

IN THE MUNICIPAL COURT OF THE CITY OF BURNS
COUNTY OF HARNEY, STATE OF OREGON

In the Matter of Adoption)
of Trial Court Rules for the) ORDER
Burns Municipal Court)
)

The above entitled Court, having determined that the efficient disposition of its business so requires, and pursuant to its authority under ORS 1.010, IT IS HEREBY ORDERED as follows:

1. The following rules are adopted as the Burns Municipal Court Rules effective immediately;
2. The rules shall remain in effect until otherwise ordered by the court; and
3. These rules are supplemented by the general orders, policies and procedures adopted by the court.

DATED this ___ day of _____, 2019

Dawn Crafts, Municipal Court Judge

BURNS MUNICIPAL COURT RULES

Table of Contents

Chapter 1. General Provisions.....	1
1.1 Scope of These Rules.....	1
1.2 Amendment of These Rules.....	1
1.3 Relief from Application of Court Rules.....	1
1.4 Time Computation.....	1
1.5 Court Office Location and Hours of Operation.....	1
1.6 Party Addresses and Telephone Numbers.....	1
Chapter 2. Setting Motions, Hearings, and Trials.....	1
2.1 Setting Show Cause Hearings.....	1
2.2 Setting Motion and Hearing Dates in Violation Cases.....	2
Chapter 3. Violations.....	2
3.1 Representation by Attorneys.....	2
3.2 Trial by Affidavit.....	2
Chapter 4. Use of Electronic Recording Devices.....	2
4.1 Notice Required.....	2
4.2 Expense of Recording.....	2
Chapter 5. Payments.....	3
5.1 Payment by Credit Card.....	3
5.2 Other Acceptable Forms of Payment.....	3
Appendix A: Waiver.....	4
Appendix B: Testimony by Affidavit.....	5
Appendix C: Notice of Intent to Record Proceeding.....	7

CHAPTER 1. GENERAL PROVISIONS

1.1 SCOPE OF THESE RULES

- (1) These rules shall apply uniformly to all proceedings and actions in the Burns Municipal Court.
- (2) These rules shall be construed to achieve consistency with statutory provisions and to promote the just, speedy and inexpensive determination of every proceeding and action as well as the efficient use of judicial time and resources.
- (3) These rules apply to attorneys and to persons representing themselves.

1.2 AMENDMENT OF THESE RULES

- (1) These rules may be amended at any time by order of the Burns Municipal Court Judge.
- (2) Amendments to these rules shall take effect on the date of the Order, unless the Order specifies a later date.
- (3) Upon the effective date of these rules, all existing rules or practices which are inconsistent with these rules or their amendments are superseded.

1.3 RELIEF FROM APPLICATION OF RULES

- (1) Relief from application of these rules in an individual case may be given for good cause shown if necessary to prevent hardship or injustice.

1.4 TIME COMPUTATION

- (1) ORCP 10 shall be followed in computing any time period prescribed by these rules.

1.5 COURT OFFICE LOCATION AND HOURS OF OPERATION

- (1) Burns Municipal Court maintains an office at:
242 S. Broadway Ave.
Burns, OR 97720
- (2) Unless notified otherwise, court offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and the Friday following Thanksgiving.

1.6 PARTY ADDRESSES AND TELEPHONE NUMBERS

- (1) During the pendency of any case charging a violation, or while any monetary or other obligation imposed by the Court in such case remains unsatisfied, defendant must keep the court advised in writing of defendant's current name, mailing address, and telephone number.

CHAPTER 2. SETTING MOTIONS, HEARING, AND TRIALS

2.1 SETTING SHOW CAUSE HEARINGS

- (1) Show cause hearings may be set in open court or by written notice.

2.2 SETTING MOTION AND HEARING DATES IN VIOLATION CASES

- (1) Violation motions and hearings are set by written notice, giving the parties not less than 14 days' notice of the hearing.
- (2) Parties are notified that the court has postponed a hearing or trial by written notice or by telephone. If a postponement is granted in open court, the parties personally present are deemed notified.

