

RULE 3.400 | MATERIALS TO THE JURY ROOM

(a) Discretionary Materials. The court may permit the jury, upon retiring for deliberation, to take to the jury room:

- (1) a copy of the charges against the defendant;
- (2) forms of verdict approved by the court, after being first submitted to counsel;
- (3) all things received in evidence other than depositions. If the thing received in evidence is a public record or a private document which, in the opinion of the court, ought not to be taken from the person having it in custody, a copy shall be taken or sent instead of the original.

(b) Mandatory Materials. The court must provide the jury, upon retiring for deliberation, with a written copy of the instructions given to take to the jury room.

Committee Notes

1968 Adoption. (1) and (2) same as section 919.04(1) and (2), Florida Statutes.

Section (3) was changed from the existing section 919.04(3) by adding to the things which should not be taken with or sent to the jury, written or recorded statements or confessions. It was felt by the committee that the present practice of allowing such things to be taken with the jury is unfair and emphasizes such statements or confessions to the jury. Since they are always read to the jury they should receive no additional emphasis than the testimony of any witness from the stand. [Court did not approve this change; the proposal was not adopted; and F.S.A. §919.04(3) was transferred unchanged to Rule 1.400(c).]

1972 Amendment. (a) permits a copy of the indictment or information to be taken to the jury room. The committee deliberated at length about this provision but finally approved same. (b), (c), and (d) are same as former rule 3.400(a), (b), and (c) [but some terminology has been changed].

