

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA**

ADMINISTRATIVE ORDER: M-2017-57

**ADMINISTRATIVE ORDER REGARDING THE HANDLING
OF EVIDENCE IN JURY TRIALS IN MARION COUNTY**

THIS CAUSE having come to the attention of the Court as one which affects the efficient administration of justice within Marion County, Florida, and the Court having the authority to enter administrative orders pertaining to the efficient administration of justice, and being otherwise fully advised in premises; and

WHEREAS, Section 43.26(6), Florida Statutes, provides that as the Clerk of Court provides court-related functions which are essential to the orderly operation of the judicial branch and provides that the Chief Judge, after consultation with the Clerk of Court, shall determine the priority of services provided by the Clerk of Court to the trial courts and the Clerk of Court shall manage the performance of such services in a method that is consistent with statute, rule or administrative order; and

WHEREAS, pursuant to Rule 2.215, Fla. R. Jud. Admin., the undersigned has been designated by the Chief Judge of the Fifth Judicial Circuit as Administrative Judge of the courts of Marion County, Florida, and has the power and duty to direct the formation and implementation of policies and priorities for the operation of courts in Marion County; and

WHEREAS, the handling of items received by the Clerk of Court as evidence during jury trials, particularly items of evidence sent into jury rooms during jury deliberations, is a matter that is essential to efficient administration of justice in Marion County, it is therefore

ORDERED AND ADJUDGED that:

1. **EFFECTIVE IMMEDIATELY**, at the conclusion of the judge's charge to the jury, the Deputy Clerk responsible for the items received into evidence as exhibits during the trial, shall prepare a written inventory of any and all exhibits that the judge determines shall be sent into the jury room during the jury's deliberations.

2. After the jury has been released from the courtroom to the jury room to begin deliberations, the attorneys for the parties shall review both the Deputy Clerk's written inventory and the exhibits that have been ordered by the judge to be sent into the jury room during the jury's deliberations.

3. After the attorneys' review of the evidence, the Bailiff responsible for the jury shall inspect the exhibits to be sent into the jury room and verify that the exhibits to be delivered to the jury room are accurately reflected on the Deputy Clerk's written inventory.

4. Upon establishing that written inventory accurately reflects the exhibits to be delivered to the jury room, the Bailiff shall sign the written inventory and deliver the exhibits to the jury room.

5. The Bailiff shall make a diligent effort to assure that no exhibit is removed from the jury room at any time during the jury's deliberations.

6. When the jury announces that their deliberations are complete, either by reaching a verdict or by announcing that a verdict cannot be reached, the Bailiff upon the direction of the judge shall retrieve all exhibits from the jury room and deliver the said evidence directly to the Deputy Clerk.

7. Prior to the return of the jury to the courtroom, the Deputy Clerk and the Bailiff shall inspect the evidence retrieved from the jury room, confirm that all exhibits that were sent to

the jury room have been returned to the Deputy Clerk's custody, and both the Deputy Clerk and the Bailiff shall sign the written inventory attesting that all of the said evidence has been returned to the Deputy Clerk's custody.

8. In the event that the trial is recessed prior the conclusion of the jury's deliberations, before the jury's release, the Bailiff shall retrieve all exhibits from the jury room and deliver the said evidence directly to the Deputy Clerk.

9. The Deputy Clerk and the Bailiff shall inspect the evidence retrieved from the jury room, confirm that all exhibits that were sent to the jury room have been returned to the Deputy Clerk's custody, and both the Deputy Clerk and the Bailiff shall sign the written inventory attesting that all of the said evidence has been returned to the Deputy Clerk's custody.

10. Upon the recommencement of the jury's deliberations, the attorneys for the parties shall again review both the Deputy Clerk's written inventory and the exhibits that have been ordered by the judge to be sent into the jury room during the jury's deliberations.

11. After the attorneys' review of the evidence, the Bailiff shall inspect the exhibits to be returned into the jury room and verify that the said exhibits are accurately reflected on the Deputy Clerk's written inventory.

12. Upon establishing that written inventory accurately reflects the exhibits to be redelivered to the jury room, the Bailiff shall sign the written inventory and deliver the items of evidence to the jury room.

13. No jury shall be discharged at the conclusion of deliberations, or during a recess in deliberations, until the judge confirms that the Deputy Clerk has custody of all items received into evidence as exhibits during the trial.

DONE AND ORDERED in Chambers at Ocala, Marion County, Florida this 11 day of
December, 2017.



ANTHONY M. TATTI
ADMINISTRATIVE JUDGE
MARION COUNTY