

# Pretrial Evidentiary Motions

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I am not presenting today and no one cares that I am super smart or that I had that one motion one time where this worked.

# Pretrial Evidentiary Motions

- Why should I file a motion?
- How do I find motion issues?
- How do I draft motions?
- How would I handle the motion hearing?
- Practice time!
- Do you have any questions?

# Why should I file a motion?

## ***Does the evidence help or hinder your story of innocence?***

- To create a bargaining advantage
- To educate the police
- To just make the DA work because you can

## How do I find motion issues?

*Read the complaint, read the police report, watch the video and above all else, talk to the client!*

But how do I actually find the issues?



## Finding the issues...

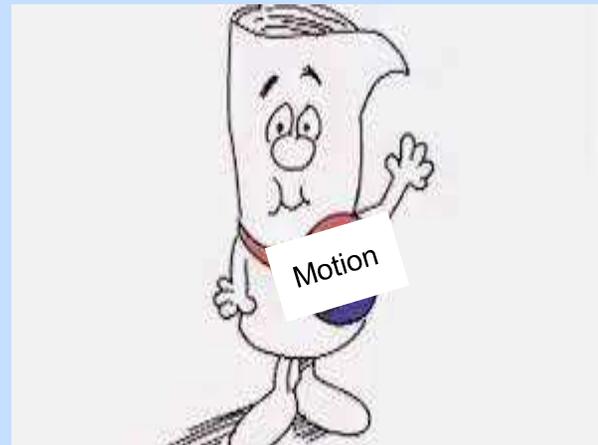
Back to the story of innocence. Find the facts that support your story and those that support the DA's story. Keep yours in and get theirs out.

# Finding the issues...

- ❑ Complaint
  - ❑ PST - Just like Fed Ex
- ❑ Police reports
  - ❑ Buzz words
- ❑ Videos
  - ❑ timing of when they knew what
- ❑ Investigate
  - ❑ Context is everything
- ❑ Talk to the client
  - ❑ Sometimes they tell the truth

# How do I draft a motion?

- ❑ No form motions!
- ❑ Ok, sometimes form motions.



# How do I handle the motion hearing?

- ❑ May not be a “Gotcha” moment
- ❑ Get out the facts as clearly as possible



# Practice time

Remember that what the police see and what you see might be different.

# High Crime Area

What Police see :



What is actually there:



# Late model vehicle with African American

What police see:



What is actually there:



# Officers remove everyone from vehicle

What Police see:



What is actually there:



# Now down to practice...

Just remember the description might not match  
reality.

# Any questions...

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