



**Trial
Trial**

Juror's

Manual



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A Brochure for Jurors in Clayton County Superior and State Courts

PURPOSE OF THIS BROCHURE

The purpose of this brochure is to provide you with general background information which will hopefully lead to a clearer understanding and better appreciation of the judicial process. The material and information in this brochure are not law, and it should not be taken by you as law. In each case, the judge will charge and instruct you as to the law which is applicable.

WHY IS JURY SERVICE IMPORTANT?

Jury service is an important civic and community duty. By serving on a jury, a citizen has a direct hand in the administration of justice. The right to a trial by jury had its origin in England and has been preserved by the institutions of our State and Country. Jury service is a privilege and responsibility which you should accept with pride.

The jury is responsible for correctly deciding the facts which are in dispute in each case. An error made by the jury regarding a question of facts is not easily corrected. Thus, a juror's duty is one of responsibility and importance.

WHAT IS THE PROCEDURE IN CIVIL CASES?

1. **How does a case begin?** The person who begins a lawsuit is known as the plaintiff. The person against whom the suit is brought is called the defendant. A suit commences when the plaintiff states his or her claim in a document filed with the court called a Complaint. In response to the Complaint, the defendant then files a document called an Answer, which states his or her defenses and other contentions. These papers are known as pleadings. The points in the pleadings upon which the parties disagree make up the issues in the lawsuit. The pleadings are not evidence. They merely state the written contentions of the parties.

2. **How is the Jury Selected?** The jury commissioners compile a jury list from the voter registration list, drivers license list, utility company list and other sources. To be eligible for service, a person must be a legal resident of Clayton County for a minimum of six months or longer, eighteen (18) years of age or older, a United States citizen with no felony convictions or misdemeanor involving moral turpitude unless they have been pardoned or had their civil rights restored. Names are randomly drawn from the list, and these persons are summoned or called to the courthouse to serve as jurors.

In civil cases, a panel of potential jurors is asked questions by the judge and the lawyers to determine whether each panel member is qualified to serve. This questioning process is called "voir dire." A juror who is related to any of the parties or has already formed an opinion about the case may be excused and another substituted. This process is continued until there is a full panel of 24 from which a jury of twelve people may be selected or, in state court, a panel of twelve from which a jury of six persons may be selected.

Selection of the jury continues by a process known as "striking the jury." It gets its name because the parties alternately strike names so as to excuse qualified persons from the panel until the number is reduced by one-half. A lawyer's decision to strike you as a juror should not be interpreted as a reflection on your personal qualifications as a juror. The remaining jurors will be administered the juror's oath and will constitute the jury that tries the case.

3. **Opening Statement and Presentation of Evidence.** The attorneys for the parties will each make an opening statement of what they intend to prove. Opening statements are not evidence.

The evidence is presented after the opening statements. The plaintiff will usually present evidence to support

his or her position first, and the defendant will then present his or her evidence. The plaintiff may then offer evidence to rebut or explain any of the defendant's evidence.

Most evidence is presented by the oral testimony of witnesses who testify under oath. The lawyer for the party who has called the witness proceeds with his or her questions, which is called a direct examination. When this is finished, the lawyer for the other party proceeds with his or her questions, called cross examination. After the cross-examination has been concluded, the lawyer who called the witness may then ask questions or redirect examination.

Oral testimony may have been taken prior to the trial. When a witness is not available, this previously recorded testimony, known as a deposition, may be read into evidence by the attorneys as if the witness were present and testifying.

During the trial, the attorneys may object to certain testimony or evidence that the other party presents. The judge will then decide whether the law allows such evidence to be presented. When the judge sustains or agrees with an objection, the evidence is not permitted. When the judge overrules or disagrees with the objection, the evidence will be admitted.

In a civil case, the plaintiff has the burden of proving his case by a preponderance of the evidence. A preponderance of the evidence is defined as that superior weight of evidence, which, while not enough to wholly free the mind from a reasonable doubt, is sufficient to incline a reasonable and impartial mind to one side of the issue rather than to the other.

