

## Sample Discharge Instructions to Jury in High Profile Case

Ladies and Gentlemen of the Jury, with the court having accepted, received, and ordered filed your verdicts in this case, your duty as jurors is now complete. The court is able to discharge you from your instructions, release you from those instructions. You are free to talk about the case or not talk about the case, as you decide.

Occasionally with jury service, you're asked to give an affidavit regarding that jury service. You are free to give the affidavit; you are free to decline to give the affidavit. That is a personal, private decision you are entitled to make.

Now, that's the normal instructions I give a jury when I discharge them. I have some additional instructions I would like to give you.

This case has been closely followed since it started. I walked up to the steps of the courthouse on that first morning, coming to work after the arrest of the defendant earlier in that weekend; satellite trucks parked all over the sidewalks, people giving interviews on the courthouse steps and in and around the courthouse.

I remember walking up to my office and commenting to a court employee, "Thank goodness whatever case has occurred while I was out of town is not mine," and she dropped her head and said, "Judge, I hate to tell you this, but it is your case."

That's one of the times you're thankful you have received education about how to handle such a case. However, jurors don't get a lot of training. You get a card in the mail; you get called up here; we put you into service, we just put you in the box and you start making decisions as judges.

Immediately the court issued that morning a "restrictive and protective order," which assisted, in my mind, the witnesses, the attorneys, law enforcement, the investigators, all the people involved in the preparation of a case such as this going to trial, to focus on their job, which is not giving interviews, which is not feeding the press with information but doing their job and getting the case prepared for proper disposition.

As we went through the jury selection process, I was so encouraged at the ability of jurors to tell us when they couldn't follow the law, to tell us when they couldn't be fair, and those, such as the 12 of you, and a few others that were able to do the work, were willing to be open-minded, unbiased, unprejudiced, willing to look at a tough case and make the tough calls that needed to be made in the case on trial.

I was incredibly encouraged by the responsiveness of people showing up and each of you that were drafted to duty, duty to your country, duty to the law, and duty to the truth and justice in this case.

You, the jury, heard and saw the evidence. These verdicts are not what the doctors or the family or the lawyers say or think it should be; these verdicts are not what the media, talking heads, legal pundits say or think it should be; these verdicts are not what the man on the street or the public opinion polls say or think the verdict should be - because we didn't ask them for their opinion.

We asked you for your judgment, for your verdict based on the law and based on the evidence.

These verdicts are what 12 citizens, drafted to duty, honest, good, hardworking people - because you know you've worked hard - torn from your jobs and families, sequestered together and then asked to consider, deliberate, and judge what is the verdict in this case before the court.

Now, there's been a lot of public and media interest in this case. You probably have an inclination about it, but you probably don't know the full extent.

We worked hard on our media order, our security order. You didn't see all of those satellite trucks because I ordered them out of view and set up a media room downstairs.

truTV has been pooling the trial down to the other media outlets where they can send it off, and they've sort of been kept out of your view in the courtroom, in their appointed spots. And we made great efforts, through the sequestration order, to keep you apart from all of that, free from any of the influence, bring you in through the sally port so you were not subject to all of the interest or curiosity about the case on trial.

Everyone will think they're better and smarter and more intuitive than someone else is. Ignore them. Ignore them. I tell you, as a judge, rarely does a day go by that I don't make everybody in the courtroom mad at me.

If I leave the courthouse and everyone's happy with me, I probably didn't do my job that day. They all think they know better than I do. They love what you do; they hate what you do. The fact of the matter is, they rarely understand what you do. Because they're not here. They don't hear it. They don't know the intricacies of the law, and they didn't hear the evidence that's presented.

The fact that some people will agree with your verdict or the law and that some people will disagree with your verdict or the law means only that they who disagree were not carefully selected to be fair and unbiased, were not sworn under oath to follow the law and to judge all of the facts, and they see it differently from you because they don't see it all.

You, the jury, were chosen, through a very careful process, to be fair, required by oath to fairly judge the facts and follow the law, and you decided this case, and this verdict is your verdict, and this is the verdict in the case. No poll, no public outcry, no approval, no press analysis changes that fact, that this is the verdict in this case.

The press will desire talk with you. We live in a world of exceptional voyeurism, reality TV. And this is about as real as it gets. There will be an interest of people who don't even know very much about the law or the facts of this case, to dissect the evidence, your thought processes, your decision, to Monday-morning quarterback you from now, till the end of time.

It's a free country. They can ask; you can answer. They can also, however, respect your privacy and allow you to contact them only if you want to talk to them. And that's what, hopefully, will happen, and we'll provide to each of you a list of media outlets that are interested in talking to you, and if you want to, you're welcome to call them. And if you don't want to, you don't have to call them. You can - whether they call you or not - either talk to them or say, quote, "My verdict says it all," close quote.

The public and the press do not need to engage in voyeurism into your mental processes. They should be willing to accept, if you give the statement, quote, "My verdict says it all," close quote. Now, the court, these attorneys, we respect your service, your duty, and your privacy. We have worked very hard to comply with the law and to keep your personal information provided in *voir dire* examination confidential as is provided by law. However, the law does provide that the names of jurors, when you were called out, has to be done in public court, and so your names were called out as you took your places here. My phone hangs up easily, the door at my house closes real quick, and uninvited letters that come to my mailbox are easily discarded. You make that personal decision for yourselves.

For the next few days, there will probably be some public or media interest in this case. News gets stale real quick. Life goes on. But for the next few days, it will probably be a hot topic of conversation. And if anybody bothers you, harasses you, doesn't leave when you tell them, "My verdict says it all; I don't want to talk," continues to call after you've said, "My verdict says it all; I don't want to talk," you call the Sheriff's office, and we're going to send a deputy sheriff, and I guarantee you we're going to take care of it.

I'm not going to have anyone harassing you or bothering you in any way, and the Sheriff's office stands ready, willing, and able to help me help you maintain your privacy and your decision on whether or not you want to talk about your verdict in the case.

I want to thank you very much for your service. Without honest people of our community serving on juries, we do not have the right to trial by jury in this country, and it's a very valuable right.

My sincere apology for sequestering you. I did it because that was the only way I could be confident you would not be bothered during this process and that you would be focused on your job and duty in the case.

My sincere appreciation for your dedication, your focus, and the serious nature of your service for our community and our system of justice. I think I can speak for all of the lawyers and tell you that we are so proud of the way you all listened attentively, decided fairly and impartially, and followed the law in the case that was before you.

At this time, you are discharged as jurors; you are released from the court's instructions. The bailiff is going to take you to the jury room for the discharge procedures.

And if everyone will remain seated in the courtroom, if you will take the jury at this time . . .