

JURY SELECTION

Picking a jury really involves discovering which potential jurors to strike, or get rid of. The goal is to eliminate the potential jurors who are harmful. The State and the Defense have to opportunity to strike.

PARTS OF TRIAL EXPLAINED

Jury selection allows attorneys to question possible jurors to determine the suitability of each for the trial. Both sides can strike potential jurors. Some limitations apply.

The judge will instruct the jury about the law in jury instructions. All jurors hear the same preliminary instructions. The Jury Charge will be given at the end of the evidence. The attorneys along with the defendant will propose and discuss what law jurors will hear based on the particular facts of the case during the Charge Conference.

Opening Statements provide the jury with a description of the facts and circumstances of the case. Each attorney gives their version of events. The State may tell the jury things that the defendant may not like to hear. Understand that it's their theory to prove.

Presenting a case: each side presents witnesses. The other side can cross-examine those witnesses.



MORE EXPLANATION

A Motion for Directed Verdict of Acquittal follows the close of the State's case. The defendant's counsel will argue that the State failed to establish the facts to support the charges in any way. The motion is rarely granted.

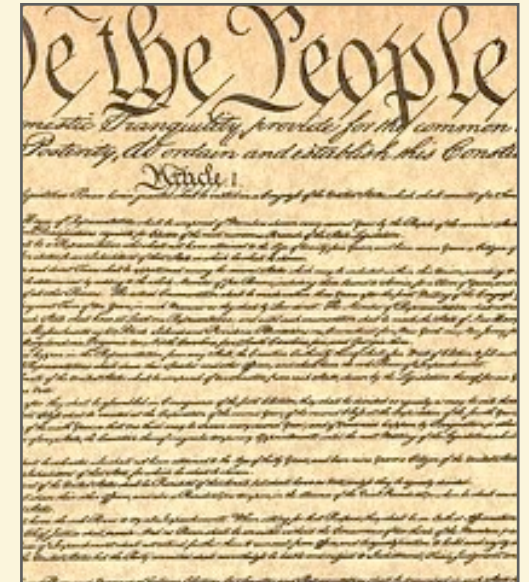
Advising defendant of right to testify. During the course of a trial, the Court will review the defendant's right to testify or not testify. No one will make a defendant testify or stop the defendant from testifying. The defendant has the responsibility to make that decision individually with the advice of counsel.

Closing Argument is the last opportunity to convince the jury about the law and the facts.

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JURY TRIAL

A GUIDE



FROM NANCEE TOMLINSON, LLC

THE BASICS

All citizens carry basic rights under the U.S. Constitution. While the public retains a general familiarity with the topics covered by the Constitution, the specific details of each right become the focus for criminal defendants facing prosecution. The cumbersome criminal justice system requires more detailed explanation for those charged with a crime.

RIGHTS ADVISEMENT

If one enters a plea of guilty or nolo contendere, that person must acknowledge the giving up of or waiving of certain rights.

These rights include:

Trial by judge or judge and jury;

To cross examine witnesses;

To call witness on the defendant's behalf;

To use subpoena power of the court to compel witnesses or evidence to be present;

Defendant's right to testify;

That the state has the burden of proof at trial;

The state must prove guilt beyond a reasonable doubt;

The right to direct appeal; and

The right to counsel at all instances of the court process.

JURY DELIBERATION & VERDICT

Jury deliberation is closed to all but the jurors. If there are questions, the jury will ask the Judge. The Court will consult the State, Defense counsel and the defendant. Audio visual discovery may be replayed where appropriate.

The jury will reach of a verdict of guilty or not guilty for each separate count. If the jury is unable to reach a verdict, the Court might declare the jury hung which means a mistrial. A mistrial gives the State the chance to try the case again.

What are the parts of trial?

THE SPECIFIC PARTS OF A TRIAL

Jury Selection

Preliminary Instructions to the Jury

Opening Statement by the State

Opening Statement by the Defense

State's Case

State Rests

Defendant's Motion for Directed Verdict of Acquittal

Defense Case

Defendant Notified of Right to Choose to Testify or Not Testify

Defendant's Witnesses, if any

Defendant's Testimony, if applicable

Defendant Rests

Rebuttal Evidence, if any

Jury Charge Conference

State's Initial Closing Argument

Defendant's Closing Argument

State's Final Closing Argument

Judge's Charge to the Jury

Jury Deliberation

Verdict

Sentencing, if necessary

EVIDENCE AND MOTIONS

During trial, the lawyers will argue about whether certain testimony and exhibits can be presented to the jury. While an accused person may know and wish to use information to prove a witness is a liar, not every lie may be used to impeach a witness.

Be sure to let your attorney know everything you know about the facts and circumstances of your case. Your attorney will make choices about that information and use what is admissible to help your defense.

Motions should be filed and addressed before trial. The information you have about the case should be shared as soon as possible. Ensure that your attorney knows the important details to aid in negotiating and resolving the case. Motions have deadlines and must address specific pieces of evidence early in the process.

JURY'S JOB

A jury decides whether the defendant is guilty or not guilty. A jury does not determine innocence. The jury finds whether the State has proved the guilt of the defendant beyond a reasonable doubt.

The judge provides the law to guide the decision. Closing arguments are there to persuade the jury to favor one side or the other.