

## Sample Official Jury Information

### A Note from the Court

Your service as a juror is extremely important. Our legal system could not function without you. After your service is completed, we would appreciate your comments and suggestions. Your dedication to our community is most appreciated. Please feel free to contact our offices if we may ever be of assistance.

### The Jury System

The right to a jury trial means the right to be judged by your fellow citizens. The jury system dates back to ancient times. Long before the birth of America, the Greeks and Romans followed a jury system. When America was settled; the concept of a jury trial was already a major part of our legal system. The Declaration of Independence cites the "denial of a trial by jury" as one of the major reasons for colonial independence. The right to a jury trial is so important that it is guaranteed in the U.S. and state constitutions. It is one of our cherished rights.

### Juror Duties: In the Courtroom

As a juror, you, along with the other jurors, solely decide the facts in the case you hear. You decide whom to believe or not believe. You determine the weight to be given to all the evidence. The judge will provide the law to you which you will then apply to the facts you find to be true. You determine the facts from only the evidence presented in court.

Evidence: Evidence comes from only what occurs in the courtroom. Evidence can be from the testimony of witnesses, exhibits admitted for your review, and from facts agreed upon by both sides. The statements of the lawyers are not evidence. You may believe all, part, or none of a witness's testimony. The quality and not the quantity of the evidence is most important. Your duty is to listen to all evidence with an open mind. Do not form any opinion about the case until you have heard all the evidence. You must take your duty as a juror very seriously. It is an important responsibility.

### Juror Duties: Outside Court

As a juror you must not discuss the case among yourselves or with anyone else. This rule applies while you are at court, during breaks, and even at home. You must not let anyone discuss the case with you. You may not speak to the lawyers, witnesses or parties. Once your jury service is concluded, you may freely discuss the case with anyone you choose.

### Selecting a Jury

Jurors are selected for a particular case by a process known as *voir dire*. This means to "speak the truth." This is done by bringing the jurors to the courtroom where you will be asked some questions. The goal is to select jurors who will be asked some questions. The goal is to select jurors who will be fair, impartial, and open-minded. Jurors may be excused from service two ways:

Challenge for Cause: Jurors may be excused for a particular reason. This could be for illness. It may also occur when a juror might have a difficult time being fair in a particular case. An example would be where a juror is related to one of the parties involved in the case.

Peremptory Challenge: Each side to the case has the right to excuse a certain number of jurors without giving a reason. If you are excused, please do not take it personally.

## **Types of Cases**

Jurors normally hear one of two types of cases: one is a civil lawsuit and the other is a criminal proceeding.

### **Civil Lawsuit**

Most often this type of case involves one side filing a lawsuit against the other side of the case. Normally the suit asks for money damages. Civil lawsuits include cases involving auto accidents, medical malpractice, breach of contract, and many other matters.

*Plaintiff-Defendant:* The side filing the lawsuit is usually called the plaintiff. The side being sued is usually called the defendant. Calling each side by plaintiff or defendant does not mean one side is right and the other side is wrong.

When a party files a civil lawsuit or asserts a claim, that party must prove the issues relating to the claim by the required burden of proof.

### **Criminal Proceeding**

A criminal case is different from a civil lawsuit. In a criminal case, the State of Ohio claims that the person (the defendant) has committed a crime. In common pleas court, a defendant is notified of the charge by receiving a document called an indictment.

*Indictment:* This is a document which contains the allegations involving the criminal charge. The Ohio Legislature determines what acts shall constitute a criminal offense. Crimes are listed in the Ohio Revised Code. Examples would be robbery, theft and burglary.

In most criminal cases, the jury is concerned only with whether a crime has been committed. The jury is not involved in sentencing and punishment. The judge determines all sentences based on the legislature's guidelines.

*Presumption of Innocence:* The fact that a person is charged with a crime does not mean he or she is guilty. By law, a defendant is presumed innocent at all times during a trial. A person is to be found guilty only if that person's guilt is proven beyond a reasonable doubt. The county prosecutor is a public official who represents the state. The prosecuting attorney must prove every element of an alleged crime beyond a "reasonable doubt."

*Burden of Proof:* The state through the prosecutor has the burden of proof. This means the prosecutor must prove every element of the crime charged by proof beyond a reasonable doubt. The prosecutor always has the burden of proof on the issue of whether the defendant is guilty. The defendant never has to prove he is innocent. The law requires you to presume the defendant innocent at all times.

*Reasonable Doubt:* Reasonable doubt is present when, after you have carefully considered and compared all the evidence, you cannot say you are firmly convinced of the truth of the charge. Reasonable doubt is a doubt based on reason and common sense. Reasonable doubt is not mere possible doubt, because everything relating to human affairs or depending on moral evidence is open to some possible or imaginary doubt. Proof beyond a reasonable doubt is proof of such character that an ordinary person would be willing to rely and act upon it in the most important of his or her own affairs.

## **Verdicts**

The end result is for the jury to deliberate and reach a verdict. After the case is completed, the judge will provide detailed instructions and definitions to you concerning the law for the particular case in which you are serving as a juror. Your oath as a juror requires you to accept the law as given to you by the judge. You will then deliberate with only your fellow jurors present to reach a verdict.

*Criminal Proceeding Verdict:* The verdict in a criminal case is either guilty or not guilty. The verdict requires a unanimous vote of the jury.

## **Useful Court Terms**

*Direct Examination:* Questions a lawyer asks of a witness normally called by the lawyer to testify on behalf of the lawyer's client.

*Cross Examination:* After a witness testifies on direct examination, the other side has a right of cross examination. This is permitted to "test" the witness's direct testimony.

*Objection:* Every trial has objections made by the lawyers as to certain questions and evidence. Objections are based on claims that the evidence is not admissible for some legal reason. The judge rules upon all objections.

*Objection Sustained:* This means the objection is correct and the question or evidence is not proper. You should not guess on what the answer or evidence may have been if the question has been answered.

*Motion to Strike:* Sometimes evidence comes in which is not legally proper. When a judge grants a motion to strike, you must disregard the evidence involved.

*Objection Overruled:* This means the objection to the question or answer is not proper. The evidence, therefore, is admitted for your consideration.

*Side Bar Conference:* During almost every trial, issues arise concerning legal matters and other procedural matters. To keep the jury impartial, these are often handled at the judge's bench in what is called a side-bar conference.

*Exhibits:* These are the tangible items of evidence. If admitted by the judge, you will take these to the jury room. These include photographs, medical records, weapons, and other tangible items of evidence.

*Deliberation:* At the conclusion of the case, after the judge provides you with your instructions, you will then deliberate. Only the jurors are present during the deliberations. Deliberations involve reviewing the evidence and applying the instructions of law to arrive at a verdict.