

Trial Preparation Checklist for Menominee Tribal Court

Pre-Trial Investigation and Discovery

- Obtain and Review All Affidavits:
 - Arrest warrant affidavit: Check for probable cause and factual accuracy.
 - Search warrant affidavit: Verify scope, dates, and items authorized for search.
 - Note any inconsistencies or omissions that could support a motion to suppress, a motion in limine or a motion to dismiss.
- Request Full Discovery:
 - Police reports, witness statements, forensic evidence, body cam footage.
 - Ensure all materials referenced in affidavits are disclosed.
- File Motion(s) to Suppress (if applicable):
 - Challenge legality of arrest or search based on affidavit flaws.
 - Cite Fourth Amendment violations or lack of probable cause.
 - Challenge warrants that weren't properly served.

Legal Research and Strategy

- Understand the Charges:
 - Break down each element the prosecution must prove.
 - List each piece of evidence that aligns with the elements of each crime.
 - Research relevant statutes and case law.
- Develop a Theory of the Case:
 - Create a narrative that supports your innocence or mitigates culpability.
 - Align your theory with evidence and witness testimony.
- Prepare Pretrial Motions:
 - Motions in limine (to exclude prejudicial evidence).

- Motions for discovery or to compel disclosure.

Witness and Evidence Preparation

- Identify and Interview Witnesses:
 - Prepare subpoenas if needed.
 - Ensure witnesses understand trial procedures and timeline.
- Prepare Exhibits:
 - Organize documents, photos, and physical evidence.
 - Ensure proper authentication and chain of custody.
- Review Witness Statements:
 - Compare with affidavit claims for inconsistencies.
 - Prepare impeachment strategies if needed.

Courtroom Readiness

- Understand Court Procedures:
 - Learn local rules, trial order, and judge's standing orders.
 - Prepare questions for potential jurors if there will be a jury trial.
- Practice Opening and Closing Statements:
 - Introduce your theme and theory clearly.
 - Use persuasive, simple language.
- Prepare for Direct and Cross-Examination:
 - Draft questions for each witness.
 - Practice controlling hostile or evasive witnesses.

Personal Preparation

- Decide Whether to Testify:
 - Review prior statements and potential cross-examination risks.
 - You cannot be forced to testify.
- Dress Appropriately for Court:
 - Present yourself respectfully and professionally.
- Mental and Emotional Preparation:
 - Practice mindfulness or relaxation techniques.
 - Seek support from trusted individuals.

Note

- CONSIDER CAREFULLY WHETHER YOU WILL TESTIFY.
- Generally, it is not a good idea for a criminal defendant to testify at trial, especially when they are pro se.
- If you testify, you will be subject to cross-examination by an experienced prosecutor. You could incriminate yourself.
You cannot be forced to testify. You have a Fifth Amendment right against self-incrimination.

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[Court Criminal Tribal Court Native American Issues & Tribal Law](#)

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