

THE 26TH JUDICIAL DISTRICT OF NORTH CAROLINA

JUROR HANDBOOK



A Guide for Potential Jurors

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WELCOME

Welcome to jury service! Your service as a juror is one of the most valuable contributions you can make to your government and to your community. The right to a trial by a jury of one's peers is guaranteed by the Constitution. Jury trials protect the fundamental rights of all citizens. A jury's decision of the facts in a case must be fair and impartial in order to protect an individual's rights and interests, as well as the public interest. By serving on a jury, you are assuming an active role in our system of justice. Trial by jury is not a perfect system. It is simply the best system we have yet been able to devise. Serving on a jury is not only an obligation of every qualified citizen; it is a right and a privilege. Please keep in mind that the administration of justice is not a process in which shortcuts should be taken simply to speed up the process. The determinations of the truth and the fair and equitable applications of the law are matters of grave importance.

Your job, as a juror, is to listen to all of the evidence presented in the trial and then to decide the facts. Determine the truth – what really happened. The judge's job is to decide the law, making decisions on the legal issues in the trial. You do not need special knowledge, ability or training to be a juror. Simply listen to all of the evidence, keep an open mind, use common sense, and be fair and honest. It is essential that you not be influenced by sympathy or prejudice.

The purpose of this handbook is to assist you in understanding the court proceedings and to enable you to do your part. It is not intended to replace the instructions given by the jury coordinator(s), nor does it replace the instructions that the jury receives from the judge presiding over the trial. It merely provides you with general information about North Carolina's judicial system, especially Mecklenburg County, and what to expect in your role as a trial participant.

The Court hopes that you will find jury service a pleasant and rewarding experience. Thank you for your willingness to serve!



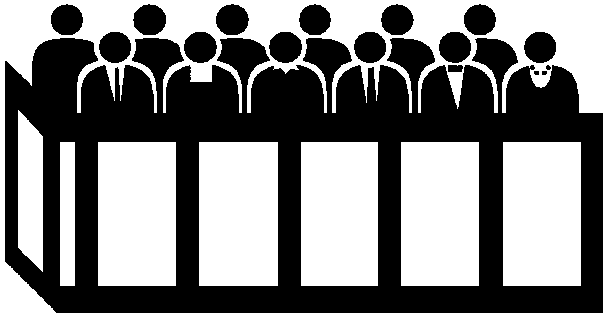
SUMMONS TO JURY SERVICE

You have been chosen by a completely fair and impartial method of selection. At least every two years, the county Jury



Commission prepares a list of names of all qualified persons eligible to serve as jurors. These names are taken at random from a combined list of registered voters and persons with driver's license records. You become part of a jury pool, which is a group of citizens from whom trial juries are chosen.

To be eligible, you must be at least 18 years of age, a United States citizen, a resident of the county in which you have been summoned to serve as a juror, and be physically and mentally competent. In addition, you must be able to understand the English language. You cannot have served on a state or federal jury within the past two years or have completed a full term of service as a grand juror within the past six years. If you have ever been convicted of, or pled guilty to, a felony, you are eligible to perform jury service after your citizenship rights have been restored. Once you have been released from supervision, meaning you are no longer on probation or parole, your rights are automatically restored.



EXCUSAL OR DEFERRAL OF JURY SERVICE

The North Carolina General Assembly declares the public policy of this state to be that jury service is the solemn obligation of all qualified citizens and that excuses from the discharge of this responsibility should be granted only for reasons of compelling personal hardship or because requiring service would be contrary to the public welfare, health, or safety. Please note that there are no exemptions from jury service based on occupation. Although work commitments can be hard to break, they are not a valid reason for being excused from jury service. Prospective jurors can request to be deferred to a later date when they may be less busy. Requests for deferral should come from the individual summoned, not the employer. Additionally, full-time students are not exempt from service. If a deferral is desired, the student should provide a date to which he or she may be rescheduled.

In Mecklenburg County, first-time requests for deferrals, within six months of the current service date, may be requested at jury.mecklenburgcountync.gov (preferred) or through the automated system at 704-686-0195 up until two business days before the service date. All subsequent requests to be deferred or excusal requests must be submitted via the website (preferred) or in writing (outlining the reasons for the request) by fax to 1-866-228-9046, or mail to: Jury Management, 832 E. Fourth Street, Room 5450, Charlotte, NC 28202, and received by the Jury Coordinators at least 5 business days before the service date to allow time for the request to be processed.

