

ALL YOU NEED TO KNOW ABOUT...

*VOIR DIRE +
FEDERAL
TRIAL*

PROCEDURE

FOR THE **NAIVE**

JUROR

BY MATTHEW D. FORD,
A LAW INTERN

“ALL YOU NEED TO KNOW ABOUT... VOIR DIRE + FEDERAL TRIAL PROCEDURE FOR THE NAIVE JUROR” is written for people who have been subpoenaed to appear in court in order to fulfill their services as a potential juror on a trial. Jury duty is a very important service where anyone called upon to serve must fulfill their duties unwaveringly and to their greatest ability. This book is written as a guide to help potential jurors understand their job and basic trial procedure in federal court. Please use this book for those purposes.

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ABOUT THE AUTHOR

At the time he wrote this book, Matthew D. Ford was a student in his junior year of studies at Henry Ford Academy: School for Creative Studies in Detroit, MI. As a part of his Senior Practicum class, Ford had to complete an internship in a subject of his choice, which was originally Sociology, but was shortly changed to legal studies. Ford interned at the Law Office of David S. Steingold, PLLC, in Detroit, where he planned to research how people and their backgrounds impact their lives in the legal system. As another requirement for his Practicum experience, Ford created this book based on his research and observations of a high-profile federal indictment case in order to help potential jurors better understand federal trial procedure and their job as jurors.

After graduating high school, Ford plans to attend Northwestern University and later attend law school.

PREFACE

This book was written and published in order to help you, the prospective juror, grasp an understanding of the jury selection process and the procedure of a trial in a federal court case. In this book, you will learn generally what to expect on your first day and potential following days of jury duty, your job as a juror, the order of proceedings in a trial, as well as definitions of terms that are typically used in court and/or in relation to a case.

This book is not meant to help you form opinions of the jury selection process or of a trial, or to deter you from participating in the process to your strongest ability, but is meant to merely inform you of the process and of what you will see and experience if ultimately selected to sit as an official juror.

Please also note that this book was written partially from the observations of the author in a high-profile bid-rigging trial and that your own experience may vary by the severity or happenings in your case, or by the order of the judge or counsel. Conversely, please do not disregard the information presented in this book as irrelevant to you, as your experience will, indeed, be very similar, only varying according to the case.

It is the sincerest hope of the author that you, the juror, will take this venture seriously and carefully learn the contents of this book for your greater advantage. Jury duty is a very serious service to your country and should be taken with care. A defendant's life is in your hands. Please be open to the information presented in this book and open to your experiences in the courtroom.

Thank you.

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WELCOME

TO

JURY DUTY

WHAT IS VOIR DIRE?

According to *Black's Law Dictionary (Third Pocket Edition)*, **VOIR DIRE** (vwahar-deer) [Law French “to speak the truth”] is “a preliminary examination of a prospective juror by a judge or lawyer to decide whether the prospect is qualified and suitable to serve on a jury. Loosely, the term refers to the jury-selection phase of a trial.”

There are two primary types of juries: a **grand jury** and a **trial (or petit) jury**. There are also two primary levels of law: state and federal. You are preparing to be a juror in a federal case. A jury usually seats six or twelve people with an additional four alternate jurors. The goal of the judge and counsel during voir dire is to fill all of these seats with people who have the ability to be fair and impartial toward the defense and government during the trial, and for each opposing side to decide who will be the most suitable people to help them win their case.

In a federal case, jurors are summoned randomly from all over the state in which the trial is to be held. It is not uncommon that jurors may have to drive one or two hours from home to the court, although this is not always the case.



WHAT'S MY JOB?

To sit on a trial jury is to be a part of a panel of people pulled indiscriminately from the state and to observe and analyze information in order to form a **verdict**. With this job comes many responsibilities. There are several things that you must understand and consider in order to do your job correctly and efficiently. You have an individual's future in your hands and you may agree that it is no simple task to determine a person's future. You are in charge of listening to and taking note of the evidence presented in the courtroom and deliberating and ultimately deciding on a verdict of “guilty” or “not guilty”. On the road to getting to this final step in the process, however, you must know four things in order to do your job as a juror in a trial.

