testimony by telephonic or other electronic means acceptable to the court.

[Effective December 3, 2018; amended September 1, 2023.]