

Part 15 Rules

Motions

No written motions will be considered unless filed with the Clerk of the Criminal Term, with a courtesy copy for the Court. Movant must indicate on the Notice of Motion whether oral argument is requested. The party in opposition may request oral argument if movant fails or declines to request it.

Trials

1. During voir dire, use of hypotheticals which ask for the juror's opinions on matters unrelated to the facts of this case, are prohibited.
2. Objections - One or two words, or a short phrase identifying the ground for objection only. No arguing in the presence of the jury. Side bar upon request of counsel, in the discretion of the court.
3. Prior inconsistent statements - If impeaching a witness by prior inconsistent statements, do it correctly. Draw the witness's attention to the time, place and person to whom purported statement was made. Then ask the witness if he/she remembers making the statement. If the prior statement was made at a legal proceeding or hearing, read the question and answer to the witness first, then ask the witness if he/she remembers being asked the question and giving the answer.
4. Refreshing witnesses recollection - If witness can't recall, ask that the document or item to be used to refresh be marked for ID, show it to witness, ask if witness can ID it, ask if it will refresh the witness' recollection. Give the witness the opportunity to read it silently to him/herself. If the recollection is refreshed, remove it,

and ask the witness to answer based on his or her own recollection. This is to prevent the witness from reading something into the record which is not in evidence and which is strictly prohibited.

5. No mistrial motions in the presence of the jury. Wait for the first opportunity to do so after the jury is excused from the courtroom.
6. No references by counsel or witnesses to the complaining witness as “the victim”.