

## PRE-TRIAL MOTIONS

### 1. **Use of Pre-Trial Motions**

- Reasons for Pre-trial Motions

### 2. **Mechanics**

- MCR 2.119
- Motion
- Relief Sought
- Brief in Support
- Supporting Affidavit

### 3. **Research Materials**

- Defendants Motion Book
- Potentially Dispositive Pre-Trial Motions By Dennis Kolenda

### 4. **Motion to Set/Reduce Bond**

- Stack v. Boyle, 342 U.S. 1 (1951)
- MCR 6.106(F)

### 5. **Motion to Discover**

- MCR 6.201
- Brady v. Maryland, 373 US 83 (1963)
- Giglio v. United States, 405 US 150 (1972)
- United States v. Bagley, 473 US 667 (1985)

- United States v. Farley, 2 Fed 3<sup>rd</sup> 645
- Kyles v. Whitley, 514 U.S. 419 (1995)
- United States v. Price, 561 Fed 3<sup>rd</sup> 900 (Ca 9<sup>th</sup>, 2009)
- People v. Chanault, 495 Mich 142 (2014)
- People v. Stanaway, 446 Mich 643 (1994)
- Davis v. Alaska, 415 U.S. 308 (1974)
- In re Bay County Prosecutor, 109 Mich App 476 (1981)

6. **Motion to Quash**

- MCR 6.110(E)
- Probable Cause, People v. Carter, 250 Mich App 510 (2002)
- People v. Hudson, 241 Mich App 268 (2000)
- Credibility, People v. King, 412 Mich 15 (1981)
- People v. Paille #2, 383 Mich 621 (1970)
- Abuse of Discretion, People v. Doss, 406 Mich 90 (1979)

7. **Evidentiary Hearing/ Motion to Suppress**

- People v. Talley, 410 Mich 378 (1981)
- People v. Walker, 374 Mich 331

8. **Motion in Limine**

- MRE 401, 402, 403
- People v. Wells, 102 Mich App 122
- People v. Mills, 450 Mich 61

9. **Expert Witness**

- Ake v. Oklahoma, 470 U.S. 68 (1985)

10. **Disqualify Court**

- People v. Burrill, 391 Mich 125

- MCR 2.003

11. **Daubert Hearing**

- Daubert v. Merrill Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)

12. **Video**

- People v. Taylor, 18 Mich App 381

13. **CSC**

- Bill of Particulars, MCL 767.44

14. **Trial Motions**

- Attorney conducted Voir Dire

- Sequestration of witnesses

- Prevent Government from calling Complaining witness a victim

- Prejudicial v. Probative matters

- Motion for Directive Verdict

- Motion for Judgment Not Withstanding the Verdict or Motion for New Trial

- Motion to Produce Witness

15. **Separate Trials**

- MCR 6.121(c)

- People v. Hurst, 396 Mich 1 (1976)

- People v. Hana, 447 Mich 325 (1994)