

**SNOHOMISH COUNTY SUPERIOR COURT**  
**LOCAL COURT RULE CHANGE**  
**EFFECTIVE EMERGENT: October 1, 2019**

**PART VI. CRIMINAL RULES**  
**(SCLCrR)**

**4. PROCEDURES PRIOR TO TRIAL**

**RULE 4.5 OMNIBUS HEARING**

**(a) Omnibus Calendar.** The Omnibus Calendar shall be heard at the time indicated for such as set forth in an administrative order of the court, and in such courtroom as may be posted.

Absent good cause, there shall be no more than two (2) omnibus hearings per case. Good cause may include TAP continuances and Drug Court continuances. Agreement of the parties alone shall not constitute good cause. Failure of a defendant to appear at an omnibus hearing does not count as an omnibus hearing.

If no omnibus order is entered by the second omnibus hearing, the parties shall enter an ex-parte agreed omnibus order consistent with CrR 4.5 no later than 15 days before the trial date. The omnibus order shall include a discovery date deadline. Absent good cause, failure to meet the discovery deadline or the deadline for entering the ex-parte agreed omnibus order may result in the imposition of sanctions.

**(d) Criminal Motion Calendar.** Motions to suppress, Rule 3.5 hearings, and similar matters, shall be heard at the time indicated for such as set forth in an administrative order of the court and may be assigned to Trial Departments as may appear appropriate to the judge. Matters in criminal cases requiring disposition other than on the regular Arraignment, Omnibus or Criminal Motion Calendars, shall be presented to the Criminal Motions Judge, except for motions for preassignment which shall be presented to the Presiding Judge. Criminal motions requiring more than ten minutes to be heard shall be confirmed by 10:00 a.m. one day prior to the hearing by sending an email message to the law clerk for the assigned criminal hearings judge at: [hearings.ssc-criminal@snoco.org](mailto:hearings.ssc-criminal@snoco.org). The moving party must notify the court as soon as possible when a confirmed matter is stricken or continued. Failure to do so may result in the imposition of sanctions or terms. The moving party's motion and brief, if any, must be

filed with the court clerk and a copy served on the judge hearing the matter and opposing counsel at least five court days before the hearing. Responding documents and briefs, if any, must be filed with the court clerk, and a copy served on the judge hearing the matter and the moving party at least two court days before the hearing. Reply documents must be filed and served no later than 12 noon of the court day prior to the hearing.

CrR 3.5 hearing dates may not be set by court order after the second omnibus hearing. If the 3.5 hearing has not been set by the time of the second omnibus hearing, there will be no further 3.5 hearings set by Court Order. After the second omnibus hearing, if the State desires to have a 3.5 hearing, the State must timely file and serve a calendar note and motion. If the 3.5 hearing is not completed by one week prior to the trial call date, the statements will not be admissible at the time of trial absent good cause to excuse the delay.

No motion hearing, with the exception of a CrR 3.5 hearing, may be set by court order unless the actual motion and supporting documents are filed by the time the order setting the hearing is entered. If the motion and supporting documents are filed, a date for hearing can be set by court order. If the date is not set by Court order, in accordance with the conditions above, then the motion and all supporting documents must be filed and served together with a calendar note, per court rule. If a defense motion is not heard by one week prior to the trial call date, the court may impose sanctions.

If good cause is found to excuse the delay in bringing the CrR 3.5 or other motion, no sanctions shall be imposed on account of the delay. Examples of good cause include but are not limited to: court congestion; inability to interview necessary witnesses in a timely fashion, so long as the delay was not caused by the party requesting the finding of good cause; unavailability of necessary witnesses; and failure of a party to timely provide discovery to the party seeking a finding of good cause. If the State's failure to provide discovery creates good cause to excuse delay, such failure may be a basis for the court to impose financial sanctions.

Agreement of the parties alone shall not constitute good cause to excuse delay of a hearing set by court order.

If the trial call date is continued prior to the time set for trial call, the deadlines for 3.5 hearings and all other motions shall be extended to one week prior to the new trial call date, unless the trial date was continued by agreement and there has been no finding of good cause regarding the original deadline for filing of motions.

[Amended effective September 1, 1992; September 1, 1993; September 1, 1997; September 1, 1998; amended emergency effective April 4, 2011; amended September 1, 2011; amended effective September 1, 2016; amended emergency effective October 1, 2019]