



## Ohio Revised Code Section 2945.10 Order of proceedings of trial.

Effective: October 1, 1953

Legislation: House Bill 1 - 100th General Assembly

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The trial of an issue upon an indictment or information shall proceed before the trial court or jury as follows:

- (A) Counsel for the state must first state the case for the prosecution, and may briefly state the evidence by which he expects to sustain it.
- (B) The defendant or his counsel must then state his defense, and may briefly state the evidence which he expects to offer in support of it.
- (C) The state must first produce its evidence and the defendant shall then produce his evidence.
- (D) The state will then be confined to rebutting evidence, but the court, for good reason, in furtherance of justice, may permit evidence to be offered by either side out of its order.
- (E) When the evidence is concluded, either party may request instructions to the jury on the points of law, which instructions shall be reduced to writing if either party requests it.
- (F) When the evidence is concluded, unless the case is submitted without argument, the counsel for the state shall commence, the defendant or his counsel follow, and the counsel for the state conclude the argument to the jury.
- (G) The court, after the argument is concluded and before proceeding with other business, shall forthwith charge the jury. Such charge shall be reduced to writing by the court if either party requests it before the argument to the jury is commenced. Such charge, or other charge or instruction provided for in this section, when so written and given, shall not be orally qualified, modified, or explained to the jury by the court. Written charges and instructions shall be taken by the jury in their retirement and returned with their verdict into court and remain on file with the papers of the case.



The court may deviate from the order of proceedings listed in this section.

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