

SHELTON MUNICIPAL COURT APPEAL INSTRUCTIONS
CIVIL AND CRIMINAL CASES

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

I. WHAT YOU MAY APPEAL: (RALJ2.2)

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; 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, the prosecutor and/or your opponent 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 the form:

- A. The identity of the plaintiff and the 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 and the name address and telephone of your attorney (if you have one); your opponent, or the attorney for your opponent; or the prosecuting attorney involved in your case.

This information is available from the Municipal Court.

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 Shelton Municipal Court and do the following:

- File the original Notice of Appeal and one (1) copy with the Municipal Court.
- Take the second copy to your opponent's attorney or the prosecutor's office. (Have your copy stamped "received" while you are there.)
- Keep the third copy for your records
- Pay the filing fee.

There is a filing fee of \$200 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 Check are Accepted.*** No filing fee is due when a criminal case is appealed but the fee may be assessed later.

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 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 (3) copies of the completed Designation form

- Take the original Designation of the Record on Appeal and one (1) copy to the Municipal Court.
- Take the second copy of the Designation to your opponent’s attorney or 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.

The processing fee is \$40 (RCW 3.62.060), which covers the costs of preparing and transmitting the court record and up to two audio recordings to the Superior Court. If additional recordings are required or if you want copies of the recordings for yourself, they are available for a fee of \$10 each.

Please note: If you do not complete the Designation of the Record on appeal and pay the necessary fees, your appeal transcript 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 VII.

VI. NOTICES

At the address you have provided the Municipal Court you will receive notification of your hearing dates from the Clerk of Superior Court. This notice will include the number given your appeal by the Superior Court. Include this number on all documents you file in the Clerk’s Office.

VII. 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.

IMPORTANT

Be sure to carefully read any documents sent to you by the court.

If you do not file your paper work 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 procedure for filing an appeal. You should consult the Rules of Appeal of Decisions of Courts of Limited Jurisdiction (RALJ), which govern the appeal process.

I acknowledge receipt of a copy of these instructions and appeal form.

Dated: _____ Cause No. _____ Appellant: _____