

Rule 12: General Practice and Procedure

- 12.1** All pleadings, briefs, and other papers prepared by attorneys or pro se defendants for filing in the Court shall, unless the Administrative Judge specifically permits otherwise, be typed with black ink on one side only of standard size (8½" x 11") sheets and shall include the name, address and telephone number of the attorney (or of the defendant, if the defendant has no attorney) filing them. Typing shall be double-spaced except that single-spacing may be used for subparagraphs, legal descriptions of real estate, itemizations, quotations, and similar subsidiary portions of the instrument. The Municipal Court docket number (if available) or Topeka Police Department case number must be included with the caption upon each pleading to be filed.
- 12.2** All pleadings, briefs or other memorandum shall be filed with the Clerk of the Court. Copies of briefs, memoranda or communications shall be served on counsel of record. This rule does not supersede the requirement of any specific statute or ordinance as to the filing of documents.
- 12.3** The records of the Municipal Court Clerk's office may be subject to the Kansas Open Records Act. If so, copies of such records may be provided, where permitted by law or order of the Administrative Judge, at a reasonable reproduction cost to be set by the Administrative Judge. The Administrative Judge may also establish a reasonable cost for certified copies.
- 12.4** No Court file or record of the Court shall be permitted to be outside of the physical possession and control of the Clerk or Judge except to counsel of record in the case or other office of the Court with the permission of the Administrative Judge and subject to being returned immediately upon request. No Court file or record shall be taken outside the Municipal Court building or Probation offices except by order of the Administrative Judge.
- 12.5** Whenever the Judge shall make a ruling on a motion or application of any kind, and there are parties affected who have appeared in the action at a prior time, but who are not then present either in person or by their attorneys, the Judge shall cause written notice of such ruling to be mailed via U.S. mail, first class, to the parties or attorneys of record forthwith.
- 12.6** All matters taken under advisement by the Judge, including Motions as provided in Rule 15.7, shall be decided with dispatch. If, however, the matter is not decided within fourteen (14) days after final submission, within five (5) days thereafter the Judge shall file with the Administrative Judge a written report setting forth the title and the number of the case, the nature of the matter taken under advisement, and the reasons why a judgment, ruling or decision has not been entered.
- 12.7** The Judge is not required to give effect to stipulations between counsel, or oral admissions of counsel, which are not reduced to writing and signed by the counsel to be charged therewith, or which are not otherwise made a part of the record of the case.
- 12.8** In all contested matters, including pretrial motions submitted to a Judge, the Judge may state the controlling facts and the legal principles controlling the decision. If evidence was admitted over proper objections, and the Judge does not specifically state in such decision that such evidence was not considered, then it shall be

presumed in all subsequent proceedings that the evidence was considered by the Judge and entered into his/her decision.

- 12.9** Except as otherwise directed by the Administrative Judge, a Judge's notations and memoranda entered upon the disposition sheet in a docketed case, or entered into the Court's electronic docket and calendaring case management system shall serve as the journal entry of judgment and sentencing unless a formalized Journal of Judgment or other form of disposition documentation is utilized by the Court. In cases where there is a conflict, the Judge's notations shall prevail. In those cases in which the Court directs counsel to prepare a separate journal entry, such counsel preparing the journal entry shall, within ten (10) days (unless another time is specifically directed by the Judge) serve copies thereof on all other counsel involved who shall, within ten (10) days after service is made, serve on counsel preparing journal entry any objections in writing. At the expiration of the time for serving objections, counsel preparing the journal entry shall submit the original, together with any objections received, to the Judge for approval. If counsel cannot agree as to the form of the journal entry, the Judge shall settle the journal entry after a hearing. Orders or other documents containing rulings of the Judge other than judgments shall be prepared in accordance with the directions of the Judge, but in a format and process established by the Administrative Judge.
- 12.10** No photographic, audio or electronic recording shall be allowed on Court premises except upon prior permission by the Administrative Judge pursuant to the guidelines consistent with Supreme Court Rules governing the Code of Judicial Conduct.
- 12.11** No general index kept pursuant to statute or ordinance shall be destroyed.
- 12.12** No records, which are required by city, state or federal law to be preserved shall be destroyed.
- 12.13** Facsimile filing through the transmission of a document to the Court shall be permitted for the following pleadings:
- A. Entry of Appearance
 - B. Written requests for the Clerk of the Court to pull case files or records at the request of the attorney of record in such case
 - C. Motions to suppress evidence
 - D. Continuances
 - E. Motions to withdraw as counsel of record
- 12.14** Any person requesting withdrawal of a warrant, release from custody of any prisoner, modification of bond, or modification of conditions of probation or parole, must first take such request to the Administrative Judge. If the Administrative Judge is not available due to absence, illness or disqualification, the person making the request for relief may take the matter before another regularly appointed Municipal Court Judge. Violation of this rule is prohibited and will result in sanctions being imposed by the Court.

- 12.15** Once an original uniform citation and notice to appear is filed with the Court the only additional handwritten information which may be added to such citation shall be:
- A. A Court Clerk's notations relating to any oath given thereupon or relating to the filing and docketing of the charges alleged upon such citation;
 - B. A Judge's notations relating to the withdrawal of any warrant thereupon;
 - C. A Prosecutor's notations relating to the dismissal of one or more charges alleged within such citation; and
 - D. A Court Clerk's notations as authorized by statute relating to the disposition of all charges still pending by a plea of "guilty" or "no contest" after dismissals (if any) of other charges by the Prosecutor.

No other writing upon such citation, or amendments to charges originally alleged upon such citation, shall be allowed to be made upon the original citation itself once such original citation is filed with the Clerk of the Court.

- 12.16** All amendments to the charges alleged in a uniform citation and notice to appear shall be made on a disposition sheet after such charges alleged in such citation have been placed upon a disposition sheet for docketing, or by the filing of a separate citation or amended complaint. Prosecutors may also amend citations prior to filing and docket.

- 12.17** No Judge shall enter a sentence or other final disposition upon the original uniform citation and notice to appear as to the pending charges alleged in such citation. In the absence of a disposition sheet docketing the charges alleged in the uniform citation and notice to appear the only proper method for disposition of such charges will be either:

- A. By the Prosecutor's dismissal of all such pending charges on the face of such uniform citation and notice to appear; or
- B. By the defendant's plea(s) of "guilty" or "no contest" to all pending charges alleged in such citation coupled with the contemporaneous payment of the scheduled fine and costs, where permitted by statute or Court rule.

- 12.18** No Judge shall extend the time in which a defendant may respond to the allegations in the uniform citation and notice to appear, nor extend the time in which a defendant may pay fines or costs by making any written notations upon such citation. All such extensions of time may only be effectuated by the appropriate entry of a Judge by a clerk into the Court's computerized docket and calendaring case management system.