

# LCrR47 – Motions and Supporting Affidavits

## LCrR47-1 Motions in Writing.

Motions shall be in writing and state with particularity the grounds therefor and the relief or order sought. All motions and responses thereto must be accompanied by a concise brief citing all authorities upon which the movant or respondent relies.

## LCrR47-2 Timing of Motions.

In cases ~~where~~ when counsel for defendant has made an appearance of record, notice may be sent by the Court Clerk, setting a time for the filing of motions and responses thereto. Unless ordered otherwise, all motions shall be filed within fourteen days after defendant's arraignment. Responses shall be filed within seven days of the motion's filing. After the time for a response has passed, the Court may consider the motion ripe for ruling, even if no response has been filed.

## LCrR47-3 Proposed Order.

A proposed order granting the requested relief shall be submitted ~~pursuant to~~ following the CM/ECF Administrative Guide of Policies & Procedures the Instructions for Providing Non-Electronically Filed Documents to the Court, available on the Court's website.

## LCrR47-4 Statement of Objection.

A motion must state on the first page whether or not it is opposed. If opposed, the motion must recite whether concurrence was refused or explain why concurrence could not be obtained. A motion that fails to recite concurrence of each party may be summarily denied.

## LCrR47-5 Length of Motion and Brief.

(a) No brief shall be submitted that ~~is longer than~~ exceeds twenty-five pages without leave of Court. Motions for leave to file a brief ~~in excess of~~ exceeding twenty-five ~~typewritten~~ pages shall state the requested number of pages and shall be filed ~~no later than~~ at least one day ~~prior to~~ before the date the brief is due.

(b) Briefs exceeding fifteen pages ~~in length~~ shall be accompanied by an indexed table of statutes, rules, ordinances, cases, and other authorities cited.

## LCrR47-6 Motions for Extensions of Time and Continuances.

Motions and proposed orders to continue the trial date must address with particularity [18 U.S.C. §3161\(h\)](#).

## LCrR47-7 Motions to Reconsider or Overrule Actions Taken by District Judges or Magistrate Judges in Connection with Ex Parte Applications.

Once a motion or application has been presented and an order has been entered by a district judge or magistrate judge, a request to reconsider or overrule such that determination shall be presented to the district judge or magistrate judge entering the order, if available. If presented to a different district judge

or magistrate judge, the movant or applicant shall ~~make known~~report the action taken by the district judge or magistrate judge to whom it was previously submitted. This ~~provision~~local rule is intended to apply to ~~such matters typically submitted without a case being filed, such as applications for search warrants, wiretaps, and pen registers, and other such applications or motions which are made to a district judge or magistrate judge without a case having been filed. It is not a~~This local rule does not provide a means to appeal an order entered in a case, nor is it intended to apply where a case is transferred from one district judge to another and a motion to reconsider a prior ruling is made.

### **LCrR47-8 Motions for Evidentiary Hearing.**

A party requesting an evidentiary hearing in connection with a motion shall state the factual and legal bases for the request in the motion or response, state whether each party agrees to or opposes the request, and estimate the length of time the requested evidentiary hearing would take.

### **LCrR47-9 Motions Regarding Modification of Conditions or Early Termination of Supervision.**

A motion requesting modification of conditions of pretrial release, probation, or supervised release, or a request for early termination of probation or supervised release must state the position of the U.S. United States Probation Office.

### **LCrR47-10 Joinder of Co-Defendant's Motion.**

A co-defendant who seeks to join a specific motion previously filed by a co-defendant must file a joinder in motion.

### **SUMMARY OF CHANGES**

Most changes are for clarity or consistency with other rules. The Advisory Rules Committee questions whether 47-7 is necessary and notes that while all Oklahoma districts have this rule, the Committee was not aware of any other districts with this rule.