

Sample Form 13

MOTION TO STRIKE SURPLUSAGE FROM INDICTMENT OR INFORMATION

State of Alabama

Case Number _____

v.

STATE OF ALABAMA

In the _____ Court

of _____ County

Defendant

Pursuant to rule 13.2(d), Alabama Rules of Criminal Procedure, the defendant moves the court for an order striking as surplusage the following language:

wherever it appears in the indictment/information.

AS GROUNDS FOR THIS MOTION, defendant shows to this Court as follows:

[Irrelevance, inflammatory, prejudicial effect or surplusage]

WHEREFORE, defendant, through his counsel prays for an Order by the Court striking the aforementioned language whenever and wherever it appears in the indictment/information.

Date

Attorney for Defendant

Rule 13.2(d)