

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

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

7 (b)The following shall be raised at least seven days prior to the trial unless otherwise ordered
8 by the Court:

9 (b)(1) defenses and objections based on defects in the petition, indictment or information

10 (b)(2) motions to suppress evidence

11 (b)(3) requests for discovery where allowed

12 (b)(4) requests for severance of allegations, charges, minors or defendants

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

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

16 (c) Motions for a reduction of criminal offense pursuant to Utah Code Section 76-3-402(2)
17 may be raised at any time after disposition upon proper service of the motion on the appropriate
18 prosecuting entity.

19 (d) Motions to suppress. A motion to suppress evidence shall:

20 (d)(1) describe the evidence sought to be suppressed

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

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

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

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

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

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

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

41 (i) If the court grants a motion based on a defect in the institution of the prosecution or in the
42 petition or information, it may order that the minor or defendant be held in custody for a
43 reasonable and specified time pending the filing of a new petition or information. Nothing in
44 this rule shall be deemed to affect provisions of law relating to a statute of limitations.

45 Effective Date: November 1, 2017