

**MUNICIPAL COURT APPEAL INSTRUCTIONS
(INFRACTION AND CRIMINAL CASES)**

PLEASE DO NOT ASK THE CLERK FOR ADVICE. They are not permitted by law to give legal advice. These instructions are intended to give you an overview of the procedures to appeal your case. You should also consult the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). These Rules govern the appeal process and can be found on-line at www.courts.wa.gov or the Puyallup Library located at 324 So Meridian, Puyallup, WA. Further questions should be asked of an attorney.

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: Criminal Traffic Matter, Criminal Non-Traffic Matter, and Contested Hearing on an Infraction. ***The law does not provide for a right to appeal after a mitigation hearing on an infraction or a hearing by mail.***

II. STARTING AN APPEAL: (RALJ 2.4-5)

A Notice of RALJ 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 City Prosecuting Attorney that you are asking the Superior Court to review your case.

III. NOTICE OF APPEAL: (RALJ 2.6)

You can use the attached Notice of RALJ Appeal form to start your appeal. You will need the following information to complete this form:

- A. The identity of the plaintiff (City of Puyallup) and defendant in the case you are appealing.
- B. Your name (as appellant), the case number, 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.
- D. A description of each decision you want reviewed.

- E. Your address and telephone number and the name, address, and telephone number of your attorney (if you have one) and the city prosecuting attorney involved in your case.

This information is available from the court where your case was decided.

IV. FILING AN APPEAL: (RALJ 2.4)

When you have filled out the Notice of RALJ Appeal form, take the original and two (2) copies to the Municipal Court where your case took place and do the following:

- File the original Notice of RALJ Appeal with the Municipal Court
- Pay the court filing fee (see below)
- Take one copy of the Notice of RALJ Appeal to the city prosecuting attorney's office. (Have your copy stamped "received" while you are there.)
- Keep one copy of the Notice of Appeal for your records

Fees:

- There is a \$230.00 filing fee due on appeal of infractions. Make the money order or cashier's check payable to **Pierce County Clerk's Office**. This must be paid at the Municipal Court when the appeal is filed.
- For a criminal case, no filing fee is due. The filing fee may be assessed later by the Superior Court.
- A \$40 case preparation fee is also due to Puyallup Court for processing the appeal.

Once you have filed the Notice of Appeal and paid the filing fee and preparation 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))

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 on your designation. Make two (2) copies of the completed Designation form.

- Take the original of the Designation of the Record on Appeal to the Municipal Court.
- Take a copy of the Designation to the city prosecutor's office. (Have your copy stamped "received" while you are there.)
- Keep the second copy for your records.

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.

VI. NOTICES:

The Clerk of the Superior Court will notify you of your hearing dates at the address you have provided the Municipal 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 sentence may 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 Court judgment.

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 city 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.

PUYALLUP MUNICIPAL COURT COUNTY OF PIERCE STATE OF WASHINGTON	929 E. Main, Suite 120 Puyallup , WA 98372 (253) 841-5450
CITY OF PUYALLUP, Plaintiff, vs. _____ Defendant.	MUNICIPAL COURT CASE NO. _____ SUPERIOR COURT CASE NO. _____ NOTICE OF RALJ APPEAL <input type="checkbox"/> Criminal <input type="checkbox"/> Infraction

TO: CITY OF PUYALLUP (a copy of this notice must immediately be served on the plaintiff)

IDENTITY OF PARTY APPEALING

COMES NOW the defendant who seeks review by the Pierce County Superior Court of the above-mentioned Puyallup Municipal Court conviction sentence.

TYPE OF CASE APPEALED

Defendant was convicted of: _____

DESIGNATION OF DECISION(S)

Defendant wants the following decision(s) reviewed: _____

IDENTITY OF PARTIES

Defendant's Mailing Address _____

City _____ State _____ Zip _____

(_____) _____
Phone Number

For Criminal Case only:

- Defendant moves the court for representation on appeal by a court-appointed attorney because defendant is financially unable to obtain a lawyer without causing a substantial hardship to defendant or to defendant's family.
- Defendant will retain private counsel or represent him or herself on appeal.

DATED this _____ day of _____ 20__.

DEFENDANT

**PUYALLUP MUNICIPAL COURT, COUNTY OF PIERCE,
STATE OF WASHINGTON**

CITY OF PUYALLUP,

Plaintiff,

VS

CASE NO. _____

SUPERIOR COURT
CASE NO. _____

Defendant.

DESIGNATION OF THE RECORD ON APPEAL

TO: Clerk of Municipal Court

Please prepare and transmit to the Pierce County Superior Court, the following documents and exhibits:

- A Copy of Complaint/Citation
- A Copy of Court Docket
- CDs of recorded court sessions on _____
- A Copy of the Following File Documents (identify by title)

- The following Exhibit(s) (identify by #)
- _____

Dated: _____

Signature of Appellant