JUDGING EVIDENCE

The ability to judge the evidence of the case is the most essential part of your job as a juror. It is important to be “fair and impartial” when first and foremost attending jury selection and especially fair and impartial when considering the defendant's crime. You are obligated to only consider the evidence that is presented to you in court and are not permitted to entertain

preconceived notions, feelings, ideas, or attitudes; water cooler commentary or hearsay at work or personal conversations with your friends or families. This also includes the media, such as print, the news, online posts, the radio, or television, and you must also ignore any and all media related to the case in any format until your jury duties are complete. It is vital to understand the concept of being fair and impartial in a case.

PRESUMPTION OF INNOCENCE

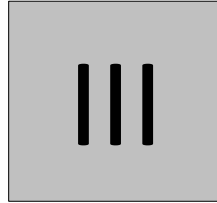
With the concept of being fair and impartial comes the understanding of the fundamental principle that is the **presumption of innocence**. This means that, in the eyes of the court, the defendant walks in with a “clean slate” and is therefore considered to be completely innocent of all charges and **indictments** until proven guilty beyond a **reasonable doubt**.

BURDEN OF PERSUASION

This concept connects to the presumption of innocence in that, not only is the defendant considered innocent, but the burden to prove anything belongs to the government. The defense is not liable to bring in anything to prove his or her own guilt; this duty, to ultimately prove guilt, lies on the prosecution.

BE PATIENT!

The government understands that you have a life and that jury duty may not fit into your already busy schedule. You have children to tend to, a job to work, and a house to keep in order. After sitting for so long, all you want to do is take a long nap or eat ice cream. Yet, for now, be patient; someone's life is in your hands.



WHAT CAN I EXPECT?

In preparing for your jury duty, you may find it beneficial to know a few things about the process before it even begins. It all begins with a form sent to you in the mail by the government which asks you to confirm some personal information and to tell a little more about yourself, including whether you are married, and if so, your spouse's occupation. You then mail this form back to the government.

A short time later, you will receive your actual **summons** to appear in court. In this, you will be informed of the date, time, and location of your duty, and what you will be doing. You will have to contact the office the night before your session to confirm your attendance.

FIRST DAY

It is now the morning of the day on which you attend jury duty. You have gotten a reasonable number of hours of sleep because it is going to be a long day. You have also eaten breakfast because, although there is a break, that break may not come around for hours, depending on the judge on the trial. You

know where to go because you researched the route to the court building so that you won't be late. The first thing that you do is head to the front door where a security guard tells people entering the building to have their photo ID ready for the guards inside. At the security station, the line is very long because dozens of others have been called today to serve jury duty with you. You take off your belt and any items in your pockets and put them into a bucket which is scanned by a machine and you walk through a metal detector. After being dismissed by the guards, you grab your belongings and head to your designated room.

When you find the room, you see dozens of other ordinary people sitting at small tables and chairs, discussing their curiosity for today's events. There are magazines and a television set to keep you occupied until it is time to go to the courtroom. You sign in and go sit down and wait. After a while, the case manager enters the room and announces that it is time to begin today's session.

RULES

There are some things that you should know for the first day of your jury duty, and for following days:

1. Do not bring food or beverages to the court. There should be a break and unless instructed otherwise, there should be a snack store somewhere in the building at which you can buy food, but you cannot take it back to the courtroom.
2. Do not bring electronics. This includes cell phones, eReaders, iPods, MP3 players, portable gaming devices, recording devices, laptop computers, etc. Only attorneys are allowed to bring cell phones.
3. Try to leave everything at home. Although permitted, you do not need a bag full of everything you have ever owned. Try to pack light, if at all.
4. Try to leave metal objects at home. Bringing anything

more than perhaps keys or your belt may slow things down at the security station.

