

RULE 88.9 | MOTIONS IN CRIMINAL CASES

(a) Motions in criminal cases are subject to the requirements of, and shall comply with, Local Rule 7.1. with the following exceptions:

Section 7.1(a)(3), which is superseded by this Local Rule.

Section 7.1(b), which pertains to hearings. Hearings on criminal motions may be set by the Court upon appropriate request or as required by the Federal Rules of Criminal Procedure and/or Constitutional Law.

In addition, at the time of filing motions in criminal cases, counsel for the moving party shall file with the Clerk of the Court a statement certifying either:

(1) that counsel have conferred in a good faith effort to resolve the issues raised in the motion and have been unable to do so; or

(2) that counsel for the moving party has made reasonable effort (which shall be identified with specificity in the statement) to confer with the opposing party but has been unable to do so. This requirement to confer shall not apply to ex parte filings.

(b) Motions in criminal cases which require evidentiary support shall be accompanied by a concise statement of the material facts upon which the motion is based.

(c) Motions in criminal cases shall be filed and served within twenty-eight (28) days from the arraignment of the defendant to whom the motion applies, except that motions arising from a post-arraignment event shall be filed and served within a reasonable time after the event.

(d) Parties shall use pattern jury instructions whenever applicable. Unless a Court order provides otherwise, any proposed jury instruction shall identify its source and cite any supporting authorities. If the source of the jury instruction is identified as a pattern jury instruction, the party shall also state whether the proposed jury instruction is a modified version of that pattern jury instruction and, if so, how it has been modified.

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 1997; April 15, 1998; April 15, 2003; April 15, 2007; April 15, 2010; December 1, 2014; December 1, 2015; December 2, 2019; December 1, 2023.

Authority

(1994) Formerly Local Rule 10G; inadvertently omitted in 1993 revision. (1996) B. From Local Rule 7.5 and former Local Rule 10.H.

