

IN THE [COURT NAME] OF [STATE]

FOR THE COUNTY OF [COUNTY NAME]

[DIVISION, if applicable]

[Movant's full legal name],

Movant,

v.

[Opposing Party's full legal name],

Opposing Party.

_____ /

Case No.: [Case Number]

MOTION FOR MISTRIAL

Movant, [Movant's full legal name], respectfully moves this Honorable Court for an Order declaring a mistrial in the above-entitled action, and in support thereof, states as follows:

I. PROCEDURAL BACKGROUND

1. This matter is currently in trial before this Honorable Court, having commenced on [date trial commenced].
2. The trial is currently in the closing argument phase, with the Opposing Party having presented their closing arguments on [date of closing arguments].
3. This is a bench trial, and no jury is empaneled in this matter.

II. GROUNDS FOR MISTRIAL

4. During the Opposing Party's closing arguments, counsel for the Opposing Party made highly

prejudicial and improper remarks, specifically stating that the Movant is a "known liar."

5. These remarks were made without any evidentiary basis presented during the trial to support such an assertion. No witness testified to the Movant being a "known liar," nor was any documentary evidence introduced to that effect.

6. The statement directly attacked the character and credibility of the Movant in a manner unsupported by the record, going beyond fair comment on the evidence.

7. The Movant promptly objected to these prejudicial remarks at the time they were made.

III. ARGUMENT

8. A mistrial is appropriate when an error or event occurs during trial that is so prejudicial that it prevents a party from receiving a fair and impartial trial, and the prejudice cannot be cured by an instruction to the trier of fact.

9. The Opposing Party's statement, "the Movant is a known liar," constitutes an egregious and highly prejudicial personal attack on the Movant's character. Such a statement, unsupported by any evidence, is designed solely to inflame prejudice and improperly influence the trier of fact.

10. Even in a bench trial, where the Court is presumed to be capable of disregarding improper statements, the severity and baseless nature of this personal attack on the Movant's character creates an unacceptable risk of prejudice. The statement directly impugns the Movant's integrity in a manner that cannot be adequately cured by a simple instruction or by the Court's presumed ability to disregard it, as it fundamentally undermines the fairness of the proceedings.

11. The integrity of the judicial process requires that trials be conducted fairly and impartially, based on evidence presented, not on unsupported personal vilification. The Opposing Party's conduct has so tainted the proceedings that a just verdict cannot be rendered.

IV. RELIEF REQUESTED

WHEREFORE, Movant, [Movant's full legal name], respectfully requests that this Honorable Court:

- a. Grant this Motion for Mistrial;
- b. Declare a mistrial in the above-entitled action; and
- c. **Grant such other and further relief as this Court deems just and proper.**

Dated: [dated]

Respectfully submitted,

[Movant's full legal name]

[Mailing address]

[City, State, Zip Code]

[Phone number]

[Email address]

CERTIFICATE OF SERVICE

I hereby certify that on this [i hereby certify that on this a true and correct copy of foregoing motion for mistrial was served upon following by method of service], a true and correct copy of the foregoing MOTION FOR MISTRIAL was served upon the following by [method of service]:

Opposing Party: [Opposing Party's full legal name]

[Opposing Party's mailing address]

[Opposing Party's city, state, zip code]

[Movant's full legal name]