Local Juvenile Court Rule 7.15
MOTIONS - JUVENILE OFFENSE PROCEEDINGS

(A) Generally. All motions, including motions to suppress evidence, motion regarding admissions, and other motions requiring testimony, shall be heard at the time of trial unless otherwise set by the Court, together with a brief which shall include a summary of the facts upon which the motions are based, not later than five (5) days before the adjudicatory hearing. Reply briefs shall be served and filed with the Court no later than noon of the Court day before the hearing.

(B) To dismiss for Delay in Referral of Offense. The Court may dismiss information if it is established that there has been an unreasonable delay in referral of the offense to the Court. For purposes of this rule, a delay of more than thirty (30) days from the date of completion of the police investigation of the offense to the time of filing of the charge shall be deemed prima facie evidence of an unreasonable delay. Upon a prima facie showing of unreasonable delay, the Court shall then determine whether or not dismissal or other appropriate sanction will be imposed. Among those factors otherwise considered, the Court shall consider the following:

1. The length of the delay;

2. The reason for the delay;

3. The impact of the delay on ability to defend against the charge; and

4. The seriousness of the alleged offense.

Unreasonable delay shall constitute an affirmative defense which must be raised by motion not less than one (1) week before trial. Such motion may be considered by affidavit.

[Adopted effective April 1, 1988]