

APPEAL INSTRUCTIONS

The procedures for initiating, perfecting, and prosecuting an appeal from the Ferndale Municipal Court are provided in the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). There are numerous rules with several subsections and you are advised to review ALL the rules. Copies of the rules are available at the Whatcom County Law Library at the County Courthouse.

THE PROCEDURES FOR INITIATING AN APPEAL GENERALLY PROVIDE:

IN A CRIMINAL CASE: **within 30 days** of the final decision of the Ferndale Municipal Court, the Appealing Party, or Defendant, must file a Notice of Appeal in the Ferndale Municipal Court Clerk's office (RALJ 2.4(a)). The Appealing Party, or Defendant, must also immediately serve a copy of the Notice of Appeal upon the City Attorney (RALJ 2.4(c)). There is no filing fee required.

IN AN INFRACTION CASE: **within 30 days** of the final decision of the Ferndale Municipal Court, the Appealing Party, or Defendant, must file a Notice of Appeal in the Ferndale Municipal Court Clerk's office (RALJ 2.4(a)). The Appealing Party, or Defendant, must also service a copy of the Notice of Appeal upon the City Attorney (RALJ 2.4(c)). A filing fee of \$280.00 (or what is current with the Superior Court) is required. The filing fee may be waived if the defendant is found to be indigent. A "Determination of Indigency Report" must be completed and signed by the Judge that heard the case.

A "Notice of Appeal" form may be obtained from the Ferndale Municipal Court Clerk's office.

CAUTION: IF THE APPEALING PARTY, OR DEFENDANT, FAILS TO FILE A NOTICE OF APPEAL WITH THE FERNDAL MUNICIPAL COURT CLERK'S OFFICE WITHIN THE THIRTY (30) DAY PERIOD, THE RIGHT TO APPEAL WILL BE LOST. THE DECISION OF THE FERNDAL MUNICIPAL COURT WILL BE FINAL AND WILL NOT BE SUBJECT TO APPEAL OR CHALLENGE.

NOTE:

1. The filing of a Notice of Appeal does not stop enforcement of the Ferndale Municipal Court decision, unless the decision is stayed pursuant to RALJ 4.3. The Appealing Party, or Defendant, **MUST PAY THE FINE AS DIRECTED BY THE FERNDAL MUNICIPAL COURT JUDGE.** THE PAYMENT WILL BE THE AMOUNT OF APPEAL BOND REQUIRED AND WILL BE DEPOSITED TO THE COURT TRUST FUND PENDING THE FINAL DECISION OF THE SUPERIOR COURT OF WHATCOM COUNTY.
2. The Appealing Party, or Defendant, has a positive duty to prosecute the appeal. Appeals can be dismissed if there is no action of record for ninety (90) days (RALJ 10.2).
3. The Appealing Party, or Defendant, must file **within fourteen (14) days** of the Notice of Appeal, a "Designation" of what part of the record needs to be transmitted to Superior Court. Once received, the Ferndale Municipal Court has fourteen (14) days to prepare and transmit the record to the Superior Court of Whatcom County. The Ferndale Municipal Court will notify the Appealing Party, or Defendant, when the record is transmitted.
4. In all appeals, the cost of preparing the record for transmittal to the Superior Court of Whatcom County is \$40.00. This fee must be paid by the Appealing Party, or Defendant, **within 10 days** of notice by the Ferndale Municipal Court Clerk that the record preparation has been completed. The Ferndale Municipal Court Clerk will notify all parties that the record has been transmitted. **If the Appealing Party, or Defendant, fails to pay the cost of record preparation, the appeal file will be terminated.**

CAUTION: It is the duty of the Appealing Party, or Defendant, to follow the procedures and meet the deadlines noted in the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). The Ferndale Municipal Court and the Superior Court of Whatcom County will not issue reminder notices or track the appeal for the Appealing Party, or Defendant.

**FERNDAL MUNICIPAL COURT
WHATCOM COUNTY WASHINGTON**

CITY OF FERNDAL,)	Municipal Court
)	Case Number: _____
Plaintiff,)	
)	NOTICE OF APPEAL TO SUPERIOR COURT
Vs.)	(NTASUP)
)	
_____)	Superior Court
)	Case Number: _____
Defendant.)	

1. Appellant, _____, the above named (plaintiff)(defendant) seeks review of the Municipal Court decision in this matter, entered on _____ (date).
2. Within 14 days the appellant will file and serve on all parties a designation of the part of the record that needs to be transmitted to the Superior Court. Appellant shall pay to the Clerk of the Municipal Court \$40.00 for the cost of preparing the record. The \$40 shall be paid within 10 days of the notification from the Clerk of the Municipal Court that the record is ready. The fee for the preparing of the record may be waived under RALJ 6.2(a).
3. Appellant shall transcribe the electronic recording of the proceedings in accordance with RALJ 6.3(a) and shall file the transcript of the record with the Superior Court in accordance with LRALJ 4.1(a).
4. The Appellant shall serve copies of this notice on all other parties.

PRESENTED this _____ day of _____, 20_____.

Appellant Signature

Appellant Name (Type or Print)

Street Address

City/State/Zip Code

MUNICIPAL COURT CERTIFICATION OF TYPE OF CASE APPEALED

Criminal: No filing fee required (RCW 10.10.060)

Civil, infraction, parking, or contempt: Filing fee required before appeal accepted (RALJ 2.4(b))

○ Fee waived per attached *In Forma Pauperis* application and order (RCW 36.18.022)

A de novo small claims: Filing fee required before appeal accepted (RALJ 1.1)

○ Fee waived per attached *In Forma Pauperis* application and order (RCW 36.18.022)

Signed this the _____ day of _____, 20_____.

Ferndale Municipal Court Clerk

**FERNDAL MUNICIPAL COURT
WHATCOM COUNTY, WASHINGTON**

CITY OF FERNDAL,

Plaintiff,

Vs.

Defendant

)
)
)
)
) NO. _____
) DESIGNATION OF RECORD TO BE
) TRANSMITTED TO SUPERIOR
) COURT
)

TO: CLERK OF COURT

Please prepare the following documents, exhibits, and tapes for transmittal to the Superior Court.

<u>DATE</u>	<u>DOCUMENT NAME OR TAPE NUMBER</u>
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_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Copies of this notice have been sent to all parties.

Dated this the _____ day of _____, 20_____.

Appellant's signature

Appellant's name (type/print)

Address

City

State

Zip

DESIGNATION OF RECORD
RALJ 6.2(a)