

17. Make Motions in Limine Binding

TO THE COURT AND THE PROSECUTION, PLEASE TAKE NOTICE that Defendant moves the Court for an order that its rulings made on in limine motions in this case be binding during trial.

This motion is made on the grounds that such a ruling is necessary to preserve Defendant's rights on appeal.

Date:

Attorney for Defendant

POINTS, AUTHORITIES, AND ARGUMENT

To preserve rulings on in limine motions for appellate review, Defendant must repeat his objections at trial or obtain binding rulings on those motions prior to trial.

In *People v. Ramos* (1997) 15 Cal. 4th 1133, our Supreme Court ruled:

“ ‘A party desiring to preserve for appeal a challenge to the admission of evidence must comply with the provisions of Evidence Code section 353, which precludes reversal for erroneous admission of evidence unless: “There appears of record an objection to or a motion to exclude or to strike the evidence that was timely made and so stated to make clear the specific ground of the objection or motion.” ’ (Citation omitted.) A properly directed motion in limine may satisfy the requirements of Evidence Code section 353 and preserve objections for appeal. (Citation omitted.) However, the proponent must secure an express ruling from the court. (Citation omitted.)”

A court's “sufficiently definite and express ruling” on the motion in limine preserves a claim. (*People v. Brown* (2003) 31 Cal. 4th 518, 547.)

Thus, a party may preserve for appeal in limine issues when (1) the issue was thoroughly explored during the hearing of the in limine motion; and, (2) the trial court's ruling was express, explicit and definitive.

Based on the foregoing, Defendant requests that the Court have counsel thoroughly explore the issues of each in limine motion, and then to make each ruling express, explicit, definitive, and binding at trial.