

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA and LEVY COUNTIES, FLORIDA**

DIVISION: IV _____/

**Division IV Jury Selection Order
for Alachua and Levy Counties**

The Court on its own motion and being fully advised in the premises,
it is **ORDERED and ADJUDGED** that:

1. **Purpose:** Jury Selection is for the purpose of obtaining a *fair and impartial* jury. Questions asked should be relevant to the selection of a fair and impartial jury. Both State and Defense are entitled to a fair and impartial jury, not necessarily a sympathetic one.

- It is not an opportunity to "Schmooze" the jury or to attempt to curry favor in hopes they will like you (or dislike opposing Counsel).
- Therefore, do not include self-ingratiating remarks such as: "*Do you know my cousin Pearl?*" or "*I used to live just down the street from you years ago...*" etc, etc.
- Do not talk about yourself nor about opposing Counsel, whether such references be complimentary or disparaging. This includes comments about Counsel's performance in Court and also includes Counsel's occupation or personal experiences such as: "*I was in the artillery division of the Marines.*" or, disparage by faint praise: "*I respect opposing Counsel, after all, this will be his first trial!*"

2. **Conditioning jury:** Counsel may not condition, prep or indoctrinate the jury as to elements of his/her case. This includes questions that would be construed as instructional, argumentative, or lecturing on legal principles.

3. **Hypothetical questions:** will *not* generally be allowed where such questions ask jurors to pre-judge a case or issue. This includes questions which include similar facts and culminate in asking the juror (directly, or indirectly; expressly or implied) the question: *"...and how would you decide...?"*

- Jurors may not be asked a question that causes a juror to pre-decide his/her vote for acquittal or conviction, no matter how generally framed the question may be.
- Another example: *"Would you vote to convict the defendant on the testimony of a person who has been granted immunity, if the State proves its case beyond a reasonable doubt?"*
- A Juror may not be asked to speculate or give his/her opinion about their own qualifications to serve as a juror in a particular case. For example, Counsel may not ask a juror, *"If you were the defendant in this case, do you believe you would get a fair trial, assuming all jury members had the same state of mind as you now have?"*

4. **Idle curiosity:** Do not ask extraneous questions out of "idle curiosity" which do not advance the jury selection process or are not relevant to selection of a fair and impartial jury in this case. For example: *"What did you think of the O.J. Simpson verdict?"* or *"Did you agree with the Michael Jackson verdict?"* *"What bumper stickers are on your car?"* *"What magazines do you subscribe to?"* *"Favorite TV shows?"*

- Questions that pry into the jurors' politics, religion, social views, hobbies, books/magazines read, bumper stickers and personal television habits, are suspect questions.
- The Court will listen for relevancy of such questions to the case at hand and will put a stop to irrelevant questions or those questions which *invade the privacy of the Jurors.*

DONE AND ORDERED in Chambers, Florida, this 8th day of February, 2010.

ORIGINAL SIGNED BY:
DAVID A. GLANT, Circuit Judge

A true and correct copy of the foregoing was furnished by electronic mail to:

State Attorney's Office:

Marc Peterson, Assistant State Attorney
Rich Chang, Assistant State Attorney
Adam Urra, Assistant State Attorney
Glenn Bryan, Assistant State Attorney
Andrea Muirhead, Assistant State Attorney
Darla Whistler, Assistant State Attorney

Counsel for Defendants:

Juan Calama, Assistant Public Defender
Ellie Wilkov, Assistant State Attorney
Sunny (Sunshine) Baynard, Assistant PD
Phaladya Dean, Assistant Public Defender
Office of Regional Counsel

Clerk of Court:

Lynette Bazinet, Supervisor, Felony Clerks
Sherry Padgett, Trial Supervisor
Betty Baker, Felony Clerk
Charles MacDavid, Felony Clerk
Derek Folds, Felony Clerk
Denise Fowler, Levy Clerk of Court

Court Administration:

Kristina Velez, Criminal Court Operations
Manager
Shirley Jackson, Senior Court Program
Specialist
Jan Chesser, Court Operations Manager

Security/Law Enforcement/Detention:

Lt. Calvin Decoursey, Court Security
Sgt. Leslie Richardson, Court Security
Lawrence Certain, Alachua County Sheriff
Sgt. Donnie VanWie, Court Security
Sgt. Thomas Studstill, Jail Transport
Patricia Brannon, Jail/Court Coordinator

Court Reporting:

Mary Sheets, Official Court Reporting
Joelle Dixon, Official Court Reporting
Polly Cheshire, Official Court Reporting
Brandi White, Official Court Reporting
Karen Wable, Official Court Reporting

Private Counsel:

A true and correct copy of the foregoing Criminal Trial Docket was furnished by inter/office delivery, fax, e-mail or regular U.S. Mail to: All private counsel listed above.

ORIGINAL SIGNED BY
WENDY THUROW
JUDICIAL ASSISTANT

Wendy Thurow, Judicial Assistant