

## **LIR 6.6(e) REQUEST FOR SPEED MEASURING DEVICE EXPERT**

**Request for Speed Measuring Device (“SMD”) Expert.** Defense requests to produce an electronic or laser SMD expert pursuant to IRLJ 6.6(b) shall be contained in a separate document clearly designated as a request for an SMD expert, served on the prosecuting authority with a conformed copy filed with the clerk of the court. If the charging law enforcement agency’s SMD expert maintains a schedule for monthly appearances in the Lower Kittitas County District Court, a request for an SMD expert shall be deemed by the court to be a request to set (or re-set) the hearing to a day scheduled for the agency’s SMD expert. An SMD expert called as a witness by either party may testify by telephone; however, any party intending to elicit telephonic testimony from an SMD expert shall notify the court and the opposing party at least 5 days prior to the date set for the contested hearing. [Adopted effective September 1, 2003]

*Comments to Local Infraction Rule 6.6(e).* LIR 6.6(e) is designed to address the problem of requests for SMD experts being “buried” within discovery requests or other documents filed in contested infraction cases. A request for an SMD expert which stands alone and is clearly identified as a request for an SMD expert will eliminate continuances for defendants who desire the presence of an SMD expert but who have not made their wish sufficiently clear to the prosecuting authority. Allowing SMD expert testimony by telephone serves to reduce costs incurred by law enforcement agencies as well as assisting defendants in presenting the testimony of their own SMD experts.

## **LIR 6.6(f) PUBLIC ACCESS TO SPEED MEASURING DEVICE CERTIFICATES**

Pursuant to IRLJ 6.6(d), the court maintains as public records any design and construction certifications for electronic speed measuring devices and laser speed measuring devices filed with the court. In addition to the methods of public access described in IRLJ 6.6(d), certifications filed by the Washington State Patrol are available for review and downloading at the court’s website located at

<https://www.co.kittitas.wa.us/courts/lower/smd/default.aspx>.

[Adopted effective September 1, 2005]