

FAIRWAY MUNICIPAL COURT RULES

The following are rules which have been adopted by the Fairway Municipal Court and must be adhered to by all parties appearing before the Court.

I. COURTROOM DECORUM.

The conduct and demeanor of attorneys when present during any court proceedings shall reflect respect for the dignity and authority of the court, and the proceedings shall be maintained as an objective search for the applicable facts and the correct principles of law. An attorney must always stand when addressing the judge. Attorneys shall at all times treat all witnesses, court personnel and other attorneys in a civil action and courteous manner. All male attorneys appearing in the court shall wear a coat and tie. All female attorneys appearing in the court shall be dressed in appropriate attire for an attorney appearing before any court in this state.

II. CONTINUANCES.

Each side shall be entitled to one (1) continuance as a matter of right. Any continuances beyond one continuance for either side shall be for good cause shown and in the discretion of the court or by agreement of the city prosecutor and defense counsel.

Once the case has been set for trial, the case will be continued only under exceptional circumstances and if the request is made by the defense for a continuance of a case on the court's trial docket, such request shall be made not less than forty-eight (48) hours prior the court proceedings.

III. AMENDMENT POLICY.

(A) No defendant shall be permitted to have a ticket amended if in the preceding twelve (12) months another ticket has been amended for the defendant in this jurisdiction.

(B) No speeding charges in a school zone shall be amended.

(C) Speeding tickets up to twenty miles per hour over the posted speed limit (other than school zones) may be amended by the payment of a double fine plus court costs.

(D) Any speeding tickets more than twenty miles per hour over the speed limit and all other amendments shall be in the discretion of the prosecutor.

IV. ALCOHOL EVALUATIONS.

In any case in this court where the defendant has no prior alcohol convictions or diversions and is required to obtain an alcohol evaluation prior to sentencing, the defendant may be evaluated by any ADSAP certified evaluation agency that is approved by the 10th Judicial District, provided said agency agrees to complete a diversion agreement on forms published by the Fairway Municipal Court certifying that the agency has reviewed the diversion agreement with the defendant and that the defendant has initialed each paragraph confirming the review. The agency shall also agree to appear at any revocation hearing without charge to the City of Fairway.

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All alcohol evaluations for defendants who have prior alcohol diversions or convictions shall be by the ADSAP evaluation agency selected by the Court.

V. MOTION PRACTICE.

All motions to suppress evidence shall be in writing and served on the city's prosecutor not less than two (2) weeks prior to any scheduled hearing. If the defense requests an evidentiary hearing on its motion to suppress, that request must be made in writing and at least two (2) weeks prior to the hearing.

VI. CONFERENCES WITH PROSECUTOR.

The Clerk of the Court shall maintain two sign in sheets at the front desk and when an attorney appears, he/she should sign the attorney sign in sheet and attorneys will be given a preference over pro se litigants who also will sign a separate sign in sheet. Provided however, attorneys appearing after 6:00 p.m. will be placed on the pro se schedule to see the prosecutor.

The Prosecutor will also be available for conferences the 2nd Wednesday of each month from 10 AM to 12 PM at the Fairway Police Station located at 5252 Belinder, Fairway KS 66203.

VII. EXPUNGEMENT OF CERTAIN CONVICTIONS.

Any person who has been convicted of a violation of a Fairway City Ordinance may petition the convicting court for expungement of such conviction and related arrest records after three (3) years have elapsed since the court's sentence was satisfied and the defendant was discharged from probation or parole of a suspended sentence, or after completing the terms of a diversion agreement. No person may petition for expungement of a violation described in K.S.A. 12-4516 until five (5) years after satisfaction of the sentence, probation or parole. The court will fix a fee required to be paid with the filing of a motion to vacate.

VIII. MOTIONS TO SET ASIDE CONVICTIONS.

The court, on motions filed within ten (10) days after the finding of a violation or a Fairway City Ordinance, may vacate the conviction if the complaint does not charge a violation of a city ordinance or the court was without jurisdiction of the offense.

IX. COST OF APPOINTED COUNSEL.

In those cases where a defendant has applied for the appointment of counsel and has met the criteria established by the court for appointment of counsel, the court may, in its discretion, add the costs of appointed counsel to the court costs and require the defendant to pay those costs as a part of the sentence of the court.