

[CAPTION]

MOTION FOR JURY TO VIEW SCENE OF ALLEGED OFFENSE

The Defendant, by counsel, pursuant to I.C. 35-37-2-5, requests this Court to order that the jury in this cause be transported to [insert location] for the purpose of viewing the place where a material act is alleged to have occurred.

(Signature)

REFERENCES

CASEBANK D.9.f

I.C. 35-37-2-5 (view by jury)

CASE LAW

Carroll v. State, 438 N.E.2d 745 (Ind. 1982) (trial court does not abuse discretion if view would not be materially helpful to jury or where photographs/other evidence adequately present situation; no error in denying request for jury to view interrogation room).

Simmons v. State, 717 N.E.2d 635 (Ind.Ct.App. 1999) (trial court's act of accompanying jury to view of crime scene did not violate the Defendant's right to be present at every stage of trial and did not prejudice the Defendant).

Johnson v. State, 472 N.E.2d 892 (Ind. 1985) (jury's view of place relevant to crime charged is not essential to a fair trial and is wholly within discretion of trial court).

Conrad v. State, 144 Ind. 290, 43 N.E. 221 (1896) (new trial granted where jurors visited crime scene without authorization).