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Ocean Shores Municipal Court

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RULE 9.  
MOTIONS AND HEARINGS.

A) Pretrial Hearings. A pretrial hearing shall be set in all cases which have not been resolved at the arraignment. The city attorney, the defendant, and the defense attorney, if any, shall attend the pretrial hearing. At the pretrial hearing, the parties shall inform the court whether discovery has been completed, whether a plea bargain agreement has been reached, and if not, whether the case shall be continued, set for a bench trial, or set for a jury trial if a waiver of jury trial has not been previously made. If the case is set for a jury trial, an additional pretrial hearing shall be scheduled at least one (1) week prior to the date set for the jury trial.

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

(1) Filing and Service of Motions - All motions including supporting briefs, memoranda, documents and affidavits shall be filed and served at least twenty (20) days prior to the scheduled hearing date. The responding party shall file and serve any responding motions, briefs, memoranda, documents and affidavits at least five (5) days prior to hearing date. The court retains the authority to waive this requirement for good cause shown or if justice otherwise requires. The moving party shall notify the court administrator at the time of the setting of any motion herein if oral testimony is required and shall also provide to the court administrator the estimated time required, for the motion hearing. This rule does not authorize oral testimony when the facts are undisputed or can adequately be presented by affidavit and/or other documentary evidence.

(2) Judge Working Copy - A copy of all motions, briefs, memoranda, documents and affidavits and responding motions, briefs, memoranda, documents and affidavits shall be provided to the judge after being filed with the court.

(3) Motion Hearing Procedure - Oral argument on motions not requiring testimony shall be limited to fifteen (15) minutes for each side unless the Judge allows additional time, in which case the motion may be placed at the end of the court docket. Hearings requiring testimony shall be heard at the end of the docket or on a date and time to be scheduled by the court administrator. Failure to comply with these rules may result in the striking of the motion, denial of motion or imposition of terms.

C) Subpoenas. A party wishing the attendance of a witness at a hearing shall be responsible for securing a subpoena for the witness except that the city attorney shall subpoena necessary witnesses for a CrRLJ 3.5 hearing if the defendant or defense attorney has requested in writing such an 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 such witness, and, unless found to be indigent, payment of \$50.00 per requested subpoena to pay for the witness and mileage fees, at least ten (10) days prior to the date set for trial.

D) Attendance Required. The Defendant must attend every scheduled court proceeding. If a defendant fails to attend a scheduled court proceeding, a warrant may issue for his/her arrest and all the scheduled court dates, including trial dates, may be stricken at the discretion of the court. The time period from the date of the hearing missed by a defendant until his/her next appearance in court, shall not be included in any time limitation requirements.

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