

### **Rule 3. Filing Motion**

(a) Place of filing; copies. A motion under these rules shall be filed in the office of the clerk. If a motion is delivered directly to a judge, the judge shall transmit the motion to the clerk for review and filing pursuant to Rules 2 and 3.

(b) Filing and service. Upon receipt of the motion and having ascertained that it appears on its face to comply with Rules 2 and 3, or as may be directed by the judge, the clerk shall file the motion and enter it on the docket in his or her office in the criminal action in which was entered the judgment to which it is directed. The clerk shall thereupon deliver or serve a copy of the motion together with a notice of its filing on the prosecutor. The filing of the motion shall not require the prosecutor to answer the motion or otherwise move with respect to it unless so ordered by the court.

(c) Return of insufficient motion. If a motion received by the clerk does not substantially comply with the requirement of Rule 2 or Rule 3, it may be returned to the movant, together with a statement of the reason for its return. The clerk shall retain a copy of the motion. The clerk shall send the movant a copy of the standard form if the non-complying motion did not follow the standard form. The judge may direct the clerk to file a motion that does not substantially comply with the form requirements of this rule if the judge determines that the motion sufficiently states a claim for relief.