IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER
NOV 05 2013
ALAN CARLSON, Clerk of the Court
BY L. HOYLE, DEPUTY

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| THE PEOPLE OF THE STATE OF CALIFORNIA<br><br>Plaintiff<br><br>vs.<br><br>CICINELLI, JAY PATRICK<br><br>Defendant(s) | Case Number: 11CF2575<br><br>ADVISEMENT OF PROCEDURES AND STIPULATIONS RE: TRIAL<br><br>Judge: William R. Froeberg, Presiding<br>Department: C40<br><br>Trial Date: 11/05/2013 |

**Procedures for Criminal Jury Trials**

1. Voir Dire.

Prior to roll call, the Bailiff will distribute forms to prospective jurors who are asking to be excused from jury service. The court will review the forms with counsel in chambers to see if there is agreement that the potential juror may be deferred or excused. The Court utilizes a "six-pack" method of jury selection. 20 potential jurors will be examined during the first round, 9 on following rounds. If a juror is removed for cause prior to attorney voir dire, a new potential juror will be called from the random list to fill that spot. During the initial round of voir dire, the Court will conduct voir dire that lasts approximately an hour and a half. If there are any areas of inquiry that an attorney wants the Court to cover, please make that desire known prior to voir dire. Counsel will be given 15 minutes for non-life cases, 30 minutes for life cases and one hour for capital cases, in which to conduct voir dire. The Court will extend time for good cause. For subsequent rounds, counsel will be given a reasonable time, usually five to ten minutes. Voir Dire sheets are to be returned to the clerk once the jury is sworn.

The Judicial Administration Standards require that the trial judge not permit counsel to attempt to precondition the prospective jurors to a particular result or allow counsel to comment on the personal lives and families of the parties or their attorneys. Nor should the judge allow counsel to question the jurors concerning the pleadings, the applicable law, the meaning of particular words and phrases, or the comfort of jurors, except in unusual circumstances. Expect to be admonished if any improper questions are asked.

Case Name: Cicinelli, Jay Patrick Case Number: 11CF2575

2. Challenges

Challenges for cause can be made either in open court or at sidebar. When peremptory challenges are exercised, the Court will not have jurors immediately change seats. For example if juror number 6 is excused, jurors 1 -13 are subject to challenge. When the panel is down to 11, the court will then ask the jurors to move to seats 1-11. Do not move jurors on your voir dire sheets until the Court does or you will become lost. The Court will advise you which jurors are subject to challenge when it is your turn to exercise a peremptory. Reminder: 10 peremptory challenges for non-life cases, 20 for life cases. One challenge per alternate.

3. Objections.

Please state the word "Objection" along with the legal basis for the objection. If you do not state the word "Objection" the Court will probably not rule. Do not argue objections in front of the jury, if you want to be heard, ask to approach sidebar.

4. Movement in the Courtroom.

Examination of potential jurors may be conducted from the podium, from counsel table or in front of the four potential jurors in the well. All examinations of witnesses shall be conducted from behind the podium or counsel table. If you want to approach a witness, ask permission first so the opposing side has an opportunity to object. You may review documents or physical evidence with a witness, however, after such review further questioning is from behind the podium or counsel table. At no time may counsel come in contact with the jury box. During opening statement and final argument, attorneys are free to walk about the court room, without seeking permission.

5. Exhibits.

As a general rule, exhibits are not pre-marked but will be marked in the order in which they are identified on the record. Exhibits will only be marked if the Court marks them. Suggested method: "Your Honor, I have a photograph I would like to have marked as People's 1 for identification." If the Court does not indicate an exhibit has been marked it has not been. The court will not take possession of any hazardous materials, including drugs; you will need to supply photographs to be substituted in place of the material. Also, any charts or diagrams in excess of 16" x 14" must be capable of being folded i.e. removable from the foam board. Prior to showing any document or other exhibit to a witness, the item must be shown to opposing counsel first, unless it has previously been marked for identification. Do not remove any exhibits from the court room without receiving the Court's permission.

6. Dangerous or Deadly Weapons.

All firearms must be presented to the Bailiff upon delivery to the courtroom. Under no circumstances are any dangerous or deadly weapons to be made accessible to the defendant.

Case Name: Cicinelli, Jay Patrick Case Number: 11CF2575

7. Transcripts.
When referring to a transcript, identify the page and line you are referring to so that opposing counsel may follow along. Transcripts for the jury and Court must be supplied for any tape recording played to the jury.

**Stipulations for Criminal Jury Trials:**

The Court would greatly appreciate the consent of the parties to the following stipulations. If you are in a position to agree to all or any of the following, please sign on the signature line. If there are any you cannot stipulate to, please line through such stipulation.

1. Jury Deliberations. If counsel choose not to remain in the courtroom:
   a. The court reporter may, if so requested by the jury, enter the jury room to read testimony without the necessity of the court, counsel or the defendant(s) being present.
   b. The court may with agreement of counsel answer in writing any written questions from the jury after telephonic consultation with counsel.
   c. That counsel will attend court within 30 minutes from telephonic notice to attend.
   d. That in the event the trial judge is absent, the verdict may be received by any judge of this court.
   e. That during jury deliberations the alternate jurors need not remain in the courtroom, but may instead be subject to telephonic recall.
   f. That neither the Court, counsel, nor the defendant(s), need be present in the courtroom when the jury breaks for or returns from recesses.

2. Verdicts. After the first verdict has been read by the clerk, the clerk need not read the case caption before reading any subsequent verdicts.

3. Bench Conferences. Defendant(s) need not be present during bench conferences involving evidentiary issues, scheduling or any other bench conference during the presentation of evidence.

IT IS SO STIPULATED.

Attorney for Plaintiff

Defendant

Attorney for Defendant

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Case Name: Ramos, Manuel Anthony Case Number: 11CF2575

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Tony Rackauckas
Attorney for Plaintiff

Defendant

John Barnett
Attorney for Defendant