

MOTION IN LIMINE

Cause No(s). _____

The State of Texas § IN THE _____ COURT

§

VS. § _____
§

_____ § _____ COUNTY, TEXAS

MOTION IN LIMINE

I, _____, a living man without benefit of counsel, hereinafter known as the Accused, and by special appearance, under the authority of a motion in limine, moves this court to instruct the prosecutor of the following:

1. All elements of the charge against the Accused will be designated to the trier of fact.
2. The burden of proof will be upon the prosecutor to prove all elements of the charge against the Accused.
3. The prosecutor will refrain from labeling the Accused other than the Accused or the Defendant.

4. The prosecutor will be instructed to produce evidence into the court, under Rule 107 of Texas Rules of Evidence if the Accused is claimed to be a Person, Individual, Operator, Operating a Motor Vehicle, or Driving a Motor Vehicle as defined in the Transportation Code as associated with the statute the Accused is assumed to have violated.
5. The prosecutor will designate to the Accused which statute and regulation that the Accused is assumed to have violated.
6. Under Rule 107 of the Texas Rules of Evidence, the prosecutor will produce all evidence against the Accused.

Respectfully,

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing has been delivered to the following party or counsel of record via certified mail, return receipt requested, hand delivery or fax on this _____ day of _____, 201__.

Cause No(s). _____

The State of Texas § IN THE _____ COURT

§

VS. § _____

§

_____ § _____ COUNTY, TEXAS

ORDER ON MOTION IN LIMINE

On this the day of , 201__, came on to be heard the Accused's Motion in Limine for the above entitled and numbered cause(s), and the court, having heard the said motion, and the evidence thereon submitted, is of the opinion that said Motion should be

Granted and is so Ordered.

Signed and entered this day of , 201__.

SEAL

Judge Presiding

INSTRUCTIONS

This document is filed right after the pre-trial or at least 10 before the trial. This document is important for the appeal. This is used to get the judge to instruct the prosecutor what the ground rules are at the beginning of the trial.

Do not have a page number on the ORDER – you may need to cut and paste to a new document.

Original is filed with the court clerk, copy served on the prosecutor, a copy for you.

Line 1: Where you put the cause numbers of the case.

Line 2: Put either 'Municipal', 'Justice of the Peace' or County.

Line 3: Put either 'In the City of (whatever City)', "Precinct (whatever number)" or "(whatever county Court it is – like – At Law #11)

Line 4: Put your name in Upper and Lower Caps.

Line 5: Put whatever county the court is in – like – "Galveston".

Line 6: Put your name in Upper and Lower Caps.

Line 7: Sign your name, print your name in Upper and Lower Caps then below that print your address.

Line 8: Put the numbered day of the Month that you serve a copy of this document to the prosecutor.

Line 9: Put the name of the Month that you serve a copy of this document to the prosecutor.

Line 10: Put the last number of the year that you serve a copy of this document to the prosecutor. – like - 2013 .

Line 11: Put " Prosecutor for (Whatever Court)

Line 12: Put the street address where the prosecutor will be served.

Line 13: Put the City, State and Zipcode where the Prosecutor will be served.

Line 14: Sign your name, print your name in Upper and Lower Caps then below that print your address.

NEW DOCUMENT - ORDER

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Line 4: Put your name in Upper and Lower Caps.

Line 5: Put whatever county the court is in – like – "Galveston".

Leave rest for the Judge to fill out.

Original goes to the clerk of the court, one copy to the Prosecutor and one copy for you to keep and have stamped by the clerk. Be sure and NOT include the instruction sheets.