5. Dress appropriately. It is not mandated that you wear a suit or a dress; dress in a business-casual fashion. For men, a polo shirt, button-up, sweater, simple shoes (with the exception of sneakers), and slacks or khakis are fine. For women, a blouse, sweater, slacks, skirt, or heels or flats are fine. Although you are not there to impress anyone it is most appropriate to dress in this fashion in this professional setting.

IV

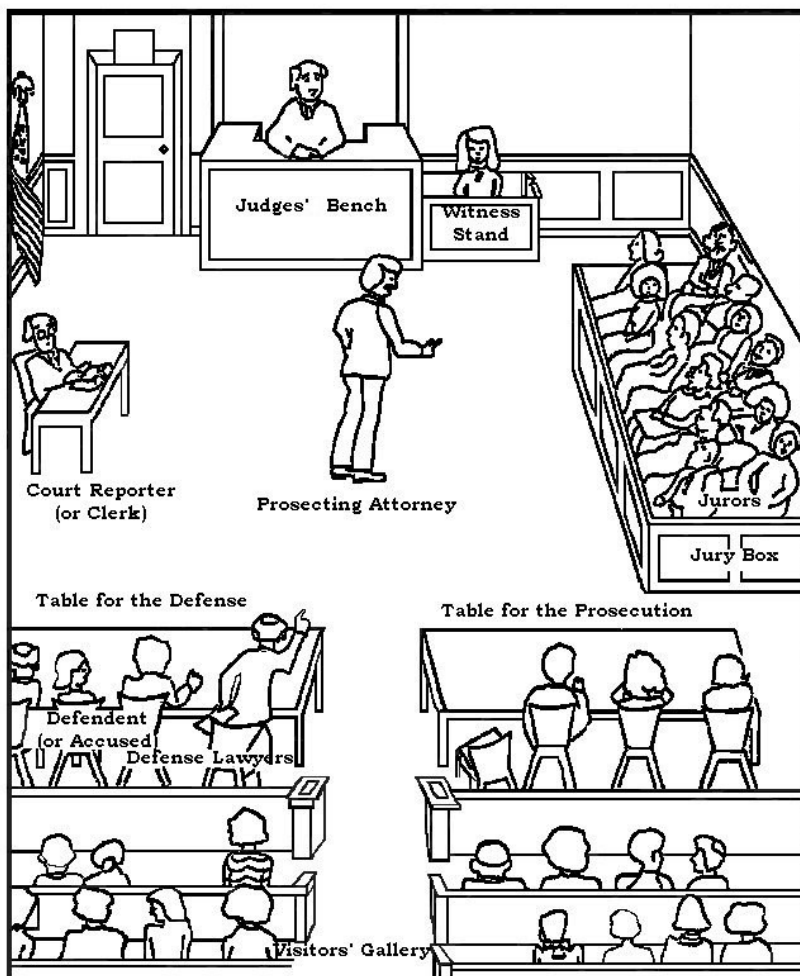
THE JURY SELECTION PROCESS

People are selected to serve jury duty from the entire city, county or district. In federal court, jurors are selected from all over the state in which the trial is held. Because of this, when you serve duty, there will be dozens of others serving with you, often times including well over one hundred other people. Led from the jury holding room by the case manager, you will proceed to the **courtroom** where you will be seated in rows.

NOTE: Please keep in mind that this chapter is written partially in the context of a high-profile bid-rigging case that the author observed. Although your own experience will be very similar, this information may not directly match your own experience.

***On the following page is a diagram of the way that the courtroom may be setup.

SAMPLE COURTROOM SETTING*



This is an approximation of what a courtroom looks like during a jury trial.

*Source: Elementary Law Related Activities. A joint project of: The Devils Lake Public Schools, North Dakota Department of Public Instruction, State Bar Association of North Dakota, and North Dakota Combined Law Enforcement Council 1978.

