

Chapter 4: Discovery/Motions in a CLJ Case

A Typical List of Motions in CLJ cases

I. Motions that will terminate the judge's responsibility

A. Lack of Jurisdiction

1. Civil
2. Criminal
3. Juvenile

B. To change venue

1. Improper venue
2. Bias or prejudice in the community

C. Relating to Witnesses

1. To issue subpoena or subpoena duces tecum
2. To exclude witnesses from the courtroom
3. To examine a witness out of order
4. To call as an adverse witness
5. To examine as a hostile witness
6. To recall the witness
7. To require the witness to answer
8. To admonish the witness
9. To strike the testimony of a witness
10. To excuse the witness
11. To produce the original copy of a document
12. To examine notes the witness is using
13. To challenge the qualifications of an expert witness
14. To challenge the right to testify for lack of competency or privileged communication

II. General Motions in Criminal Cases

A. Re: Search Warrants

1. To issue
2. To suppress

B. Re: Bail

1. To set
2. To change
3. To revoke

4.To exonerate

C. Re: Counsel

- 1.To appoint
- 2.To permit counsel to withdraw
- 3.To waive counsel

D. Re: Complaint and Arrest

- 1.To issue warrant or summons
- 2.To dismiss the action
- 3.To amend the complaint
- 4.To issue duplicate warrant or summons
- 5.To quash service

E. Re: Confessions or Admission

- 1.To Suppress
- 2.To hold a hearing on voluntary nature
- 3.To furnish defendant with a copy

F. Re: Preliminary hearing

- 1.To hold
- 2.To waive

G. RE: Trial

- 1.To set
- 2.Waive jury
- 3.Continue trial
- 4.For mistrial
- 5.For directed verdict
- 6.For new trial
- 7.For instructions

H. Re: Due Process, Motions to Dismiss

- 1.Double jeopardy
- 2.Statute of limitations