

Pre-Trial Motions

The most common pre-trial motions are:

- Motion to dismiss
- Motion to compel discovery
- Motion *in limine*

The motion to dismiss is just what it sounds like. It is a request to the Court to dismiss some or all of the charges. A motion to compel discovery is a motion to force the opposing party to provide information to the requesting party. A motion *in limine* is a motion requesting that certain evidence be excluded at trial.

A **motion to dismiss** some or all charges is filed with the Court when there has been a violation of the defendant's due process, like:

- A warrantless search or
- A faulty arrest warrant that does not comply with the Tribal Code.

A sample motion is included in the end materials of this handbook.

A **motion to compel discovery** is filed with Court when the other side has failed to provide the documents or evidence identified in the Demand for Discovery and Inspection in a reasonable amount of time. A reasonable amount of time is thirty (30) days. The Court can order the people not sharing their evidence to share it if it is a reasonable request.

A **motion *in limine*** is filed when some of the prosecutor's evidence is:

- Irrelevant
- More prejudicial than probative
 - This means it hurts more than it helps
- Cannot be properly authenticated,
 - This means showing something to be genuine or real
- Or is otherwise deficient

A sample motion *in limine* is included in the end materials of this handbook.

When a pre-trial motion is filed, the Court will schedule a hearing. This could delay the start of the trial.

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