

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JEFFREY P. SURFACE, et al.,	:	Case No. 1:15-cv-40
	:	
Plaintiffs,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
OFFICER SCOTT CONKLIN,	:	
	:	
Defendant.	:	

**ORDER DENYING PLAINTIFFS'
MOTION TO VIEW THE AREAS OF POLO WOODS COURT AND
ST. ANDREWS COURT, FAIRFIELD, OHIO (Doc. 57)**

This civil action is before the Court on Plaintiffs' motion to view the areas of Polo Woods Court and St. Andrews Court, Fairfield, Ohio (Doc. 57), as well as the parties' responsive memoranda. (Docs. 59, 69).

Here, Plaintiffs argue that a view of the scene is necessary to "provide the jury with context in which to understand the evidence that will be introduced at trial." (Doc. 57 at 2). Defendant does not directly oppose Plaintiffs' motion, but informs the Court that he intends to present photos and a recreation of events that will show the area in substantial similarity to how the events occurred on the evening in question. (Doc. 59 at 1). Defendant requests, if the Court decides to permit a view of the site, that a courtroom deputy point out certain important points at the scene in order to make the view helpful to the jury.

District courts have an “inherent authority to manage the course of trials.” *Luce v. United States*, 469 U.S. 38, 41 n. 4, 105 S.Ct. 460, 83 L.Ed.2d 443 (1984). In this Court’s opinion, a physical view of the scene is unnecessary. Photographs of the scene from that night are available for both parties’ use and should provide the jurors with an understanding of the context of the events at issue in this litigation. In fact, a physical view of the scene may cause juror confusion if the weather conditions and lighting are not substantially similar to the night in question. Accordingly, Plaintiffs’ motion is denied because the Court finds that a view of the scene is unnecessary and may cause juror confusion.

For the foregoing reasons, the Court **DENIES** Plaintiffs’ motion to view the areas of Polo Woods Court and St. Andrews Court, Fairfield, Ohio (Doc. 57).¹

IT IS SO ORDERED.

Date: 11/30/18

s/ Timothy S. Black
Timothy S. Black
United States District Judge

¹ The Court views this Order to be similar to an in limine ruling, advisory in nature, such that the Court may alter its ruling during the course of the trial. *Luce v. United States*, 469 U.S. 38, 41-42 (1984).