BEGINNING OF SESSION

When you arrive to the courtroom, the judge will likely be in their **chambers**, or their office. When he is ready, the case manager will announce, “All rise. Court is now in session, the Honorable Judge [insert judge's name here] presiding. The United States of America versus [insert defendant names here], case number [insert numbers here].” After this, the judge tells everyone to be seated and proceeds to explain the agenda for the day, the nature and incident of the case, and a basic explanation of the jury's job. The judge will then swear all of you in by oath.

Next, the preliminary elimination process will begin. The following is a list of questions that may be asked collectively to the jury in order to eliminate people quickly and easily. If at any time, you respond with the negative to the posed question, you must explain it to judge:

1. Are you a citizen of the United States of America?
2. Have you lived in this state for a period of at least one year?
3. Are you at least eighteen years of age?
4. Are you able to read, write and understand the English language?
5. Are you physically and mentally able to endure jury duty?
6. Have you been convicted of a felony and your civil rights have gone unrestored?
7. Do you have any impending felony charges?
8. Do you have any health problems that prevent you from sitting for long periods of time?
9. Are you subject to any serious hearing impairments?
10. Are you knowledgeable in any parts of the case, pertaining to its defendants or any part of the counsel?

On the last question, anyone with no knowledge of the case will be instructed to return to the jury holding area and dismissed until a later time. This is where further questioning begins. The remaining jurors will be taken to a different courtroom for

individual questioning. The questions asked depend on your responses given. Some of the questions — including your name, occupation, marital status, and spouse's occupation (if applicable) — include:

1. From what source(s) do you receive your news?
2. What do you know about this trial?
3. Do you know any of the defendants or attorneys in this trial?
4. What have you heard on the news about this trial?
5. Have you formed any impressions or opinions about this trial or the people who are a part of it?
6. Do you believe that everything that is featured in the media is completely accurate?
7. How do you feel about other people or companies related to the case?

Based on your responses to the initial questions, later questions will get more in-depth, peaking into your personality and rationale of thinking. Some questions may be based upon your personal and business life and how that may affect your perception of the case (i.e. an accountant or business man will be asked an excess of questions concerning contracts if the trial is on a bid-rigging scandal or embezzlement scheme; if the trial concerns rape, you may be asked if you or anyone close to you has ever been raped).

During this questioning period, more new terms that you may have never heard before will come to you. One of these is a **peremptory challenge**, which is a questioning of legality or qualifications in court, particularly to the jury. Immediately following your questioning, the judge will ask the counsel if they are challenging for cause, to which the counsel can reply with one of two answers: **pass for cause**, which means to ignore any challenges and continue with the session normally, or **strike for cause**, which is to dismiss, which must be supported by reason.

The judge makes the final call as to whether the juror is passed or struck. Peremptory challenges can be based on anything at all with the exception of ethnicity, race, or sex.

Striking for cause can occur for many reasons, most times because of a response by the juror during questioning. An attorney may have found one answer inappropriate and/or does not believe that this juror is best fit to be on the final jury. Other reasons could simply be because of health or even a busy schedule. Sometimes, jurors will even express openly that they do not feel fit to be on the jury because they may have trouble being fair and impartial to the government or to the defendant, or because they do, in fact, know another person in the courtroom personally. Please understand that to be struck for cause is not a bad thing. Not everyone will make it on the jury and it is not the court's interest to change your mind on any ideas that you have.

Presumably on the next day, the selection process will continue with the remainder of the jurors to be individually questioned, if any. After the individual questioning is finally completed, the entire jurors (with the exception of those struck for cause) will reconvene in the original courtroom. Here, the process will continue where you will sit in the jury box with approximately eleven other people. One by one, you will be asked to stand and read off a card that was created based on questions posed to you either through the mail summons or during your waiting time in the holding room. On this card may include your:

- Name
- Occupation
- Number of children and their ages
- Marital status; spouse's occupation
- Magazine subscriptions
- Education
- Experience in law enforcement or the army
- Membership to organizations

- Sports played
- Experience related to trial (i.e. acclimation in contracts and construction)
- Previous jury duty experience
- Knowledge about the case

Eventually, through this long and arduous process, twelve jurors will be selected. The court must then select about four alternates through the same criteria. The purpose of the alternates is to replace any jurors who may be unable to attend a court session for any reason. After this step, the jury selection process is finally complete!

