

1 **Rule 19C. Motion practice for Delinquency, traffic, and adult criminal matters.**

2 (a) This rule applies to motion practice for delinquency, traffic, and adult criminal
3 matters.

4 (b) Any defense, objection, or request, including request for rulings on the admissibility
5 of evidence, which is capable of determination without the trial of the general issue may
6 be raised prior to trial by written motion. A motion ~~shall~~must state succinctly and with
7 particularity the grounds upon which it is made and the relief sought. A motion need not
8 be accompanied by a memorandum unless required by the court.

9 ~~(b)(c)~~ The following ~~shall~~must be raised at least seven days prior to the trial unless
10 otherwise ordered by the ~~C~~ccourt:

11 (1) defenses and objections based on defects in the petition, indictment, or
12 information;

13 (2) motions to suppress evidence;

14 (3) requests for discovery where allowed;

15 (4) requests for severance of allegations, charges, minors, or defendants;

16 (5) motions to dismiss on the ground of double jeopardy; or

17 (6) motions challenging jurisdiction, unless good cause is shown why the issue
18 could not have been raised at least seven days prior to trial.

19 ~~(c)(d)~~ Motions for a reduction of criminal offense pursuant to Utah Code ~~S~~section 76-3-
20 402(2) may be raised at any time after disposition upon proper service of the motion on
21 the appropriate prosecuting entity.

22 ~~(d)(e)~~ Motions to suppress. A motion to suppress evidence ~~shall~~must:

23 (1) describe the evidence sought to be suppressed;

24 (2) set forth the standing of the movant to make the application; and

(3) specify sufficient legal and factual grounds for the motion to give the opposing party reasonable notice of the issues and to enable the court to determine what proceedings are appropriate to address them.

If an evidentiary hearing is requested, no written response to the motion by the non-moving party is required, unless the court orders otherwise. At the conclusion of the evidentiary hearing, the court may provide a reasonable time for all parties to respond to the issues of fact and law raised in the motion and at the hearing.

(f) Motions on the justification of the use of force pursuant to Utah Code section 76-2-309 must be filed at least 28 days before trial, unless there is good cause shown as to why the issue could not have been raised at least 28 days before trial.

~~(e)~~(g) When the facts in a petition, information, or indictment fail to inform a minor of the nature and cause of the offense alleged so as to enable the minor to prepare ~~his or her~~ defense, the minor may file a written motion for a bill of particulars. The motion ~~shall~~must be filed at arraignment or within 14 days thereafter, or at such later time as the court may permit.

~~(f)~~(h) A motion made before trial ~~shall~~must be determined before trial unless the court for good cause orders that the ruling be deferred for later determination. Where factual issues are involved in determining a motion, the court ~~shall~~will state its findings on the record.

~~(g)~~(i) Failure of the minor or defendant to timely raise defenses or objections or to make requests which must be made prior to trial or at the time set by the court ~~shall~~will constitute waiver thereof, but the court for cause shown may grant relief from such waiver.

~~(h)~~(j) A verbatim record ~~shall~~will be made of all proceedings at the hearing on motions, including such findings of fact and conclusions of law as are made orally.

~~(i)~~(k) If the court grants a motion based on a defect in the institution of the prosecution or in the petition or information, it may order that the minor or defendant be held in

52 custody for a reasonable and specified time pending the filing of a new petition or
53 information. Nothing in this rule ~~shall~~will be deemed to affect provisions of law relating
54 to a statute of limitations.