

BELLINGHAM MUNICIPAL COURT APPEALS INSTRUCTIONS (CIVIL 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 Courts of Limited Jurisdiction (RALJ). These govern the appeal process and can be found in the Whatcom County Law Library located in the County Courthouse.

THESE INSTRUCTIONS ARE NOT INTENDED TO BE SUBSTITUTED FOR KNOWLEDGE OF THE WASHINGTON COURT RULES FOR APPEALING DECISIONS OF COURTS OF LIMITED JURISDICTION OR SUPERIOR COURT RULES.

COURT CLEKS ARE NOT AUTHORIZED TO GIVE LEGAL ADVICE. IT IS RECOMMENDED THAT YOU CONTACT AN ATTORNEY FOR LEGAL ADVICE.

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: Civil matters; 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 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, 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 and the name, address and telephone of your attorney (if you have one).

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 (1) copy with the Municipal Court.
- Take the second copy to the Prosecutor's Office. (Have your copy stamped "received" while you are there.)
- Keep the third copy for your records.
- Pay the court filing fee.

There is a filing fee of \$240.00 for appeals of infractions and civil cases. This fee is payable to the Municipal Court in cash, or by cashiers' check or money order. ***No personal checks are accepted.*** No filing fee is due when a criminal case is appealed, but the filing fee may be assessed later.

The above fee may be waived for civil appeals, if the appealing party is granted an order "In Forma Pauperis" (at public expense). This requires complete personal financial information and a signed affidavit under penalty of perjury. Obtain the form from the Municipal Court Clerk's Office. The Judge entering the final decision will review the request.

Once you have filed the Notice of Appeal and paid the filing fee, 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 the 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 of documents, exhibits or tapes.

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 Municipal Court.
- Take a second copy of the Designation to the Prosecutor's Office. Have your copy stamped "received" while you are there. Keep the third copy for your records.
- Pay the Municipal Court the appeal processing fee at that time or within 10 days after the court tells you the record is ready to send.

There is a processing fee of \$40.00. This fee is payable to the Municipal court in cash, or by cashier's check or money order. **No personal checks are accepted.** This fee covers the costs of preparing and transmitting the court record and up to two CD recordings to the Superior Court. If additional CD's are required or if you want copies of CD's yourself, they are available for a fee of \$10.00 each.

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

A cash bail or bond may also be required if you want to prevent enforcement of the judgment 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 the Clerk of the Whatcom County Superior Court. This notice will include the case number given your appeal by the Superior Court. Include this number on all documents you file in the Clerk's Office.

VII. BRIEFS: (RALJ 7.2)

You must file a brief with Superior Court within 45 days of filing your Notice of Appeal. This is a written document explaining to the Superior Court what happened in the Municipal Court and what decisions you want reviewed. You will need to locate on the CD where these decisions can be found. 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 Whatcom County Superior Court Clerk's Office. The clerk will keep the original and stamp the other two copies. One copy must be served on the Prosecutor who will stamp "received" on your copy. The third copy should be kept for your records.

VIII. STAY OF ENFORCEMENT OF JUDGMENT: (RALJ 4.3)

Once a final decision has been made in the 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 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.

In a civil case, you must file a motion in Superior Court to stay the enforcement of the District Court judgment.

NOTE: It is the duty of the appealing party to follow the procedures and meet the deadlines noted in the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). The Bellingham Municipal Court and the Whatcom County Superior Court will not issue reminder notices or track the appeal for the appealing party.

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 Whatcom County Law Library at the County Courthouse.