V

THE STAGES OF A TRIAL

Now that you have been selected to participate as an official juror, the trial is officially set in motion. There are several steps in the order of a trial, beginning with opening statements, and continuing with testimonies and the presentation of evidence, closing arguments, and the final and defining part, where the entire trial has built up to, the verdict.

Before you learn about the stages of the trial, there are some key people whom you must be introduced to. To get a better understanding of where they are in the court, you can refer back to the diagram on 14.

- The most important person in the courtroom is the **judge**. The judge sets the atmosphere and order in the court and has a ruling over everything that happens. The judge decides on peremptory challenges, is the “gatekeeper” for who actually gets placed on the jury, what evidence is allowed into the courtroom, acceptance or denial of objections and motions made by the counsel, and sentencing (if the defendant is found guilty by you and your colleagues).
- The individuals who assist the judge and sit in front of

him in the court are the stenographer, clerk, and case manager. The **stenographer**, or **court reporter**, records everything that is said in the courtroom. The **clerk** keeps records and accounts and files papers. The **case manager** maintains the trial and keeps things in order. This is the person who guides you from the holding room to the courtroom, and the person who says “All rise.”

- The **counsel** is made of the attorneys who oppose one another and present evidence in the courtroom. The **defense** is the side that is on trial and must defend themselves. The **prosecution** or government is the side that attempts to convince you, the jurors, to believe that the defendant is guilty and want the person(s) convicted.
- **Witnesses** are people who are brought into court to testify about information that they may have in relation to the case.
- The visitors gallery is for family, friends, or supporters of the defendant; the media; and other spectators.

Now that you have knowledge of the people in the court and where they are positioned in the room, you must learn exactly what will be happening step-by-step. This is the time for you to begin to pay special attention to everything little thing that is going on. You must listen to everything that the attorneys, judge, and witnesses say. Remember that you have the defendant's life in your hands and that you need enough information on the defendant and evidence presented in the courtroom in order to make a verdict. Also remember that you must be fair and impartial going into the trial and that you can observe and analyze the evidence and testimonies presented in the court and nothing more than that.

OPENING STATEMENTS

Opening statements are presented at the very beginning of the trial. This is the time for you, the “fact-finder”, to get a preview of the case. The attorneys will explicitly state the allegations against the defendant for which they are on trial. Opening statements do not feature arguments, but only state facts; however, attorneys very often add small bits of argumentation into this segment. The prosecution presents its statement(s) first; defense presents afterward.

PRESENTATION OF EVIDENCE

The hefty segment of the trial is the presentation of evidence. This is the “meat” of the trial where all exhibits, testimonies, documents, etc., are presented. This is the segment where the most attention should be paid as you are trying to make a decision of guilt or innocence on the basis of the facts found in court. The main components in the presentation of evidence segment are the witness testimonies, and exhibits, documents, and objects.

Witness testimonies

Witnesses are called upon in court to give their account of the background of the trial and what they may have seen, heard, or have been directly involved in. Witnesses can range anywhere from family and friends to business associates and colleagues to expert witnesses. **Expert witnesses** are people who are established professionals in a subject, such as doctors, bankers, or researchers. For example, a psychologist may act as a witness in order to run a test and present its findings in court, or to evaluate certain traits or activities of the defendant and decide whether they are consistent with their own experience and knowledge.

Exhibits and documents

Exhibits and documents are pieces of evidence that are

directly related to the allegations brought forth against the defendant. An exhibit could be a contract or form, or even the weapon that was used to murder someone.

