

UNDERSTANDING MOTIONS IN A CRIMINAL TRIAL



Before the actual trial and after the preliminary hearing there is an allotted time for both the prosecution and the defense to file pre-trial motions before a criminal court judge. The importance of pre-trial motions cannot be overstated as they can drastically change the outcome of the case. Some of the most common pre-trial motions include:

MOTION

to CHANGE VENUE

for DISCOVERY

to SUPPRESS EVIDENCE

for A SPEEDY TRIAL

to PRESERVE EVIDENCE

to MODIFY BAIL

to REDUCE CHARGES

to STRIKE A PRIOR
CONVICTION

to DISMISS COMPLAINT

These are only a few of the many pre-trial motions one can file, but it is essential to know that there isn't any guarantee that it will be approved by a judge simply because you file one.



While pre-trial motions are known to have the most significant impact on a case, they are not the end all be all. Once the trial begins, the prosecution and defense can continue to file motions that they believe can help their case. Some common motions include:

MOTION

to LIMINE

for DISMISSAL

In addition to these, another more rare motion is a motion for access to and preservation of the crime scene. If approved, this will require the judge to accompany jury members at the crime scene.

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Post-trial motions occur after the jury has reached a verdict. It is important to note that if the jury returns a not guilty verdict, the prosecution cannot have the case retried by requesting an appeal or requesting to change the location of the trial. Some of the most common post-trial motions include:

MOTION

to SET ASIDE THE VERDICT

to ALTER or AMEND A VERDICT

for A JUDGMENT
NOTWITHSTANDING THE VERDICT

Filing post-trial motions is not necessarily a prerequisite to filing an appeal, but it can help extend the period in which a defendant has to file.