3-07/035.00 - Order of Trial (Criminal)

The jury having been impaneled and sworn, the trial must proceed in the following order, unless otherwise directed by the court. Prior to taking of testimony, the bailiff shall be familiarized with the evidence in the case. Check all firearms to ensure that

they are unloaded and/or inoperative. The bailiff shall also provide jurors with notebooks and pencils and instruct them that the notes will remain in the courtroom at all times. These materials are to be secured by the bailiff at the end of each day.

- The District Attorney, or other counsel for the people, must open the case and offer the evidence in support of the charge.
- The defense counsel may then open the defense, and offer evidence in support thereof.
- The parties may then respectively offer rebutting testimony only, unless the court, permits them to offer evidence upon their original case.
- When a witness is called to testify, the bailiff shall direct the person to come forward and be sworn, after which the bailiff will direct the person to the witness stand and adjust the microphone. The bailiff shall make sure that no witness is chewing gum or tobacco when they take the witness stand. If a security situation exists in the courtroom, the bailiff will assist in such a manner as not to jeopardize that particular security concern.
- When the evidence is concluded, unless the case is submitted on either side, or on both sides, without argument, the district attorney, or other counsel for the people, and counsel for the defendant may argue the case to the court and jury; the district attorney opens and closes final argument.

Note: Jury trials involving in-custody defendant(s): The in-custody is the primary responsibility of the bailiff. Discuss with the judge and court staff how other duties will be handled when the jury trial involves an in-custody defendant(s).