

C1-84-2137
SUPPLEMENTAL NOTICE

JUNE 25, 1987 PUBLIC HEARING
TO CONSIDER ADOPTION OF
AMENDMENTS TO THE RULES
OF CRIMINAL PROCEDURE

Due to recent legislative enactment, the Minnesota Supreme Court will be considering an additional amendment to the Rules of Criminal Procedure at the public hearing on June 25, 1987. The proposal would amend Rule 26.03, subdivision 11 substantially as follows:

"

* * *

- h. At the conclusion of the evidence, the prosecution may make a closing argument to the jury.
- i. The defendant may then make a closing argument to the jury.
- j. On the motion of the prosecution, the court may permit the prosecution to reply in rebuttal if the court determines that the defense has made in its closing argument a misstatement of law or fact or a statement that is inflammatory or prejudicial. The rebuttal shall be limited to a direct response to the misstatement of law or fact or the inflammatory or prejudicial statement.

* * *

"

The public hearing will be held as scheduled on June 25, 1987, at 11:00 a.m. in the Courtroom of the Supreme Court in the State Capitol in St. Paul. As set forth in the earlier order of the court, the deadline for filing written statements and requesting oral argument is June 12, 1987.

OFFICE OF
APPELLATE COURTS
FILED

MAY 28 1987

WAYNE TSCHIMPERLE
CLERK

(between ¶ 82 & 83)

Rule 26.03, subd. 11. Order of Jury Trial.

Amend this rule as follows:

h. At the conclusion of the evidence, the prosecution may make a closing argument to the jury.

i. The defendant may then make a closing argument to the jury.

j. On the motion of the prosecution, the court may permit the prosecution to reply in rebuttal if the court determines that the defense has made in its closing argument a misstatement of law or fact or a statement that is inflammatory or prejudicial. The rebuttal must be limited to a direct response to the misstatement of law or fact or the inflammatory or prejudicial statement.

j k. The court shall charge the jury.

k l. The jury shall retire for deliberation and, if possible, render a verdict.

(between ¶ 85 & 86)

Comments on Rule 26.03, Subd. 11.

Amend the paragraph of comments concerning that rule as follows:

Rule 26.03, subd. 11 (Order of Jury Trial) substantially continues the order of trial under existing practice. (See Minn. Stat. § 546.11 (1971).) The order of closing argument, under sections "h" and "i" of this rule continues to be the same as under existing Minn. Stat. § 631.07 (1971) with the prosecution proceeding first and then the defendant "h", "i", and "j" of this rule reflects a change. The prosecution argues first, then the defendant. The court may then permit the prosecution limited rebuttal, if the defense in its argument made a misstatement of law or fact or a statement that is inflammatory or prejudicial.