

LCrR 8.2.
MOTIONS

(a) Motion Calendar. Criminal motion calendar shall be set at 9:00 a.m. on Friday, with sentencings set at 1:15 p.m. on Friday in San Juan County.

(b) Motions. Unless changed by the Local Criminal Court Rules, Criminal Rules 3.5 and 3.6, Civil Rule 7(b), and LCR 7 shall govern motions in criminal cases. CourtCall may only be utilized in limited circumstances and then only after court approval.

(c) Drug/Alcohol and/or Mental Evaluations.

(1) Unless otherwise approved by the court, any evaluation required or presented to the court for consideration must meet the standards set forth in this rule.

(2) The defendant shall obtain from the court a form setting forth the court's evaluation standards and a waiver of confidentiality. The defendant shall sign the waiver of confidentiality form and provide a copy to the court and to each evaluator to ensure that the court, probation officer and prosecutor may provide the evaluator with pertinent information and the evaluator can provide evaluations, progress reports, violation reports and test results to the court, probation officer and prosecutor.

(3) The evaluator must meet all certification and registration requirements of the state in which he or she practices. The evaluation process must comply with all procedures required by the state in which the evaluator practices. Where the evaluation is intended to support a deferred prosecution sentencing alternative, or relates to competency, sanity, or sexual deviancy, it must also comply with any Washington State standards and procedures. In addition, the evaluator must obtain and consider the following information.

- (i) The arrest and criminal history of the defendant;
- (ii) The driving record of the defendant.
- (iii) The police reports relating to the event underlying the charges;
- (iv) Any prior relevant evaluations and treatment history;
- (v) Information from at least one reliable collateral contact who has significant knowledge of the defendant;
- (vi) If the evaluation relates to a domestic violence offense, the evaluator must contact any victim;
- (vii) Any additional pertinent information provided by the probation officer and prosecutor.

(4) Upon receipt of a request from an evaluator for information set forth in this rule or for other pertinent information, the prosecutor, probation officer or law enforcement agency may provide such information, provided that a proper waiver of confidentiality has been filed with the court.

(d) Presentation of Final Documents. If a movant's motion is granted in whole or in part, the moving party shall be responsible to prepare and present any written findings, conclusions, and orders necessary as a result of the decision, unless the court orders otherwise.

