

## RULE 9. MOTIONS AND HEARINGS

(A) Pre-trial Hearings. All cases set for a jury or non-jury trial shall be set for a pre-trial hearing prior to the trial date. The City Attorney, the defendant and the defense attorney, if any, shall attend the hearing.

(B) Motions. All motions, including but not limited to amendment to the charges, for continuance and CrRLJ 3.5 hearings shall be heard at the pre-trial hearing. Motions will not be considered at the time of trial unless they could not have been raised at the pre-trial hearing, or the court on its own motion continued a matter to the time of trial.

(C) Subpoenas. A party wishing the attendance of a witness at a hearing shall be responsible for subpoenas of such witnesses, except that the City Attorney shall subpoena necessary witnesses for a CrRLJ 3.5 hearing if the defendant or his attorney has requested in writing such attendance and has given notice for such motion as set forth herein. A party requesting the court to subpoena a witness shall provide the name and address of the witness, a statement of the relevance of the testimony, and payment of \$50.00 per requested subpoena to pay for the witness fee and mileage, and costs of service.

(D) Testimonial Hearing Notice. A party bringing a motion which will require testimony, including CrRLJ 3.5 hearings, shall give separate notice of such to the clerk and the opposing party not less than two weeks prior to the hearing. Failure to comply with this rule may result in the striking of the motion, its denial or terms.

(E) Attendance Required. The defendant must attend every scheduled court proceeding. If a defendant fails to attend, a bench warrant may issue for his/her arrest by the judge or court personnel upon direction of the judge and all scheduled court dates may be stricken at the discretion of the court. The court may impose an additional fee for the issuance of any bench warrant for failure to appear. The time period from the hearing missed by a defendant to his/her next appearance in court shall not be included in any time limitation requirements but rather time limits shall begin anew from such next appearance.

[Adopted September 3, 1991; amended effective September 1, 2001.]

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