

AN INCOMPLETE MOTION CHECKLIST

**PRE-INDICTMENT “MOTIONS”**

**JUDICIAL SUBPOENAS**

**EXPERT SERVICES FOR INDIGENTS**

**POLICE OFFICER PERSONNEL FILES**

**SUPPRESSION (form on disk)**

**CONDUCT OF GRAND JURY PROCEEDINGS (form on disk)**

**CONDITIONAL EXAMINATION**

**FREEDOM OF INFORMATION LAW (FOIL) REQUESTS ([http://www.rcfp.org/foi\\_letter/generate.php](http://www.rcfp.org/foi_letter/generate.php))**

**CROSS-MOTION OPPOSING PEOPLE’S ORDER TO SHOW CAUSE (form on disk)**

**POST-INDICTMENT MOTIONS**

**DISMISSAL; DENIAL OF DEFENDANT’S RIGHT TO TESTIFY**

**CPL ARTICLE 255 MOTIONS**

• **DISMISSAL OF INFORMATION**

• **DISMISSAL OF INDICTMENT**

***INTRODUCTION OF CODEFENDANT’S STATEMENT***

***INTRODUCTION OF OTHER INADMISSIBLE HEARSAY***

***PROSECUTOR’S ACTIONS***

***PRESENCE OF UNAUTHORIZED INDIVIDUALS***

***FAILURE TO DENOTE SUBSECTION OF STATUTE***

***USE OF ANATOMICALLY CORRECT DOLLS***

***MISAPPLICATION OF AUTOMOBILE/WEAPON PRESUMPTION***

***LOADED WEAPON INSTRUCTIONS***

***WEAPON IN HOME OR BUSINESS INSTRUCTIONS***

***POSSESSION OF STOLEN PROPERTY PRESUMPTION***

***MARIJUANA WEIGHT / NON-PRESUMPTION***

***IDENTICAL COUNTS***

***DUPLICITOUS COUNTS***

***INTERSTATE AGREEMENT ON DETAINERS***

***SPEEDY TRIAL - STATUTORY***

***SPEEDY TRIAL - CONSTITUTIONAL***

***DOUBLE JEOPARDY***

***COLLATERAL ESTOPPEL***

***FURTHERANCE OF JUSTICE***

***SELECTIVE PROSECUTION / IMMUNITY / LACK OF JURISDICTION***

• **DISCOVERY AND INSPECTION**

***BRADY MATERIAL***

- SEVERANCE; COUNTS OF THE INDICTMENT
- SEVERANCE; SEPARATE TRIAL FROM CODEFENDANT
- SUPPRESSION OR PRECLUSION OF EVIDENCE

*MOTION TO SUPPRESS FRUITS OF UNLAWFUL STOP AND ARREST*  
*MOTION TO PRECLUDE STATEMENTS*  
*MOTION TO SUPPRESS STATEMENTS*  
*MOTION TO SUPPRESS TANGIBLE EVIDENCE*  
*MOTION TO SUPPRESS IDENTIFICATION EVIDENCE*  
*MOTION TO SUPPRESS WIRETAP EVIDENCE*

- FAILURE TO COMPLY BY PEOPLE / SANCTIONS

### OTHER NON-CPL § 255 MOTIONS

APPOINTMENT OF A SPECIAL PROSECUTOR  
BILL OF PARTICULARS  
*SANDOVAL*  
LEAVE TO FILE SUBSEQUENT MOTIONS/JOIN IN CODEFENDANT'S MOTIONS  
MOTION TO STRIKE ALIAS  
MOTIONS IN LIMINE (form on disk)

### POST-TRIAL MOTIONS

CPL ARTICLE 330.30 MOTIONS  
MOTION FOR STAY OF EXECUTION OF JUDGMENT  
CPL ARTICLE 440 MOTIONS

### OTHER STUFF

ARTICLE 78 PROCEEDINGS (CPLR § 7804, 506)  
DECLARATORY JUDGEMENT ACTIONS (CPLR Article 30)  
HABEAS CORPUS (CPLR Article 70)  
APPLICATION FOR MATERIAL WITNESS ORDER (form on disk)

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