

Initial General *Voir Dire* Checklist

1. Questions will be directed to all jurors, not just jurors seated in the jury box.
2. Jurors referred to by juror number only (or by name).
3. Jurors have the ability to approach the bench if personal questions or if personal answers are needed.
4. State the type of case (i.e., aggravated murder). Do not mention the death penalty. Read the language of the indictment but do not provide any information that would indicate the death penalty.
5. Introduce counsel, the defendant, and court staff.
6. Explain the function of the court and the function of the jury as in any criminal case.
7. Cases are decided by the evidence and explain the definition of "evidence."
8. Discuss the qualifications to be a good juror. No right or wrong answer.
9. Need to be truthful and answer the questions.
 - a. A willingness to be fair and impartial.
 - b. A willingness to listen.
 - c. A willingness to follow the law.
 - d. A willingness to use common sense.
10. Discuss whether the jurors can accept the law as provided by the court in a particular matter.
11. Review the long form jury questionnaires and pretrial publicity questionnaires with the jury. Explain why the questionnaires were requested (i.e., to find out if any juror has prior knowledge of the case- do **not** mention that it is a capital case).
 - a. The pre-trial questionnaires will be collected from the attorneys at the conclusion of the jury seating process (if appropriate).
 - b. A juror may request a personal hearing on issues. See *State ex rel. Beacon Journal v. Bond*, (2002), 98 Ohio St.3d 146.
12. Give a thumbnail sketch of the charges, the location of the crime, etc. However, do not inquire into pretrial publicity other than personal knowledge at this stage. Instruct jurors that each charge must be decided separately.
13. Indicate no desire to invade the jurors' personal lives but emphasize the necessity to provide truthful answers.
14. Provide an overview of the criminal justice system including the following:
 - a. Filing of charge or indictment means nothing.
 - b. Presumption of innocence.
 - c. Defendant need prove nothing.
 - d. Defendant has a constitutional right to remain silent. e. Burden of proof.

- f. Definition of reasonable doubt.
- g. All cases must be decided on the evidence produced in Court and the law as provided by the Court to the jurors.
- h. Finding defendant guilty or not guilty, and the definitions of these terms.

15. Inquire as to the following:

- a. Knowledge of any of the participants (i.e., counsel, the defendant, and/or court staff).
- b. Knowledge of any specific facts regarding this case. (Do not discuss any of these issues in open court-this should be done at the bench so as to not taint the entire jury venire).
- c. Knowledge of any of the witnesses involved.
- d. Prior jury service and the type of cases previously decided.
- e. Whether anyone (family members, friends) has been a victim of crime.
- f. Whether anyone (family members, friends) has ever been charged with a crime.
- g. Whether anyone has a personal relationship with any law enforcement officers such as family, friends.
- h. The inclination to provide law enforcement officers with more or less credibility simply because they are law enforcement officers.
- i. Any physical, mental or emotional problems of any jurors.
- j. Any financial hardship for sitting on the jury or any other personal hardship.
- k. Whether each juror can follow the law as provided by the Court.
- l. Whether any juror has difficulty sitting in judgment of their fellow man or woman.
- m. Whether any juror can not understand English or can not hear the questions?
- n. Any factor which, by law, would disqualify the juror (e.g., residence outside the county, US citizenship, conviction for a felony offense). Depending on the nature of the issue, the question may be reserved for small group questioning.
- o. If race, sex, ethnicity, etc. is an issue in the case, raise the matter.
- p. A "catchall" as to any other reason a juror may feel they are not qualified to sit.
- q. Any Juror believe he or she could not be fair to the defendant or the State?
- r. Address case and local jurisdiction specific matters.

16. Once the court completes its questioning, permit the lawyers to question (except those concerning the death penalty and sequestering). The prosecution inquires first, followed by the defense.

17. Discussion by the court on the death penalty and sequestering (See Sample Remarks).

18. Give timetables and General Admonitions, both orally and in writing (See General Admonitions Section).