

Spokane Municipal Court Appeal Procedures

Appeal procedures are governed by Washington State court rules which can be viewed at www.courts.wa.gov.

WHAT CAN BE APPEALED?

Criminal misdemeanors and civil infractions (including parking tickets) can be appealed to Superior Court. *RALJ2.2*

TIME TO APPEAL

A Notice of Appeal must be filed in Spokane Municipal Court within 30 days of final disposition. A copy of the Notice of Appeal must be served on all other parties or their attorney of record. *RALJ2.4; RALJ2.5*

TITLE OF CASE AND NUMBER

The title of the case and case number for appeal purposes shall be the same as in Spokane Municipal Court. *RALJ11.3*

STATUTORY FEES

Filing Fees:

- Criminal Misdemeanor Appeals: No filing fee is required.
- Civil Infraction Appeals: A filing fee of \$280 is required. If you are unable to pay the fee, you may petition Spokane Municipal Court to waive the fee. A form to request the fee be waived is available in the Clerk's Office.

Document Preparation Fee:

The cost for preparation of the record is \$40 for appeals of both criminal misdemeanors and civil infractions. The fee must be paid within 10 days after you have been notified by the clerk that the designation of record has been prepared. (See "Record of Proceedings" below). *RCW 3.62.060(8)*

The filing fee must be paid by cash, money order, or cashier's check. No personal checks will be accepted.

RECORD OF PROCEEDINGS

Within 14 days of filing the Notice of Appeal, you must file a Designation of Record with Spokane Municipal Court citing specifically which parts of the record are to be transmitted to Superior Court. Spokane Municipal Court has 14 days to prepare the record and will notify you when the record is completed. *RALJ6.2(a)*

Failure to complete the above process will result in a notice to Superior Court that the appellate process is unperfected and incomplete.

BRIEFS

Your brief must be served on all other parties and filed with Superior Court within 45 days after the filing of the Notice of Appeal with Superior Court. The respondent's brief must be served on all other parties and filed within 30 days after service of your brief has been made. *RALJ7.2*

ARGUMENT

After records and briefs have been filed, the Clerk of Superior Court will set the appeal for hearing and mail notice each party. Each side will have 10 minutes allowed for oral argument, or longer if ordered by the Court. *RALJ8.3*

STAY OF ENFORCEMENT OF JUDGMENT

Once a final decision has been made in Spokane Municipal Court, the judgment will be carried out unless a stay of judgment is entered. Bail or bond may be set at a reasonable sum or the court may determine that enforcement of the sentence should be stayed without bail or bond. If the case is a criminal misdemeanor, a stay must be requested from Spokane Municipal Court. If the case is a civil infraction, a stay must be requested from Superior Court. *RALJ4.3*