

## CPL ARTICLE 260: JURY TRIAL.

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ALL indictments are jury tried, *UNLESS* waived [**not** waivable where charges Murder 1].

Defendant **MUST** be present at such trial; but *MAY* be removed if continues to engage in disruptive behavior after having been already warned.

### Order of Trial:

- 1) Jury **MUST** be selected/sworn;
- 2) Court **MUST** preliminarily instruct jury;
- 3) People **MUST** make opening statement;
- 4) Defendant *MAY* open;
- 5) People **MUST** present evidence;
- 6) Defendant *MAY* offer evidence;
- 7) People *MAY* rebut;
- 8) Defendant *MAY* re-rebut;
- 9) Court *MAY* allow further rebuttals (including evidence which should properly have been adduced on the direct case);
- 10) Defendant *MAY* make closing statement;
- 11) People *MAY* close;
- 12) Court **MUST** charge jury;
- 13) Jury **MUST** retire and deliberate; and render verdict *if possible*.