

Jury Trials

Trial Order

Ensure Clerk has both oaths and juror numbers

Refreshments

Microphone and Rope off middle section for jury

Clerk checks each juror at the door



Check name off list

Ensure juror card completed

Name must be printed at the bottom of the card

Card must be signed

File juror card alphabetically

Tell juror to have seat in courtroom

Informal Talk

Introductions

Judge

Justice Court Clerk — Jessica Massey

Bailiff — Eric Brown

We encourage your suggestions as to how to improve the system

Importance of Jury Duty

Rankin County jurors have an excellent reputation for wanting to serve

Jurors have a difficult job

I will decide the law in this case

You must decide the facts based on who you believe (CAN BE DIFFICULT)

Our goals

To ensure a fair trial for the parties

Make jury service is as enjoyable as possible

Clerk gives Jurors 1st oath

Explain Juror Pay

Daily Pay

Circuit and County Court — \$25 per day

Justice Court — \$15 per day

This pay scale created by the legislature

Not by the Judges and not by the Board of Supervisors

Mileage

Circuit and County Court — Authorized to pay mileage

Justice Court — **Not** authorized to pay mileage

Mileage laws created by the legislature

Not the Judges and not the Board of Supervisors

We are only authorized to pay this (*DAILY PAY*) to you:

- (1) If you meet the qualifications I will discuss momentarily; and
- (2) If you do not select to be exempt; and
- (3) If you are not excused

Schedule

We have 1 trial scheduled (Charge = _____)

If you are selected for today's trial,

The trial should finish today (may go past 5:00 PM - probably NOT).

Qualifications, Exemptions, Excuses

I will discuss each of these and then ask if anyone is not qualified or if anyone wants to claim an exemption or excuse.

Remember created by the Legislature — not my rules — state law.

Qualifications (§13-5-1)

At least 21

Registered to vote or be a resident landowner for at least 1 year

Able to read and write English

Cannot have ever been convicted of an “infamous crime” (felony)

Cannot have been convicted of unlawful sale of intoxicating beverages in last 5 years

Cannot be a common gambler (doesn’t mean visit legal casinos)

Cannot be an “habitual drunkard”

Cannot have served on (actually sat on) Justice Court jury trial in last 2 years

Cannot have a case pending in Justice Court

“Anyone believe they are not qualified? You can tell me in private.”

Exemptions (can serve if choose) (§13-5-25)

Employee of Whitfield

Employee of Department of Corrections

65 years old or older

Served on jury in any other court in last two years

“Anyone believe they are exempt and want to take the exemption?”

Excuses (§13-5-23)

Illness (self or family)

Serving would cause serious financial loss

Emergency

“Anyone believe they have a valid excuse?”

Extra Excuses

If more than 30 jurors left, offer to let anyone be excused for any reason so long as there will be at least 30 jurors left

Clerk removes cards of those who were disqualified or exempt or excused

Impaneling

Clerk removes juror slip from each of the remaining cards

“The names of each juror will be selected at random and then seated in numerical order. You will each be given a juror number card. The juror number card makes it easier for me and each of the attorneys to keep track of the responses to questions.”

Clerk gives Jurors 2nd oath

Clerk shuffles juror slips

For each juror slip

Clerk calls out juror number and name

Bailiff gives juror the corresponding number and seats the juror

Clerk writes the juror’s number and name on paper

Clerk writes the juror’s number and panel on the juror card

Clerk adds the juror card to the stack of chosen juror cards

Break for Jurors (about 20 minutes)

phones

restrooms

refreshments - coffee, orange juice, crackers, cookies

turn off cell phones

avoid contact with attorneys or witnesses

Clerk Prepares List of Impaneled Jurors

Prepare List and photocopies of juror cards in order as seated

Prepare 5 copies

Voir Dire

("speak the truth")

Tell jurors summary of voir dire

"I will make some comments and ask some questions."

"Each attorney will ask questions."

"Please hold up your juror number card when answering."

"Purpose is not embarrass you and if you want to answer any question at the bench, you may."

"Don't form an opinion until you have heard all the evidence."

"If selected for the jury, don't talk about the case until all the evidence has been presented and you are instructed to go back to the jury room to deliberate."

"Attorneys and witnesses can't talk to you. Don't take this personally — it's a court rule."

"This is a case where the defendant (_____) is charged with (_____)."

"Has anybody heard about the case?"

"Remember, please hold up juror number card when answering."

"Has anyone ever been a party or a witness in a criminal case?"

"Is there anything about that experience that would affect your ability to sit as a juror in this case?"

"Has anyone ever sat as a juror in a criminal case?"

"Did the jury return a verdict?"

"Is there anything about that experience that would affect your ability to be fair and impartial?"

"Has anyone ever been a party or a witness in a civil case (other than a divorce)?"

"Is there anything about that experience that would affect your ability to sit as a juror in this case?"

"Has anyone ever sat as a juror in a civil case?"

"Did the jury return a verdict?"

"Is there anything about that experience that would affect your ability to be fair and

impartial?”

“Does everyone understand that there is a different burden of proof in a criminal case than in a civil case?”

“In a civil case, plaintiff (person who filed lawsuit) must prove by a preponderance of evidence (tip scales).”

“In a criminal case, prosecutor must show proof beyond a reasonable doubt.”

“This is a criminal case. Does anyone believe that the criminal burden of proof is too heavy or too light?”

“In a criminal case, the defendant is presumed innocent until the state overcomes that presumption.”

“Since you haven’t heard any evidence, would you each be able to vote ‘not guilty’ if you had to vote right now?”

“In a trial, the judges and attorneys have to follow certain rules which are designed to ensure a fair trial.”

“Occasionally, an attorney may make an objection. You should not think that they are trying to hide something. The attorneys may disagree on the law and it will be my job to decide the law.”

“Will you not hold objections against one side?”

“Will you be able to assess the demeanor and answers of each witness without regard to his/her position or job?”

“Will you wait until all of the evidence is presented and you are instructed on the law, to decide?”

“Will you base your verdict on the law and the facts?”

“Will you apply the law as given — even if you disagree?”

Example — It is not against the law to have a drink and then drive.
It is against the law to drive under the influence of alcohol.

“Are there any distractions in your life today that would affect your ability to pay attention?”

“Do any of you believe that you should refuse to judge another person (for moral or religious or other reasons)?”

PROSECUTOR CONDUCTS VOIR DIRE (15 minutes)

DEFENSE ATTORNEY CONDUCTS VOIR DIRE (15 minutes)

“Is anyone thinking about a specific issue and wondering why didn’t the Judge or lawyers ask me about it?”

BREAK FOR JURORS (15 minutes)

“The attorneys and I will go to my chambers and go through the jury selection process.”

“Hopefully, we should return in 15 minutes and seat the chosen jurors.”

JURY SELECTION

For cause

Peremptory challenges

SEATING THE JURY

“I will read the names of the jurors chosen. The names will be read in random order. When you hear your name, please give the bailiff your juror number card and have a seat anywhere in the jury box.”

JUDGE reads juror’s names (in random order)

Jurors give juror number card to bailiff.

Jurors are seated in the jury box.

Judge thanks jurors and tells them they are through

Jurors not chosen leave juror number cards with bailiff

INSTRUCT JURY

Read jury instruction from manual.