There are multiple types of evidence that can be brought into the court, but here are a few of the most important or typical forms, or forms that you may hear more often than others. **Admissible** or **credible evidence** is evidence that can be used, that is trustworthy, or that is most relevant to the case; **direct evidence** is related to this as it is based directly on observation or personal knowledge. Conversely, **circumstantial evidence** is not based on eyewitness testimony and, thus, may be somewhat reliable by inference, but not on fact, as is **opinion evidence**. **Testimonial evidence** is the account offered by the witness in relation to the case. **Character, habit, or reputation evidence** is evidence based on a defendant or related person's own personality traits; this evidence is not always reliable and sometimes is not even admissible, but can be analyzed by an expert witness. **Exculpatory evidence** is given in order to help prove the defendant's innocence; oppositely, **incriminating evidence** is given in order to establish the defendant as a criminal. **Real evidence** can be presented as a physical exhibit, being directly a part of the incident in question.

One piece of evidence in particular that is most questionable is **hearsay**. Hearsay is an out-of-court statement or piece of evidence that is used to assert truth. However, hearsay is usually not allowed in court because it is not entirely admissible, credible, and can, in fact, be entirely falsified, being an undocumented and unproven finding, incident, or quote.

During the presentation of evidence, the attorneys will have the opportunity to question the defendant and the witnesses individually. The prosecution will first call all its witnesses and question them. This is a **direct examination**; the defense will

then have the opportunity to **cross-examine** the prosecution's witnesses. The the same protocol will be used for the defense's witnesses, beginning with its own direct examination, and ending with the prosecution's cross-examination.

Attorneys have the option to **object**, or openly disagree with and attempt to disallow, to the opposing side's questions to a witness. This could be for a number of reasons, including the attorney badgering the witness, leading on, misleading, or being entirely inappropriate, unfit, or irrelevant to the case at hand. The judge can give one of two responses to the attorneys objection: "sustained" or "overruled". "**Sustained**" means that the judge agrees with the objection; the judge may then have the attorney rephrase or dismiss the question and have it taken "off the record" (or unrecorded by the stenographer). "**Overruled**" means that the judge is ignoring the objection and wishes to move along.

CLOSING ARGUMENTS

This final segment before jury deliberation is important because it is the last time the attorney and defendants will be able to present to or persuade the jury. During this time, the attorney will recap the evidence and attempt to get the jury to rule in their favor. This is also typically the most emotional part of the trial, depending on the attorneys' methods of persuasion, as the attorneys try to appeal to the jury.

DELIBERATION

This is the time for you to consider all of the evidence that has just been presented to you. You will be taken to the jury room to privately discuss your observations and notes. You will recount the testimonies and exhibits and every action of the attorney and defendants. You will have the opportunity to also see the evidence first-hand and closer examine the evidence. You

will be given as much time as needed — with reasonable limitations, of course, depending on the judge. When you are finished deliberating, all of you will emerge from the jury room and prepare to present your final verdict.

VERDICT

Coming up with a decision to find the defendant guilty or innocent may sound easy, but you may soon find out that this task is not the easiest thing to do. Depending on the severity and longevity of the case, the jury may be subject to **sequestration**. However, it is still your job to deliberate and return a verdict. Yet, you have many options and many verdicts that just may arise depending on the nature and events of your deliberation (depending on the case, given instructions, and the judge). There is an **excessive verdict**, which is not merely based on the evidence, but overall emotion and feeling of the jury and may have a shocking effect on the court. There is the **perverse verdict**, which means that the verdict is so contrary to the law and presented evidence that the trial must be redone. A **partial verdict** is a decision that the defendant is guilty of some, but not all, charges. A **special verdict** is a decision made that the jury only makes findings only on the facts given to them by the judge, and that the judge makes the final legal ruling. A **sealed verdict** is used when the verdict decides on the case when court is not in session or has other matters to discuss and, thus, put the verdict in a sealed envelope and disperse. The verdict is then opened and read aloud when the court reconvenes. Contrary to this, the typical fashion of verdict delivery is **general** and stated **publicly** in the court.

Jury nullification can also come into play when the jury decides to acquit the defendant regardless of the law or evidence. A **hung jury** can also be a result when the jury cannot come to a unanimous decision. After the verdict is delivered, the judge will discuss the judgement of conviction and will then sentence the defendant, if found guilty. *And you're done.*

VI

GLOSSARY OF TERMS

Definitions retrieved from:

*Except where noted.

