

LMCLR CR 8.2  
CRIMINAL MOTION PROCEDURES

1) Purpose: This rule governs criminal motion practice.

2) Filings of Motions, Memoranda and Affidavits General. The moving party shall file with the court 14 days prior to the motion hearing date the following: The motion being noted, all supporting affidavits and documentary evidence and a brief memorandum of authorities. Unless a court rule, statute or briefing schedule provides a different timeframe for a response, the responding party may file a response to the issue of law, or any counter-affidavits, briefs or memoranda of authorities no less than five (5) days before the hearing. The responding party may also file any pleading to which the motion is directed. Failure to timely comply with these filing requirements may result in a continuance or the motion being stricken from the calendar.

3) Copies of Motions, Memoranda and Affidavits. A copy of the motion, brief, memorandum, documents and affidavit shall be filed with the Court as prescribed in LKMCLR G1.9.B.4 (Electronic Filing and Service). Responding briefs, memoranda and other documents shall be filed with the Court as prescribed in LKMCLR G1.9.B.4 (Electronic Filing and Service).

4) Motion Hearing Procedures. Oral argument on motions shall be limited to ten (10) minutes for each side unless the Judge determines otherwise.

6) The Motion hearing shall proceed upon the pleadings and any submitted police reports. If, at the time of the hearing, the City elects to provide supplementation or the court finds that additional information is necessary to adequately decide the issues presented by the moving party, a testimonial hearing shall be set. Prior to the testimonial hearing, the court should advise the parties of the issues that remain for consideration. The purpose of this rule is to efficiently and effectively resolve pre-trial issues and to focus the costs of testimonial hearings to cases that warrant it.

(Effective 09/01/18)

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