

SAMPLE FORM 40.  
**MOTION FOR NEW TRIAL**

State of Alabama  
 Municipality of

\_\_\_\_\_

v.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Case Number

STATE OF ALABAMA

In the \_\_\_\_\_ Court  
of \_\_\_\_\_ County

[The City/Town of \_\_\_\_\_]

Defendant moves the court to set aside the verdict and to grant him a new trial for the following reasons:

- The verdict is contrary to law; and/or
- The verdict is contrary to the weight of the evidence; and/or
- Defendant was denied a fair and impartial trial because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**[Reasons the defendant has not received a fair and impartial trial may be:**

The Court erred in sustaining objections to questions addressed to a witness.

The Court erred in admitting testimony of the witness.

The Court erred in charging the jury and in refusing to charge the jury as requested.]

Inasmuch as (here state supporting facts):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

\_\_\_\_\_  
Address

\_\_\_\_\_