Burden of persuasion (p. 9): a party's duty to convince the fact-finder to view the facts in a way that favors the party.

***Case manager (p. 20):** performing legal and administrative duties as set forth in state statutes, court rules, standing orders, and court policies.

Clerk (p. 20): a public official whose duties include keeping records or accounts; a court officer responsible for filing papers, issuing process, and keeping records of court proceedings as generally specified by rule or statute.

Counsel (p. 20): one or more lawyers who represent a client; in the singular, also terms *counselor*, *attorney*, *lawyer*.

***Courtroom (p. 13):** The place or room in which a court of law meetings.

Cross-examination (p. 23): the questioning of a witness at a trial or hearing by the party opposed to the party who called the witness to testify.

Defense (p. 20): a defendant's stated reason why the plaintiff or prosecutor has no valid case; esp. a defendant's answer, denial, or pleas.

Direct-examination (p. 22): the first questioning of a witness in a trial or other proceeding, conducted by the party who called the witness to testify.

Evidence (p. 21): something (including testimony, documents, and tangible objects) that tends to prove or disprove the existence of an alleged fact; the collective mass of things, esp. testimony and exhibits presented before a tribunal in a given dispute.

- **Admissible evidence.** Evidence that is relevant and is of such a character (e.g. not unfairly prejudicial, based on hearsay, or privileged) that the court should receive it.
- **Character evidence.** Evidence regarding someone's general personality traits or propensities of a praiseworthy or blameworthy nature; evidence of a person's moral standing in community.
- **Circumstantial evidence.** Evidence based on inference and not on personal knowledge or observation; all evidence that is not given by eyewitness testimony.
- **Credible evidence.** Evidence that is worthy of belief; trustworthy evidence.
- **Direct evidence.** Evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.
- **Exculpatory evidence.** Evidence tending to establish a criminal defendant's innocence.

- ***Habit evidence.*** Evidence of one's regular response to a repeated specific situation.
- ***Incriminating evidence.*** Evidence tending to establish guilt or from a fact-trier can infer guilt.
- ***Opinion evidence.*** A witness's belief, thought, inference, or conclusion concerning a fact or facts.
- ***Real evidence.*** Physical evidence (such as clothing or a knife wound) that itself plays a direct part in the incident in question.
- ***Reputation evidence.*** Evidence of what one is thought by others to be. R.e. May be introduced as proof of character when character was in issue or is used circumstantially.
- ***Testimonial evidence.*** A person's testimony offered to prove the truth of the matter asserted; esp. evidence elicited from witness.

Exhibit (p. 21): A document, record, or other tangible object formally introduced as evidence in court; a document attached to and made part of a pleading, motion, contract, or other instrument.

Expert witness (p. 21): a witness qualified by knowledge, skill, experience, training, or education to provide a scientific, technical, or other specialized opinion about the evidence or a fact issue.

Grand jury (p. 7): a body of (often 23) people who are chosen to sit permanently for at least a month — and sometimes a year — and who, in ex parte proceedings, decide whether to issue indictments. If the grand jury decides that evidence is strong enough to hold a suspect for trial, it returns a bill of indictment (a *true bill*) charging the suspect with a specific crime.

Hearsay (p. 22): traditionally, testimony that is given by a witness who relates not what he or she knows personally, but what others have said, and that is therefore dependent on the credibility of someone other than the witness. Such testimony is generally inadmissible under the rules of evidence. In federal law, a statement (either a verbal assertion or nonverbal assertive conduct), other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

Indictment (p. 9): The formal written accusation of a crime, made by a grand jury and presented to a court for prosecution against the accused person.

Judge (p. 19): a public official appointed or elected to hear and decide legal matters in court.

Judge's chamber (p. 15): The private room or office of a judge; any place where a judge transacts official business when not holding a session of the court.

