

**The Superior Court**  
OF THE  
**State of California**  
SAN DIEGO

CHAMBERS OF  
**DANIEL S. BELSKY**  
JUDGE OF THE SUPERIOR COURT

MAILING ADDRESS  
P.O. Box 122724  
SAN DIEGO, CALIFORNIA 92112-2724

**COURT POLICIES AND PROTOCOL  
(CRIMINAL CASES)**

**COURT SCHEDULE:** Usual Court hours for jury trials are 9:00 a.m. until 12:00 noon, and 1:30 p.m. until 4:30 p.m. (Monday through Thursday). Counsel, parties, and witnesses are expected to be on time. The telephone number for **Department 2** is # **(760) 201-8002** (Court Clerk: Suzzie Kuliha'apai; and Bailiff: Leo LeClaire).

**VOIR DIRE:** Counsel shall be familiar with Code of Civil Procedure § 223.

The clerk will call and seat 40 prospective jurors (12 in the jury box and 28 to be seated in the audience). All 40 prospective jurors will be examined initially by the Court and then by counsel for cause. Any jurors excused during questioning by the Court will be immediately replaced. Challenges for cause should be done at side bar or in chambers; peremptory challenges (from the 12 in the box) shall be done in open Court unless proper constitutional waivers are taken on the record.

**All jurors are referred to by their number only, never their name. Their number does not change when they move seats.**

**CONDUCT OF COUNSEL:**

1. Counsel should make every effort to be civil and polite towards opposing counsel, witnesses, and Court staff. **Personal attacks on opposing counsel before the jury are strictly prohibited.**
2. Opening statement is not argument. State only the expected evidence; **do not state your opinions** as to its force or an expected verdict.
3. **OBJECTIONS SHALL BE DIRECTED TO THE COURT IN LEGAL FORM WITHOUT ARGUMENT.** Request permission to approach the bench. Any follow-up to a ruling shall be done outside the presence of the jury.
4. During the examination of witnesses, **counsel should not argue, testify, or add their own commentary during the presentation of the evidence.**
5. While questioning witnesses, and during Opening Statement and Final Argument, **counsel may enter the well, but shall not lean on the jury box or hold the railing of the jury box.**
6. **Do not approach a witness unless you first ask**, and receive, permission to do so.
7. Do not stand between the witness and any juror while the witness is testifying.
8. **Do not admonish a witness** while the witness is testifying; you may, however, **request that the Court admonish the witness.**

9. All defendants and adult witnesses shall be referred to by surname. (Mr./Ms. (name))

10. In closing arguments, it is improper for Counsel to state their **personal** opinions (i.e., “I think...”; “I believe . . .” etc.), their **personal** observations (i.e., “when witness x testified I observed...”) unless the observation was put on the record at the time, or refer to matters outside of the evidence admitted in Court.

**MOTIONS:** Except for relatively simple requests where the issues are familiar and straightforward, motions must be in writing with points and authorities in support of the motion. The motion must specify in writing exactly what it is you want the Court to order.

**DEFENDANT'S PARTICIPATION:** The defendant shall be personally present during the jury trial unless a Penal Code § 977 waiver has been made in a misdemeanor case. The Court may direct that the defendant be personally present at any other proceeding or portion thereof.

**EXHIBITS:** Counsel for the parties should **pre-mark all exhibits** which may be offered in evidence, before their respective case-in-chief. If a weapon is brought into the courtroom, it must be shown, examined, and secured by the bailiff before it can be marked.

**WITNESSES:** The parties should provide the Court, opposing counsel, clerk, and court reporter with a typewritten or clearly printed **witness list** giving the complete (first and last) name of all witnesses and their professional affiliation (e.g., SDPD, CHP, SDSO), if any, and indicate which witnesses are percipient witnesses and which are expert witnesses.

**Counsel should instruct all witnesses**, parties, and their friends who are, or will be attending the trial, **not to communicate in any manner with the jurors**. Further, these persons are to be instructed that they are **not to converse in any manner within the hearing distance of the jurors**.

**JURY INSTRUCTIONS:** Proposed jury instructions and verdict form(s) are to be submitted on the first day of trial. All parties must give complete copies of their instructions and verdict form(s) to the judge, clerk and opposing counsel. Counsel shall place a post-it on all jury instructions objected to by any party indicating which party has an objection.

The schedule of instructions is as follows: The jury is, to some extent, pre-instructed by the Court during voir dire and after the jury is sworn, but before any opening statement. The Court will instruct the jury with regard to the applicable law after the parties have rested and before closing arguments. Counsel may refer to the instructions during argument, however, if counsel re-read or display any instructions they are to ensure that they do not vary from the instructions given by the Court.

**INTERPRETERS:** If an interpreter is needed for a witness, please make arrangements in advance with the Interpreter Coordinator, at #531-3310.

### **MISCELLANEOUS:**

1. **Turn off all pagers and cellular phones or have them on vibration mode.** Do not answer the phone at any time while Court is in session. (Minimal discrete texting is allowed if for trial purposes and cannot wait for a break.)

2. Eating, and chewing of gum are not permitted in the courtroom at any time. Water and soft drink bottles with tops are permitted.
3. Parties, attorneys, and witnesses are not permitted to wear sunglasses or hats in the courtroom.

Counsel:

Party:

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Printed Name & Signature

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Print Name of Party

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Printed Name & Signature

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Print Name of Party

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Print Name of Party

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Print Name of Party