

**IN THE COUNTY COURT  
OF THE FOURTH JUDICIAL CIRCUIT  
IN AND FOR DUVAL COUNTY, FLORIDA**

**CASE NUMBER: 16-XXXXXXXX-XXXX-MA  
DIVISION: D**

**STATE OF FLORIDA,**

**-vs-**

**XXXXXXXXXXXXXXXXXXXX,**  
**Defendant.**

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**STANDING JURY TRIAL ORDER**

To assure a timely and just disposition of all cases set for trial in Division D of the County Court of the Fourth Judicial Circuit, the State of Florida and Defendant shall comply with the following provisions of this Order for the Jury Trial/Selection scheduled to begin **Jury Trial Date**. This order shall be followed until the disposition of the case. It is therefore **ORDERED AND ADJUDGED** as follows:

**SCHEDULING PROCEDURES**

**The Court will require a Zoom conference on, typically at 3:00 pm on the Thursday prior to Jury Selection. The Zoom Meeting ID number is 822-372-8969.** Counsel for both parties shall appear for scheduling purposes. The cases will be prioritized during the scheduling conference. Counsel must presume that all cases set for jury selection will go to trial on the scheduled week. The purpose of the priority list is to allow counsel to prioritize preparations for trial. Counsel for the Defendant is responsible for informing the Defendant of the schedule for jury selection.

**PLEA AGREEMENTS**

The Court will entertain limited negotiated pleas the day of jury selection. The Court will not engage in pre-plea sentencing discussions with counsel and will not indicate the Court's sentence prior to the entry of a plea of guilty or nolo contendere.

## MOTIONS

**Motions for Continuance:** All motions for continuance shall be in writing and filed prior to jury selection.

**Motions *in Limine*:** All motions *in limine* shall be filed five (5) business days before jury selection. All motions shall be in writing and a courtesy copy shall be provided to the Court.

**Non-Evidentiary Motion Hearings:** All trial motions of a non-evidentiary nature that do not require testimony, do not impact jury selection, and only legal argument shall be held after the jury is selected and prior to opening statements.

**Evidentiary Trial Motions:** All trial motions that will require the taking of testimony should be filed prior to jury selection. Counsel may be required to produce the witness prior to calling the witness in trial.

## EXHIBITS AND WITNESS LISTS

**Counsel Pre-Trial Meeting Requirement:** The State of Florida and Counsel for the Defendant shall meet and review all exhibits that either party seeks to introduce at trial. The Defendant shall be afforded an opportunity to review all evidence prior to trial. The Defendant shall review the evidence in the courtroom in its final form (marked as evidence or pre-marked for identification), prior to trial.

**Exhibits:** It shall be the responsibility of counsel to have all exhibits appropriately pre-marked as set forth below, prior to the presentation of testimony or evidence. For record purposes, counsel shall refrain from marking exhibits as composite exhibits, if the exhibits are unrelated or will be referred to individually.

- **Stipulated Exhibits:** If the parties can stipulate to the admission of exhibits, counsel shall coordinate with the Deputy Clerk of Court in pre-marking all the exhibits as evidence prior to trial. The exhibits entered as evidence by the stipulation of parties shall be pre-marked into evidence as numbered exhibits.
- **Objected Exhibits:** If a party objects to the admission of an exhibit, those exhibits shall be pre-marked for identification purposes as a lettered exhibit. The proponent of the exhibit shall notify the Court of the objection and shall not refer to the exhibit as evidence until the Court has made a ruling. The proponent of the evidence may question a witness regarding foundational information to allow the Court to make a ruling on admissibility.
- **Exhibit Lists:** Prior to the presentation of evidence, the State of Florida and Counsel for the Defendant shall provide the Court and Deputy Clerk with an exhibit list. The exhibit list shall contain the description of the exhibit, identification, and numbered exhibits. If the parties have stipulated to the admission of any exhibit, counsel shall place the number and description of the exhibit on the record prior to the presentation of evidence.

**Witness Lists:** Prior to jury selection, counsel shall provide the Court and the Deputy Clerk with a complete list of all possible witnesses that may testify in the case. It is the responsibility of counsel to confer and present a complete list of witnesses that will be read to the jury panel by the Court.

### **JURY SELECTION AND TRIAL**

**Jury Selection Issues:** The State of Florida and the Defendant shall bring any issues related to jury selection to the Court's attention prior to the jury panel entering in the courtroom. Counsel and the Defendant must be present at least 15 minutes prior to the jury selection time to address any issues prior to jury selection.

**Time:** The Court may impose time limits for jury selection, however equal time will be given to both parties. If time constraints will be placed on the parties, then it will be discussed or communicated to the parties prior to jury selection.

**Objections:** Counsel shall not make speaking objections at any time while the jury is present. All objections shall be succinct and state the legal basis of the objection. Counsel may ask to approach the Court or to excuse the jury for further explanation or argument related to an objection. However, these procedures may be limited at the discretion of the Court.

### **IMPEACHMENT BY PRIOR INCONSISTENT STATEMENT**

In the event Counsel wants to impeach a witness by prior inconsistent statement, a copy of the prior statement shall be furnished to Court before trial. Counsel shall use the proper procedure for impeaching the witness in the presence of the jury.

### **ADMISSIONS OF OFFENSES/STIPULATIONS DURING TRIAL**

In the event Counsel for the Defendant decides to admit or stipulate to any element of the charged offense, or any lesser included offense, the Court shall be notified of this trial strategy prior to presenting the admission or stipulation to the jury. The Court will make an inquiry of the Defendant's consent to the admission or stipulation for record purposes.

### **JURY INSTRUCTIONS**

**Proposed Standard Jury Instructions:** Counsel shall provide the Court with a copy of proposed jury instructions prior to jury selection. Counsel shall confer prior to the charge conference. All stipulations and objections shall be made on the record in a succinct manner at the charge conference.

**Special Jury Instructions:** All special jury instruction requests shall be in writing and filed prior to the charge conference. Counsel shall provide the Court with a courtesy copy of the motion and any authority for the request prior to the charge conference.

**Affirmative Defense Instructions:** The Defendant is required to submit any affirmative defense jury instructions in writing prior to the charge conference. Counsel shall provide the Court with a courtesy copy of the motion/instruction and any authority for the request prior to the charge conference.

**Publishing a Copy of Jury Instructions:** The State of Florida shall provide a copy of the final jury instructions on a flash drive or other electronic means, in order to display the instructions to the jury on the video monitors during the Court's reading of the instructions to the jury.

The Court prefers that counsel provide an electronic copy of the documents in a pdf format.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida,  
this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

RHONDA PEOPLES-WATERS

COUNTY COURT JUDGE