

Motion for Directed Verdict of Acquittal After Jury Verdict Checklist

- After a jury verdict, the defendant may file an original or renewed motion for directed verdict of acquittal in the same manner as provided by [MCR 6.431\(A\)](#) for filing a motion for a new trial. [MCR 6.419\(C\)](#); accordingly, determine whether the motion is timely under [MCR 6.431\(A\)](#):
 - A motion may be filed before the filing of a timely claim of appeal. [MCR 6.431\(A\)\(1\)](#).
 - If a claim of appeal has been filed, determine whether the motion has been filed in accordance with the procedure set out in [MCR 7.208\(B\)](#) (postjudgment motions in criminal cases) or the remand procedure set out in [MCR 7.211\(C\)\(1\)](#) (motion to remand filed in Court of Appeals). [MCR 6.431\(A\)\(1\)](#).
 - If the defendant may only appeal by leave or failed to file a timely claim of appeal, determine whether the motion has been filed within the time for filing an application for leave to appeal under [MCR 7.205\(A\)\(2\)\(a\)](#) and [MCR 7.205\(A\)\(2\)\(b\)\(i\)-\(iii\)](#). [MCR 6.431\(A\)\(3\)](#).
 - [MCR 7.205\(A\)\(2\)](#) requires the motion to be filed within the later of:
 - 6 months after entry of the judgment or order, [MCR 7.205\(A\)\(2\)\(a\)](#); or
 - 42 days after: an order regarding appellate or substitute counsel if the defendant requested counsel within 6 months after entry of the judgment or order to be appealed; the filing of transcripts ordered under [MCR 6.425\(G\)\(1\)\(f\)](#) if the defendant requested counsel within 6 months after entry of the judgment or order to be appealed; or the filing of transcripts ordered

under [MCR 6.433](#) if the defendant requested the transcripts within 6 months after entry of the judgment or order to be appealed, [MCR 7.205\(A\)\(2\)\(b\)\(i\)-\(iii\)](#).¹

- If the defendant is no longer entitled to appeal by right or by leave, inform the defendant that he/she may seek relief under [MCR 6.500](#) *et seq* (motion for relief from judgment). [MCR 6.431\(A\)\(4\)](#).
- A filing by an unrepresented incarcerated individual “must be deemed timely filed if it was deposited in the institution’s outgoing mail on or before the filing deadline.” [MCR 1.112](#). “Proof of timely filing may include a receipt of mailing, a sworn statement setting forth the date of deposit and that postage has been prepaid, or other evidence (such as a postmark or date stamp) showing that the document was timely deposited and that postage was prepaid.” *Id.*
- State the crime(s), date of conviction, and whether the conviction was by plea, court, or jury.
- If a directed verdict of acquittal after the jury has returned a guilty verdict is granted, conditionally rule on any motion for a new trial by determining whether the motion would be granted if the directed verdict of acquittal is vacated or reversed. [MCR 6.419\(E\)](#).
- State orally on the record or in a written ruling made a part of the record the reasons for granting or denying the motion for a directed verdict of acquittal and for conditionally granting or denying a motion for a new trial. [MCR 6.419\(F\)](#).
- If the defendant is acquitted on all charges, state that his/her fingerprints and arrest card will be destroyed by the Michigan State Police within 60 days of the date of the order when permitted by [MCL 28.243](#).

See *Order of Acquittal/Dismissal or Remand*, [MC 262](#); *Order Vacating Conviction and Entering New Disposition*, [CC 387](#).

¹A defendant relying on [MCR 7.205\(A\)\(2\)\(b\)](#) must explain, with supporting documentation, how the application meets the requirements. [MCR 7.205\(A\)\(2\)](#).