

## PRESERVING ISSUES ON APPEAL

GBCDLA  
DECEMBER 15, 2023

JOSEPH "TIM" SIMONETTI  
JEFFERSON COUNTY PUBLIC DEFENDER'S OFFICE

1. **Challenging the indictment.** Ala. R. Crim. P. 12.9
2. **Appeals from Guilty Pleas. Preservation vs. Reservation**  
Mitchell v. State, 913 So. 2d 501 (Ala. Crim. App. 2005)
3. **Batson challenges.** Shanklin v. State, 187 So. 3d 734 (Ala. Crim. App. 2014)
4. **Objections, Motions in Limine.**  
Johnson v. State, 2023 Ala. Crim. App. LEXIS 25,  
Charles Gamble, The Motion in Limine; A Pretrial Procedure That Has Come of Age, 33 Ala. L. Rev. 1, 16 (1981)
5. **Motion for Judgment of Acquittal and Motion for New Trial.**  
Ala. R. Crim. P. 20.3, Ala. R. App. P. 4(b)(1), Ala. R. Crim. P. 24.4
6. **Sentencing Issues.**  
Pate v. State, 884 So. 2d 1 (Ala. 2003)
7. **Waiver of Argument in brief.**  
Ala. R. App. P. 28(a)(10)  
Ballard v. State, 76 So. 2d 1123 (Ala. Crim. App. 1999)  
Ex parte Borden, 60 So. 3d 940 (Ala. 2007)

**8. Discovery Issues, Brady violations.**

Ohler v. United States, 529 U.S. 753 (2000)

Britain v. State, 518 So. 2d. 198 (Ala. Crim. App. 1987)

Ex parte Pate, 415 So. 2d. 1140 (Ala. 1981)

State v. Ellis, 165 So. 3d 576 (Ala. 2014)

**9. New 404(b) Rule.**