Jury: A group of persons selected according to law and given the power to decide questions of fact and return a verdict in the case submitted to them.

- **Hung jury (p. 24):** A jury that cannot reach a verdict by the required voting margin.
- **Jury nullification (p. 24):** A jury's knowing and deliberate rejection of the evidence or refusal to apply the law either because the jury wants to send a message about some social issue that is larger than the case itself or because the result dictated by law is contrary to the jury's sense of justice, morality, or fairness.
- **Petit jury (p. 7):** (Or *trial jury*) A jury (usu. Consisting of 6 or 12 people) summoned and empaneled in the trial of a specific case.

Objection (p. 23): A formal statement opposing something that has occurred, or is about to occur, in court and seeking the judge's immediate ruling of the point. The party objecting must usually state the basis for the objection to preserve the right to appeal an adverse ruling.

- **Overrule (p. 23):** To rule against; to reject; (of a court) to overturn or set aside (a precedent) by expressly deciding that it should no longer be controlling law.
- **Sustain (p. 23):** To support or maintain, esp. over a long period of time; (of a court) to uphold or rule in favor of.

Opening statement (p. 21): At the outset of a trial, an advocate's statement giving the fact-finder a preview of the case and of the evidence to be presented. Although the opening statement is not supposed to be argumentative, lawyers, purposefully or not, often include some form of argument. The term is thus sometimes referred to as *opening arguments*.

Peremptory Challenge (p. 16): One of a party's limited number of challenges to do not need to be supported by a reason, unless the opposing party makes a *prima facie* showing that the challenge was used to discriminate on the basis of race, ethnicity, or sex.

Prosecutor (p. 20): A legal officer who represents the government in criminal proceedings.

Reasonable Doubt (p. 9): The doubt that prevents one from being firmly convinced of a defendant's guilt, or the belief that there is a real possibility that the defendant is not guilty.

Sequestration (p. 24): By process by which property is removed from the possessor pending the outcome of a dispute in which two or more parties content for it; custodial isolation of a trial

jury to prevent tampering and exposure to publicity, or of witnesses to prevent them from hearing the testimonies of others.

Stenographer (p. 20): (*Or court reporter*) A person who records testimony, stenographically or by electronic or other means, and when requested, prepares a transcript.

Summons (p. 10): A notice requiring a person to appear in court as a juror or witness.

Verdict (p. 24): A jury's finding or decision on the factual issues of a case; loosely, in a nonjury trial, a judge's resolution of the issues of a case.

- ***Excessive verdict.*** A verdict that results from the jury's passion or prejudice and thereby shocks the court's conscience.
- ***General verdict.*** A verdict by which the jury finds in favor of one party or the other, as opposed to resolving specific fact questions.
- ***Partial verdict.*** A verdict by which a jury finds a criminal defendant not guilty of some charges and guilty of other charges.
- ***Perverse verdict.*** A jury verdict so contrary to the evidence that it justifies the granting of a new trial.
- ***Public verdict.*** A verdict delivered by the jury in open court.
- ***Sealed verdict.*** A written verdict put into a sealed envelope when the jurors have agreed on their decision but court is not in session or the jury is continuing to deliberate other counts. Upon delivering a sealed verdict, they jurors may separate. When court convenes again, this verdict is officially returned with the same effect as if the jury has returned it in open court before separating.

- ***Special verdict:*** A verdict in which the jury makes findings only on factual issues submitted to them by the judge, who then decides the legal effect of the verdict.

Witness (p. 20): One who sees, knows, or vouches for something; one who gives testimony under oath or affirmation (1) in person, (2) by oral or written deposition, or (3) by affidavit. A witness must be legally competent to testify.

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Now, you understand *voir dire* and federal court trial procedure. You have learned what it is, exactly, that jurors and the process by which people are selected to be on the jury. You know what your job is specifically. You know the order of events that take place in the courtroom, who the people are, and what comes at the end of a trial. You understand the weight of your job and see that it is very important for the American people to serve as jurors in their country for incidents.

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