The court will respond by email and/or mail to all requests either by denying the request, rescheduling the service date, or excusing the juror. If you have questions about your jury service, please contact the Jury Coordinators as soon as possible.

TYPES OF JURIES

In the administration of justice in our courts, different types of juries are necessary to perform separate and distinct functions. The two types used are the grand jury and the petit jury.

The grand jury is a group of 18 people, who serve on a continuing basis for six months. Their responsibility is to inquire into the evidence against persons accused of serious offenses. This examination by the grand jury determines only whether there is probable cause for charging the accused with the crime and requiring him or her to stand trial in Superior Court. The grand jury does not decide whether the accused is actually guilty or innocent. If the grand jury finds probable cause, the accused person is afterwards tried in Superior Court.

The more familiar jury of 12 persons that determines the guilt or innocence of accused persons in the Superior Court is called a petit jury. This kind of jury also decides disputed questions of fact that arise in the trial of all civil actions. The remainder of this handbook deals with the duties of petit jurors, who may be called to serve in either civil or criminal cases.

SELECTION OF JURORS

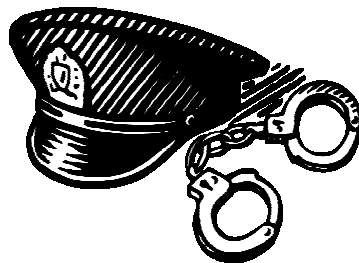
Before you will be permitted to serve as a juror, the clerk of court will administer an oath to you. You will be asked to swear or affirm that you will truthfully and without prejudice or partiality try all issues in civil or criminal actions that come before you and submit rightful verdicts according to the evidence.

If the particular case to be tried is one requiring a jury, the judge or the attorneys for each side may ask questions concerning each panel member's qualifications to serve as a juror in that case. It may seem to you, as a juror, that some of the questions asked by the attorneys are not pertinent to the issue to be tried. The questions may also seem very personal. These questions are asked only for the purpose of making certain that the jurors to try that particular case are impartial and will decide the issues based solely upon the evidence presented. It may be that a juror is closely related to one of the parties in the case, has a business relationship with one of the attorneys, or has some personal knowledge about the case. The juror may subconsciously have some leaning one way or another regarding the type of case to be tried that would make him or her a less desirable juror for that particular case. The purpose of these questions asked by the attorneys is simply to discover any possible interest or bias that a juror might have in the particular case that is to be tried. If a juror is challenged or excused, whether or not the reason is given, it should be understood that this action is not a reflection on the juror in any way. When the jury has been selected and the required number of jurors is in the jury box, the jurors are sworn to try the case.

KINDS OF CASES

Cases that come before a trial jury are divided into two general classes: civil and criminal. Civil cases are those in which the parties come into court to determine and settle their respective rights. The person who brings an action against another is the plaintiff. The person against whom the action is brought is the defendant. Typical civil cases deal with a contract, which someone claims has been broken, a claim of damages because of negligence, or cases involving rights between individuals, such as a divorce. It is your job as a juror to see that these civil rights, whatever they may be under the law, are upheld and sustained.

Criminal cases are those in which action is brought by the government on behalf of all citizens to try persons charged with the violation of criminal laws. In a criminal case, the state is the prosecutor and the person accused of the crime is the defendant. Because it is society in general charging an individual with breaking a criminal law, we always refer to society as “The State of North Carolina.” If the charges against these persons are proved beyond a reasonable doubt, you, as a juror, must not hesitate to declare their guilt. The kind of punishment these persons will receive is a matter almost always determined by the judge, which is his or her responsibility. However, if the guilt of the defendant is not proved beyond a reasonable doubt, you must be equally ready to submit a verdict of not guilty.



THE TRIAL OF A CASE

Opening Statements – After you have been selected to sit on a particular case, the attorneys will usually make opening statements. Their purpose is to tell you what the case is all about. You should remember that the opening statements are not evidence.

