

Bothell Municipal Court

APPEAL INSTRUCTIONS
(Criminal and Civil Infractions)

PROCESSING AN APPEAL:

These instructions have been written TO HELP YOU THROUGH THE APPEAL PROCESS. If you follow the instructions, you will be able to proceed without difficulty. Also to aid you, you can follow the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ), which can be found at any County Law Library or on-line at www.courts.wa.gov.

1. What you may appeal: (RALJ 2.2)

You may appeal a **final decision** of a Municipal Court Judge on the following types of cases:

- Criminal Traffic or Criminal Non-Traffic Matters
- Contested Hearings on an Infraction

*The law **does not** provide for a right to appeal after a mitigation hearing on an infraction.*

2. Initiating an appeal: (RALJ 2.4-5)

A notice of Appeal must be filed with the Bothell Municipal Court within 30 days after the decision of the court. The purpose of the Notice of Appeal is to inform the Court and the prosecutor that you are asking the King County Superior Court to review your case.

3. Notice of Appeal form (RALJ 2.6) (attached) Case Information Cover Sheet and Case Assignment Designation Sheet (LR82(e) (attached))

The attached appeal form must be completed in full and must include the following: (RALJ 2.6)

- The identity of the plaintiff and defendant in the case you are appealing.
- Your name (as appellant), the case number, and the name of the court and date of the decision you are appealing.
- A description of each decision you want to review.
- Your address and telephone number and the name, address and telephone number of your attorney (if you have one) and the prosecuting attorney involved in your case for the City of Bothell. The Prosecuting Attorney's Office will provide you with the name of the prosecutor handling your case. The address for service is: 18410 101st Avenue Northeast, Bothell, WA 98011.
- In accordance with LR82(e) all new cases in the King County Superior Court are required to have a Case Information Sheet and Case Assignment Designation Sheet (attached). This form must be filled out in full and filed with your Notice of Appeal.

4. Filing Appeal: (RALJ 2.4)

After filling out the Notice of Appeal, you must take the original Notice of Appeal and 3 copies to the Bothell Municipal Court and do the following:

- File the original Notice of Appeal and one (1) copy with the Bothell Municipal Court Clerk.
- Take a second copy to the prosecutor's office located in the Bothell Police Department, next door to the courthouse building.
- Keep the third copy for your records.
- Pay the filing fee of \$220.00 for appeals of infractions only. This fee is payable to the County Clerk of the King County Superior Court by cashiers' check or money order. *No personal checks are accepted for filing fees.*

Once you have filed the Notice of Appeal, and Case Cover Sheet and paid the filing fees (if applicable), the Bothell Municipal Court clerk will send a copy of the Notice to the Clerk of the King County Superior Court along with the filing fee (if applicable).

5. Getting the Appeal record to the King County 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 the Record on Appeal form. This form tells the Bothell Municipal Court which portions of the record you want sent to the King County Superior Court. You must be specific in your designation, especially in noting the tape numbers where your case can be found. Make Three (3) copies of the completed Designation form.

- Take the original and one (1) copy of the Designation of the Record on Appeal to the Bothell Municipal Court. (Have your copy date stamped while you are there.)
- Take a second copy of the Designation to the Prosecutor's Office. (Have your copy date stamped while you are there.)
- Keep the third copy for you records.
- Pay the processing fee at that time or within 10 days after the court tells you the record is ready to send. The processing fee is \$40.00, which covers the costs of preparing and transmitting the Court record to the King County Superior Court. The fee also includes a copy of the audio CD for the appellant. Note: The court does not transcribe the audio CD.

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

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

6. Notices:

At the address you have provided the Bothell Municipal Court, you will receive notification of your hearing dates from the Clerk of the King County Superior Court. This notice will include the case number given your appeal by the King County Superior Court. Include this new number on all documents you file in King County Superior Court Clerk's Office. Be sure to inform the King County Superior Court Clerk's office of any change of address while your appeal is pending.

7. King County Superior Court will provide their Appeal court case number and a schedule to all parties. Any further questions regarding procedures must be obtained from the King County Superior Court.

- King County Superior Court Clerk's Office is located at 516 3rd Avenue, Room E-609, Seattle, WA 98104. The telephone number for the Clerk's Office is (206) 296-9300.

8. Stay of enforcement of judgment: (RALJ 4.3)

Once a final decision has been made in the Bothell Municipal Court, the judgment will be carried out unless a stay of enforcement of judgment is entered. In a criminal case, you must request a stay of judgment form from the Court that entered the decision. The Bothell Municipal Court may set bail or bond at a reasonable sum, or the Court may determine that enforcement of the sentence may be stayed pending appeal and fix conditions of release on personal recognizance.

In a civil infraction case, you must file a motion in King County Superior Court to stay the enforcement of the Bothell Municipal Court judgment.

IMPORTANT

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 COURTS OF LIMITED JURISDICTION (RALJ) THAT GOVERNS THE APPEAL PROCESS. THE RALJ RULES ARE FOUND AT ANY COUNTY LAW LIBRARY OR ONLINE AT WWW.COURTS.WA.GOV.

YOU MUST CONTACT KING COUNTY SUPERIOR COURT TO OBTAIN THEIR REQUIRED PROCEURES.