

**Rule 12.5. Notice of transfer Domestic Violence case from Justice Court to District Court.**

(a) A notice of transfer of a domestic violence case from a justice court to district court, pursuant to Utah Code Ann. 78A-7-106(6), must be filed electronically, or in writing, in the justice court within 14 days of the court setting the case for trial. If the trial date set by the court is less than 22 days away, the notice must be filed within 7 days of the setting of the trial date. A notice of transfer cannot be filed in a case that has not been set for trial.

(1) The notice of transfer will identify the prosecuting entity for the case, defense counsel, and at least the defendant's physical address. If available, the notice should also include an email address for the defendant.

(2) The notice of transfer is irrevocable.

(b) Upon receiving a notice of transfer, the justice court shall transmit via email copies of the notice of transfer and the Information to the address identified by the district court to receive them.

(1) If no information has been filed when the notice to transfer is filed, the justice court will order the prosecution to file an information within 7 days. Upon receipt of the information, the justice court shall then transmit the notice to transfer and the Information as required above.

(2) The justice court will also, upon request of the district court, transfer any monetary bail posted by the defendant to the district court.

(c) Upon receiving the transferred case, the district court must set a scheduling conference with the parties. Any pre-trial decisions made by the justice court will stand, unless the district court, in its discretion, grants a motion to address them. The district court will schedule further proceedings as needed.

(d) All further proceedings, including any pre-trial plea of guilty or no-contest, any trial, and if necessary, sentencing shall occur in the district court. The matter shall not be remanded to the justice court.

(e) Any appeal taken from a transferred case will be as if the case had originated in the district court.

(f) If the transferred case is dismissed by the district court without prejudice, and any of the charges from the dismissed case are refiled by the prosecutor, the information alleging those violations will be filed in the district court.

(g) In any domestic violence case already set for trial in a justice court as of July 19, 2022, a party seeking to transfer shall file a notice to transfer on or before August 2, 2022.

*Effective July 19, 2022*