

Rule 12. Pleadings, Motions, and Defenses Before the Factfinding Hearing

(a) Pleadings and motions. Pleadings in delinquency and need for supervision cases shall be the petition and the pleas of not guilty and guilty. All other pleas, and demurrers and motions to quash are abolished, and defenses and objections raised before the factfinding hearing shall be raised only by motion to dismiss or to grant appropriate relief, as provided in these Rules.

(b) Pretrial motions. Any defense, objection, or request which is capable of determination without the trial of the general issue may be raised before trial by motion and in accordance with Rule 47-I. The following must be raised prior to trial:

- (1) Defenses and objections based on defects in the institution of the prosecution; or
- (2) Defenses and objections based on defects in the petition (other than that it fails to show jurisdiction in the Family Court or to charge an offense, which objections shall be noticed by the Family Court at any time during the pendency of the proceedings); or
- (3) Motions to suppress evidence; or
- (4) Requests for discovery under Rule 16; or
- (5) Requests for a severance of charges or respondents under Rule 14.

(c) Notice by the government of the intention to use evidence.

(1) At the discretion of the government. At the detention or shelter care hearing or the initial appearance or as soon thereafter as is practicable, the government may give notice to the respondent of its intention to use specified evidence at trial in order to afford the respondent an opportunity to raise objections to such evidence prior to trial under subdivision (b)(3) of this Rule.

(2) At the request of the respondent. At the detention or shelter care hearing or the initial appearance or as soon thereafter as is practicable, the respondent may, in order to afford an opportunity to move to suppress evidence under subdivision (b)(3) of this Rule, request notice of the government's intention to use (in its evidence in chief at trial) any evidence which the defendant may be entitled to discover under Rule 16 subject to any relevant limitations prescribed in Rule 16.

(d) Effect of failure to raise defenses or objections. Failure by a party to raise defenses or objections or to make requests which must be made prior to trial, at the time required by Rule 47-I or prior to any extension thereof made by the Family Court, shall constitute waiver thereof, but the Family Court for cause shown may grant relief from the waiver.

(e) Production of statements at suppression hearing. SCR-Juvenile 26.2 applies at a hearing on a motion to suppress evidence under subparagraph (b)(3) of this Rule. If the respondent has called a law enforcement officer as a witness, both the government and the respondent are required to produce statements of the officer in their possession under the terms of SCR-Juvenile 26.2.