

RULE 4.5
OMNIBUS HEARING

(b) Time. At arraignment, an order shall be entered fixing a time and date for an Omnibus Hearing under CrR 4.5, which hearing generally will be set for the second or third motion docket following the date of arraignment.

(d) Motions and Other Papers.

(1) How Made. The moving party shall note motions in a timely manner so that all hearings and motions (other than final pretrial motions which can be completed before the time the trial is set to begin) will be heard at least seven days prior to the date of trial. Failure to timely note motions for hearing in accordance with this rule may be deemed a waiver of the pretrial hearing on such motions. The civil rules relating to motions and hearings (LCR 7) apply to criminal cases.

(2) Counsel shall submit briefs when the court's ruling upon the motion would be facilitated by the submission of legal authority in support of, or in opposition to, the pending motion. The brief of the moving party shall be submitted not less than 3 days before the scheduled hearing, and the brief of the responding party shall be filed on or before the day of the hearing. Copies of all motion briefs shall be submitted to the judge who has been assigned to hear the motion.

(3) Reapplication on Same Facts. When an order has been applied for and refused in whole or in part or has been granted conditionally and the condition has not been performed, the same application for an order shall not be presented to another judge without advising the second judge of the fact that the order was previously refused or conditioned.

(4) Subsequent Motion, Different Facts. If a subsequent application is made upon an alleged different state of facts, it shall be shown by affidavit what application was made, when and to what judge, what order or decision was made thereon, and what new facts are claimed to be shown. Any order obtained in violation of this section may be set aside. (Effective 9/1/10)

(h) Memorandum. The parties may submit an agreed order on omnibus. If an agreed order will not be submitted, each party shall prepare and submit an omnibus application substantially in the form set forth in Criminal Rules for Superior Court on or before the time set for the omnibus hearing. It is not necessary to make separate written motions where such motions have been checked on the party's omnibus application. The moving party shall note such motions for hearing in accordance with these rules. Briefs and supporting documents shall be submitted as required by LCR 4.5 (d) (2). (Effective 9/1/10)