4. Final Arguments and the Charge. After the conclusion of the evidence, the parties will summarize their case in final arguments. The final arguments are not evidence in the case.

The judge will then charge or instruct you as to the question or questions you are to decide and as to the law which applies to the evidence that has been presented. You should pay close attention to the judge's charge.

5. The Verdict. After the judge has charged the jury, you will retire to consider your verdict. The jury must decide the facts based on the evidence presented and then apply the law as charged by the judge in deciding the question or questions involved.

The verdict and its fairness are of vital importance to the parties in the case. The law requires a unanimous verdict. In reaching the verdict, jurors should enter into the discussion of the case with an open mind and should freely exchange views with each other.

WHAT IS PROPER CONDUCT FOR A JUROR?

1. During the Trial. During the trial and the recesses, you should not talk about the case with other jurors or with any other person or allow anybody to talk about the case in your presence. A juror should not participate in any activity which might tend to incline him or her toward one party or the other. Jurors should not mingle with the lawyers, parties, or with the witnesses in the case. They should not accept any favor of any nature, however small, from any of the witnesses, parties, or lawyers. If you are approached in any way by a party interested in the outcome of the case, you should report this communication privately to the judge or to the jury bailiff.

2. In the Jury Room. When the jury retires to the jury room to consider its verdict, its first task is the selection of a foreperson. This person acts as the chairperson of the group.

The foreperson supervises the taking of ballots and also signs any written verdicts which may be required and any written request made to the judge, such as a request for a further charge on some point. In selecting the foreperson, the jurors would be well advised to select someone of experience and general knowledge who will command the respect of the other jurors.

Discussion among the jurors should be carried out in a sensible and orderly fashion so that the issues submitted for decision are fully understood and fairly discussed.

3. After the Trial. Once the jury's verdict has been announced and trial is over, you will be free to discuss the

case with the parties, the witnesses, the lawyers, the press, or others if you wish to do so.

WHAT IS THE PROCEDURE IN CRIMINAL CASES?

With some exceptions, criminal cases are tried with the same rules of procedure and in much the same manner as civil cases. The person indicted or against whom the offense has been charged is known generally as the defendant. The State prosecutes all criminal cases in the name of the State. In a criminal case, the contention of the State is that a law of the State has been broken. The defendant, on the other hand, contends that he did not commit the offense charged or that there was some justification. The lawyer who represents the State in felony cases is called the District Attorney, and the lawyer who represents the State in misdemeanor cases is called the Solicitor General. Felony cases are those in which a crime is punishable by more than one year in prison. Misdemeanor cases are those in which a crime is punishable by one year or less in prison.

There are some major differences between civil and criminal cases, which include:

1. In a criminal case, the State proceeds by way of indictment or accusation. The defendant files no written answer. All material allegations in the indictment or accusation are deemed to be denied.
2. In the selection of a jury in felony cases, a panel of 30 jurors is made up, and each juror is questioned by counsel from either side. The lawyers may strike as many jurors as the law prescribes for the particular type of case which is being tried.

In misdemeanor cases in both State and Superior Court, a panel of 12 jurors is assembled and the State strikes two names from it while the defendant's lawyer strikes four names. This is accomplished by taking turns with the defendant's counsel going first and last. The six remaining names constitute the jury which will try the case.

3. In a criminal case, the State must prove every essential element of the alleged crime beyond a reasonable doubt. A reasonable doubt is a doubt based upon a reason and for which a good explanation can be given. It is a doubt upon which a reasonable man would act, or decline to act, in a matter of importance or of grave concern to himself. It is the doubt of a fair-minded, impartial juror honestly seeking the truth.

4. In criminal cases, it is the duty of the jury to determine whether a defendant is guilty or not guilty. If a jury decides that a defendant is not guilty, then the defendant is free, and the case is over. If the jury finds the defendant guilty, then the judge will set the sentence unless the jury finds the defendant guilty of a crime punishable by death, in which case the judge will not impose the death penalty unless the jury verdict includes certain findings of aggravating circumstances and a recommendation that the death penalty be imposed.