Examination of Witnesses – The witnesses for the plaintiff testify first and then the witnesses for the defendant. The attorney who has called the witness proceeds with his or her direct examination, by asking the witness questions to bring out the facts he or she wishes to show. When the direct examination is finished, the attorney for the other side may cross-examine the witness to bring out additional facts or to try to discredit them. During the trial, you will hear the attorneys make what are known as objections. These objections may appear rather technical to you, but it may be the attorney's duty to make them. If the judge thinks there are grounds for the objection, he or she will sustain it; if not, it will be overruled. At times the jury will be excused from the courtroom while objections and motions are being discussed or argued before the judge. These are matters of law for the judge to determine. Because your sole duty is to determine the facts, you do not need to be present. Objections by the attorneys or the rulings of the judge on the objections should not cause the jury to draw inferences for or against either side. A trial is not a contest between the attorneys, but rather a search for truth according to the rules of law.

Arguments – After all of the witnesses have testified, the attorneys will make closing arguments to the jury. The purpose of the attorney's argument is to help the jury

remember and analyze the evidence and attempt to convince the jury that, under the evidence, the issues should be answered in their client's favor.

Judge's Instructions – After the arguments, the judge will declare and explain the law arising out of the evidence given in the case. You should listen to the judge's instructions very carefully and try to understand and remember his or her instructions. The judge must declare the law as it is, and you must find the facts under the law as it is stated. Under your oath, you are not at liberty to substitute your own opinion of what the law should be.

JUROR CONDUCT DURING A TRIAL

In order to give the parties a fair trial, you should follow certain rules throughout the trial. First of all, do not be late for court sessions. The trial cannot proceed until all jurors are present.

You should reach your decision based upon the evidence presented in court and upon no other sources of information. Accordingly, you should not discuss the merits of the case with anyone, not even a fellow juror, until the jury retires to deliberate. It is improper for you to read newspaper articles about the case and to listen or watch radio or television accounts of the trial. You may not discuss, watch, listen, or conduct research regarding the trial through the use of any type of electronic media. Should anyone try to discuss the case with you, you should politely excuse yourself with the explanation that you are serving on the jury. If the person persists or if they try to influence your decision in any way, you should get their name and report the incident to the judge as soon as possible. Please remember that your every action is subject to intense scrutiny and that it is best to do nothing that may arouse suspicions, however false they may be. Often during the course of a trial, the testimony will be contradictory about physical facts, such as the layout of a

highway intersection or the location of objects in a room. Whenever advisable, the judge will order a view of the scene in question by all members of the jury. He or she may also decide that a view of the scene would be misleading, due to changed circumstances since the occurrence of the events. Jurors are not allowed to visit the scene of their own initiative because they may gain an entirely incorrect impression about the disputed facts. Also, jurors may not conduct their own investigation of the case.

JUROR CONDUCT DURING DELIBERATIONS

As soon as the judge has completed his or her instructions, the jury will retire to the jury room to begin deliberations (deciding a verdict). In civil cases, one member of the jury will carry a list of the written issues, which the jury is to answer, into the jury room. The first task of the jury is to select a foreperson. It is the foreperson's duty to see that the discussions are carried on in a sensible and orderly fashion; to see that the issues submitted for decisions are fully and fairly discussed; and to ensure that every juror has a chance to say what he or she thinks about every question, without wandering too far off subject. Each question presented must be thoroughly considered. When a unanimous decision has been reached, the foreperson should record the decision and present it to the court. A jury verdict is a finding in which all 12 jurors concur. Failure of a jury to reach a unanimous decision results in a mistrial (except in civil cases, in which the parties have agreed in advance to a less than unanimous verdict). The case must then be tried all over again before a new jury. You should reason through your differences with each other and make a sincere and conscientious effort to agree on a verdict. However, you should never agree to a decision that you believe to be contrary to the truth.

THE JURY'S VERDICT

The result of the jury's deliberations is its verdict, which literally means, "truth speaking." In a criminal case, the verdict is usually guilty or not guilty. In a civil case, the verdict takes the form of answers to written questions, called the "issues." These questions are framed in legal language, which is explained by the judge in his or her instructions. The foreperson writes the jury's verdict on the form containing the issues. The verdict must be reached as a result of deliberation and discussion and not as a result of mere chance. It is highly improper for the jury to determine its verdict by the toss of a coin or any other haphazard method. The parties involved are entitled to a verdict reached after careful thought and deliberation.

