

DOCUMENT 25

HOW TO USE THE MOTION TO VACATE JUDGMENT AND REINSTATE ACQUITTAL

PURPOSE

This motion is used after a verdict when the defendant believes a judgment should be vacated and the acquittal reinstated. It is a post-verdict preservation and review document.

WHEN TO USE THIS MOTION

Use this motion immediately after the event giving rise to the challenge. Do not wait unnecessarily. Timeliness matters.

WHAT THIS MOTION DOES

• Challenges the judgment • Preserves constitutional issues • Creates a written record • Supports future appellate review

EXAMPLE COURTROOM SEQUENCE

Court enters judgment. Defendant files Motion to Vacate. Court reviews motion. Issue is preserved regardless of outcome.

IF THE COURT GRANTS THE MOTION

Thank the Court and ensure the ruling is properly reflected in the record.

IF THE COURT DENIES THE MOTION

Defendant: 'Your Honor, I respectfully request that my objection and the Court's ruling be preserved for the record.'

COMMON MISTAKE

Treating denial as the end of the process. Often the motion's value lies in issue preservation and appellate preparation.

LD APPLICATION

The Liberty Dialogues emphasizes structure and preservation. This motion reflects both principles by creating a record and clarifying the issues in dispute.

TRANSITION TO APPEAL

If relief is denied, review deadlines immediately and prepare the Notice of Appeal sequence contained elsewhere in the package.

FINAL PRINCIPLE

A denied motion can still be valuable. Preservation often determines what can be reviewed later.