CHAPTER 3. VIOLATIONS

3.1 REPRESENTATION BY ATTORNEYS

- (1) If a defendant is to be represented by an attorney at trial of any violation case, the attorney must notify the court, in writing, at least seven (7) days prior to the trial date.

3.2 TRIAL BY AFFIDAVIT

- (1) Upon entry of a plea of not guilty, the defendant may, no later than seven (7) days before the trial date, waive oral testimony by filing a Waiver on a form prescribed by the court, attached hereto as Appendix A.
- (2) Upon waiving their personal appearance, defendant may file Testimony by Affidavit on a form prescribed by the court, attached hereto as Appendix B.
- (3) The plaintiff or any witness appearing by affidavit must file the affidavit no later than two (2) days before the date set for trial.
- (4) Waiver and Testimony by Affidavit forms are available upon request.

CHAPTER 4. USE OF ELECTRONIC RECORDING DEVICES

4.1 Notice Required

- (1) In any proceeding conducted in open court, any party may arrange for audio recording or reporting of the proceedings by stenographic or other means. In order to arrange for such recording, the party shall submit a Notice of Intent to Record Proceedings ("Notice"), as set forth in the attached Appendix C, no less than seven (7) days prior to the scheduled hearing. The Notice shall identify the means of such recording. Other than the means so identified, no other method of recording will be permitted without submission of a new Notice, which will then supersede and replace all prior notices. Notice forms are available upon request.

4.2 EXPENSE OF RECORDING

- (1) Any recording shall be made at the sole expense of the party submitting the Notice. In no instance shall the court incur any expense with relation to recording or facilitating such recording.

CHAPTER 5. PAYMENTS

5.1 PAYMENT BY CREDIT CARD

- (1) Payment of fines, fees, security deposit, restitution, base fine forfeiture, or any court-imposed monetary obligation may be paid by credit card through nCourt by calling 1-800-701-8560, or online at www.burnstix.com.
- (2) Please note that nCourt applies a service fee to all online and phone payments.

5.2 OTHER ACCEPTABLE FORMS OF PAYMENT

- (1) Checks with acceptable identification.
- (2) Cashier checks.
- (3) Currency with a minimum denomination of \$1.00.

IN THE MUNICIPAL COURT OF THE CITY OF BURNS
COUNTY OF HARNEY, STATE OF OREGON

_____,)
)
) Plaintiff,) Case No. _____
 vs.)
)
)
 _____,)
)
)
) Defendant.)

WAIVER OF APPEARANCE

I, _____, have plead Not Guilty and requested a trial in the above-entitled case. Pursuant to ORS 153.080, I hereby waive my right to have the testimony presented orally in court at trial and agree that all testimony may be presented by sword affidavit.

(Please check box):

I agree that the court may make a decision on any sworn affidavits submitted in this case and I hereby waive my right to be personally present for trial.

I am not represented by an attorney in this matter. If I retain counsel, I will advise the court immediately.

Signature

Date

Return to: Burns Municipal Court
242 S. Broadway Ave.
Burns, OR 97720

APPENDIX A

IN THE MUNICIPAL COURT OF THE CITY OF BURNS
COUNTY OF HARNEY, STATE OF OREGON

_____)	
)	
vs.)	Case No. _____
)	
_____)	TESTIMONY BY AFFIDAVIT
)	
Defendant.)	

I, _____, being first duly sworn, state that I am the

- Defendant, and I consent to testimony by affidavit only;
- Police Officer;
- Other witness

in the above offense. Pursuant to ORS 153.080, my presence at trial has been waived. I agree that all testimony may be presented by affidavit. This affidavit represents my sworn testimony concerning the above offense:

IN THE MUNICIPAL COURT OF THE CITY OF BURNS
COUNTY OF HARNEY, STATE OF OREGON

_____,)
)
Plaintiff,) Case No. _____
vs.)
)
_____,) NOTICE OF INTENT TO
) RECORD PROCEEDING
)
Defendant.)

I, _____, a party in the above entitled case, hereby provide the court with notice of intent to audio-record or report the proceeding scheduled to occur on the _____ by the following means _____.

(Date and Time)

(Method of Recording)

Signature

Date

Return to: Burns Municipal Court
242 S. Broadway Ave.
Burns, OR 97720

APPENDIX C