

MMCLCR 1.3

Confirmation Hearings and Confirmation of Jury Trials

(a) Confirmation hearings:

Pursuant to CrRLJ 3.4 (d), the court finds good cause to require the defendant to be physically present at the confirmation hearing and all phases of trial. All cases set for Jury Trial shall be assigned a confirmation hearing and Jury Trial date. The defendant and the defendant's attorney, if the defendant is represented, shall physically appear at the confirmation hearing. When confirming for Jury Trial at the confirmation hearing, counsel shall inform the court of the following: anticipated length of trial, number of witnesses and any witness availability issues, any interpreter requirements for defendant and/or witnesses, outstanding discovery issues or other special considerations that may impact the assigned trial.

Any case confirmed for Jury Trial at the confirmation hearing shall remain set for the assigned trial date. A defendant's failure to physically appear at the confirmation hearing shall constitute a waiver of the defendant's speedy trial rights and may result in a bench warrant and forfeiture of any bail or bond.

(b) Telephonic Confirmation of Jury Trial Required:

Jury Trial(s) shall be telephonically confirmed by the Friday prior to the date of the assigned Jury Trial. The defendant (if not represented by an attorney) or the defendant's attorney and the City Prosecutor shall contact the Jury Trial confirmation line at (360) 363-8071 no later than 1:00 p.m. on the Friday before the Jury Trial date and confirm that the case is proceeding to trial by leaving a name and case number of the case(s) confirmed.

Jury Trial(s) using interpreter services shall be telephonically confirmed by the Thursday prior to the date of the assigned Jury Trial. The defendant (if not represented by an attorney) or the defendant's attorney and the City Prosecutor shall contact the Jury Trial confirmation line at (360) 363-8071 no later than 1:00 p.m. on the Thursday before the Jury Trial date and confirm that the case is proceeding to trial by leaving a name, case number of the case(s) confirmed and interpreter requirements for trial.

If more than one (1) case is confirmed for Jury Trial by any party, such party shall file a Jury Trial priority list no later than 1:00 p.m. on the Friday before the trial date. The Jury Trial priority list shall be emailed to court management (selsner@marysvillewa.gov and kricker@marysvillewa.gov) and shall set forth in numerical order the party's priority of cases: including speedy trial considerations, witness availability, in-custody status and any relevant factors determining case priority.

(c) Failure to Confirm Jury Trial:

Failure to telephonically confirm the Jury Trial shall cause the case to be stricken from the assigned Jury Trial and shall constitute a waiver of the defendant's speedy trial rights.

(d) Costs and Sanctions:

Any case confirmed for Jury Trial under this rule, and not proceeding to Jury Trial may subject the party to sanctions, including, but not limited to: jury costs, witness fees, interpreter costs, terms or other costs deemed appropriate by the court.

[Effective Date September 1, 2017, Amended March 24, 2014, Amended March 29, 2017, Amended August 19, 2021, Amended October 27, 2022]