**Motions Checklist**

**Motions for Appropriate Relief**

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| Type | Burden | Standard | Rule for Courts-Martial |
| Defective Preferral | Defense | Preponderance | 905 (b)(1), 307 |
| Defective Forwarding | Defense | Preponderance | 905 (b)(1), 401 |
| Defective Pretrial Advice | Defense | Preponderance | 905 (b)(1), 405, 406 |
| Defective Referral | Defense | Preponderance | 905 (b)(1), 407, 601 |
| Defective Charge or Specification | Defense | Preponderance | 905 (b)(2) |
| Compel Discovery | Moving Party | Preponderance | 905 (b)(4), 906 (b)(7), 914, 701 ,703 |
| Severance of Co-Accused | Defense | Good Cause | 905 (b)(5), 906(b)(9), 307 |
| Severance of Charges | Defense | Manifest Injustice | 905 (b)(5), 906(b)(10) |
| Improper Selection of Members | Defense | Preponderance | 912 (b) |
| Recusal of Military Judge | Defense | Discretion of Military Judge | 902 (d)(1) |
| Continuance | Moving Party | Reasonable Cause | 906 (b)(1) |
| Amendment of Charges / Bill of Particular | Moving Party | Preponderance | 906 (b)(4), 603(a), 906(b)(6) |
| Relief from Improper Pretrial Confinement | Defense | Preponderance | 906 (b)(8), 305(j) |
| Change of Trial Location | Defense | Preponderance | 906 (b)(11) |
| Determination of Mental Capacity | Defense | Preponderance | 906(b)(14), 706, 909(c)(2) |
| Mental Responsibility as an Affirmative Defense | Defense | Clear and Convincing | 906 (b)(14), 706, 916 (k)(3)(A) |
| Requests for Immunity | Defense | Convening Authority Discretion | 704 (c) |
| Mistrial | Defense | Manifest Necessity | 915 (a) |
| Motions in Limine | Moving Party | Discretion of Military Judge | 906 (b)(13) |
| Requests for Investigative and Expert Assistance | Defense | Reasonable Necessity | 701, 703(c), (d) |

**Motions to Suppress**

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| Type | Burden | Standard | Rule for Courts-Martial |
| Statements | Government | Preponderance | 905 (b)(3) |
| Evidence | Government | Preponderance | 905(b)(3) |
| Identifications | Government | Clear and Convincing Evidence | 905 (b)(3), Mil. R. Evid. 321 |
| Consent Searches | Government | Clear and Convincing Evidence | 905 (b)(3), Mil. R. Evid. 314 |

**Motions to Dismiss**

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| Type | Burden | Standard | Rule for Courts-Martial |
| Lack of Jurisdiction | Government | Preponderance | 905 (c)(2)(8), 907 (b)(1)(A) |
| Failure to State an Offense | Defense | Preponderance | 907 (b)(1)(B) |
| Speedy Trial | Government | Preponderance | 707 (c)(2), 907 (b)(2)(A) |
| Statute of Limitations | Government | Preponderance | 905 (c)(2)(B), 907 (b)(2)(A) |
| Former Jeopardy | Defense | Preponderance | 907 (b)(2)(C) |
| Prosecution Barred by Reason of Immunity or Otherwise | Defense | Preponderance | 907 (b)(2)(D) |
| Defective Specification | Defense | Preponderance | 907 (b)(3)(A) |
| Inadequate Art 32 Investigation | Defense | Preponderance | 905 (b)(1) |
| Multiplicity | Defense | Preponderance | 907 (b)(3)(B) |
| Unlawful Command Influence | Government | Clear and Positive Evidence | Burden Shift |

**Finding of Not Guilty**

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| Type | Burden | Standard | Rule |
| Finding of Not Guilty | Defense or Military Judge | Insufficiency of Evidence | 917 |

**Post-Trial Motions**

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| Type | Burden | Standard | Rule |
| Improper Instructions | Defense | Discretion of Military Judge | 920 (f) |
| Impeachment of Findings or Sentence | Defense | Discretion of Military Judge | 923, 1009, Mil. R. Evid. 606 (b) |