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IN THE MUNICIPAL COURT OF THE CITY OF BILLINGS, STATE OF MONTANA

CITY OF BILLINGS, Plaintiff, vs. DEFENDANTNAME, Defendant.	Docket No.: CaseNumber JUDGE SHEILA R. KOLAR OMNIBUS ORDER
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The purpose of the Omnibus Hearing is to expedite the procedures leading up to trial of the defendant. The defendant’s presence is therefore required unless the defendant has signed a Waiver of Attendance. If the defendant is incarcerated, it is the defense counsel’s responsibility to move the Court for an Order to Transport no less than two (2) business days prior to the hearing. **The parties shall discuss the case with each other prior to the scheduled hearing.** The prosecuting attorney can be reached at (406) 657-8205. At the Omnibus Hearing, the judge will be available to accept a change of plea or set the case for trial if no plea agreement has been reached.

Discovery

The defendant may obtain discovery prior to the Omnibus Hearing. Discovery is governed by M.C.A. §§ 46-15-322 & 323. The defendant or his or her defense counsel must call (406) 657-8205 to request a copy of the written discovery (e.g., investigative file, police report, etc.). The City Attorney’s Office must gather and duplicate this information for pick-up within five (5)

1 business days of the request. A \$10.00 administrative fee will be charged for discovery from the
2 City Attorney's Office.

3 To order audio statements, CD's of photos, watch guard video, in car video, etc., the
4 defendant or defense counsel must submit a Discovery Request Form with the Police Department.
5 The form can be found by clicking on the Permits/Forms tab at www.billingspolice.com. You
6 may drop off the form on the third floor of City Hall or email the completed form to
7 evidence@ci.billings.mt.us. All requests made through the Police Department will be made
8 available on Wednesday the week after the request has been made (e.g., if you make a request on
9 a Monday or Tuesday, the request will not be available until Wednesday of the next week).

10 Within thirty (30) days after arraignment, the defendant or defense counsel must provide
11 the prosecutor a written notice of the defendant's intention to introduce evidence at trial of an
12 affirmative defense, such as good character, alibi, compulsion, entrapment, justifiable use of
13 force, or mistaken identity. The defendant must make available to the prosecutor for testing,
14 examination, or reproduction:

- 15 (a) the names, addresses and statements of all persons, other than
16 the defendant, whom the defendant may call as witnesses in the
17 defense case in chief, together with their statements;
- 18 (b) the names and addresses of experts whom the defendant may
19 call at trial, together with the results of their physical
20 examinations, scientific tests, experiments, or comparisons,
21 including all written reports and statements made by these
22 experts in connection with the particular case;
- 23 (c) all papers, documents, photographs and other tangible objects
24 that the defendant may use at trial.

25 M.C.A. § 46-15-323.

Pretrial Motions

26 Pursuant to M.C.A. § 46-13-101, all pretrial motions and notices must be raised at or
27 before the Omnibus Hearing. All pretrial motions and notices must be in writing and supported
28 by a statement of the relevant facts. All motions are controlled by Uniform District Court Rule
29 2. Time computation shall be governed by Rule 6 (a) of the Rules of Civil Procedure.