THE JUDGE

Under North Carolina law, the judge has many duties to perform in connection with the trial. He or she is responsible for ensuring that the trial is conducted in an orderly manner and according to the prescribed rules governing the conduct of the parties, their attorneys, and the witnesses that they present. It is the judge's function to pass upon the qualification of jurors, the objections raised to evidence seeking introduction, and numerous other questions that may arise concerning the conduct of the trial. The judge must tell the jurors what issues of fact they are to decide. He or she interprets and applies the law governing the case being tried, leaving it to the jury to determine the factual questions raised by the trial. It is the function of the jury to resolve all questions raised by conflicting testimony and to determine what witnesses can be believed. The jury should not expect the judge to comment on the reliability of the witnesses or to express an opinion as to which of the parties should win the case.

THE ATTORNEYS

Attorneys serve as officers of the court and are subject to all orders of the court. During the course of the trial, you may come in contact with several attorneys. For this reason, you should have an understanding of the standards required of persons engaged in the practice of law.

Attorneys are licensed to practice in North Carolina only after they have passed a bar examination given by the Board of Law Examiners or by a similar board in another state.

Applicants for the bar examination must meet certain moral and educational requirements before being allowed to take the examination. First, they must satisfy the Board that they have followed the proper course of study, including many required subjects. Secondly, they must convince the Board that they have a high degree of moral character and integrity. Applicants who meet these requirements take the three-day bar examination given annually in Raleigh, and those who pass the exam are licensed to practice. The judge will appoint a Public Defender to defend an accused person in a criminal case if the accused is indigent and is charged with a serious offense. Public Defenders are full-time, state-paid attorneys whose sole function is to represent indigent defendants in criminal cases. If a defendant cannot afford an attorney and is accused of a crime that could result in imprisonment, the defendant is eligible for the services of a lawyer at state expense. If the defendant is found guilty, he or she must pay back the money spent on his or her defense.



THE COURTROOM CLERK

The clerk sits at the desk to one side of the judge. The clerk is an officer of the court and documents what happens in a case, orders made by the court during the trial, and the verdict at the end of the trial. The clerk also administers the oath, or affirmation, to jurors and all witnesses before they testify and marks all exhibits when they are received into evidence.

THE BAILIFF

The bailiff is charged with keeping order in the courtroom during the trial. The bailiff opens and closes the court each day and attends to the jury by sitting outside the jury room, while the jury is deliberating on a verdict. Jurors should comply with requests of the bailiff while under the supervision of the bailiff.

THE COURT REPORTER

The court reporter records and logs all trial proceedings and is responsible for preparing a typewritten transcript of the trial, if requested, by either party.

THE INTERPRETER

If needed, an interpreter is present in the courtroom to assist a non-English speaking party or witness. An ASL interpreter, caption note taker, etc. may be provided for deaf or hearing impaired jurors.



THANK YOU!

The Judicial Branch of North Carolina thanks you for serving as a juror. Your performance of this public service is helping to preserve and strengthen the basic democratic institution of trial by jury and to improve the administration of justice.

If you would like more information regarding jury service, please log onto our website at www.nccourts.org/county/mecklenburg/jury.

ACKNOWLEDGMENTS

The 26th Judicial District of North Carolina wishes to acknowledge the following for their contributions:

The Arizona Supreme Court, www.azcourts.gov/juryduty/CourtroomPersonnel.aspx.

The Circuit Court of Illinois, www.state.il.us/court/CircuitCourt/Jury/Juror.asp.

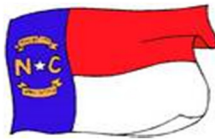
The Idaho Supreme Court, www.isc.idaho.gov/jury/IdahoHandbookForJurors.pdf.

The Nebraska State Courts, www.supremecourt.ne.gov/1163/jury-service.

The North Carolina Bar Association, “Serving on a North Carolina Jury.”

The State Bar of Michigan, www.ci.walker.mi.us/government/departments/court/juror_s_manual.php.

The Washington State Courts, www.courts.wa.gov/newsinfo/resources/?fa=newsinfo_jury.jury_guide.



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This Handbook can be viewed online at:
www.nccourts.org/County/Mecklenburg/Jury.