

Genesee County Bar Association and
Genesee County Bar Foundation
Presents:

THE RIGHT TO A JURY TRIAL



PREMABLE TO THE U.S. CONSTITUTION

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

What is the difference between a bench trial and a jury trial?

BENCH TRIAL

- ▣ In a bench trial, the Judge decides the law;

and

- ▣ The Judge will be the trier of fact and determine credibility of witnesses.

JURY TRIAL

- ▣ In a Jury Trial, the Judge will determine the law;

and

- ▣ The Jury will be the trier of facts and determine credibility of witnesses.

The very idea of a jury is a body of men composed of the peers or equals of the person whose rights it is selected or summoned to determine; that is, of his neighbors, fellows, associates, persons having the same legal status in society as that which he holds.

Strauder v West Virginia, 10 Otto 303, 308, 100 US 303, 25 L Ed 664 (1880)

The purpose of a jury is to guard against the exercise of arbitrary power - - to make available the commonsense judgment of the community as a hedge against the overzealous or mistaken prosecutor and in preference to the professional or perhaps over conditioned or biased response of a judge.

Taylor v Louisiana, 419 US 522, 698; 95 S Ct 692
(1975)

CRIMINAL

OR

CIVIL

CRIMINAL

THE PEOPLE OF THE STATE OF MICHIGAN

v

JOHN DOE, Defendant

SIXTH AMENDMENT TO THE U.S. CONSTITUTION

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district where the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.



MICHIGAN CONSTITUTION

MICHIGAN CONSTITUTION OF 1963 , ART 1, § 20

In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in prosecutions for misdemeanors punishable by imprisonment for not more than 1 year; to be informed of the nature of the accusation; to be confronted with the witnesses against him or her; to have compulsory process for obtaining witnesses in his or her favor; to have the assistance of counsel for his or her defense; to have an appeal as a matter of right, except as provided by law an appeal by an accused who pleads guilty or nolo contendere shall be by leave of the court; and as provided by law, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

CIVIL

PLAINTIFF

v

DEFENDANT

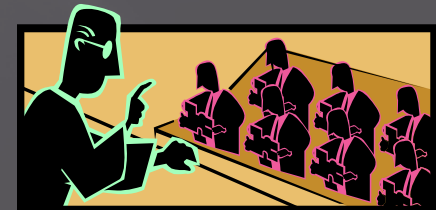
SEVENTH AMENDMENT OF THE U.S. CONSTITUTION

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

CIVIL JURIES IN MICHIGAN

MICHIGAN CONSTITUTION OF 1963,
ART I, §14

The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.



LESS THAN 12 JURORS IN CIVIL

MICHIGAN CONSTITUTION 1963, ART 14, §44

The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

IF THE MICHIGAN
CONSTITUTION DID NOT
PROVIDE FOR JURY TRIALS,
WHAT MAKES JURY TRIALS
BINDING ON THE STATES?

FOURTEENTH AMENDMENT

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

JURY SERVICE



Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	JUROR PERSONAL HISTORY QUESTIONNAIRE	JUROR NO.
Court address		Court telephone no

PLEASE PRINT CLEARLY

1 Last name		First name		Middle initial	
2 Indicate city, township, or village in which you live <input type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village of					
3 What is your occupation?			4 Employer's name and address		
5 What other occupations have you had in the last 10 years?					
6 Have you ever been an office holder for any state, county, or municipality, or have you ever been a law enforcement officer? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please specify.					
7 What was the last grade you completed in school, or degree received?			8 Marital status <input type="checkbox"/> Widowed <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced		
9 Name of spouse		10 Spouse's occupation		11 Spouse's employer	
12 Number of children living at home		13 Check if you are: <input type="checkbox"/> Property owner <input type="checkbox"/> Landlord <input type="checkbox"/> Tenant		14 Do you drive? <input type="checkbox"/> Yes <input type="checkbox"/> No	
15 a Have you, a family member, or a close friend ever been in a serious traffic accident? <input type="checkbox"/> Yes <input type="checkbox"/> No					
b Was alcohol involved? <input type="checkbox"/> Yes <input type="checkbox"/> No c. Who was injured? <input type="checkbox"/> Yourself <input type="checkbox"/> Family member(s) <input type="checkbox"/> Other(s) <input type="checkbox"/> No one					
16 Have you ever been a victim, witness, plaintiff, or defendant in a criminal or civil suit? If yes, explain. <input type="checkbox"/> Yes <input type="checkbox"/> No					
17 Have you ever been convicted of a crime? If yes, what? <input type="checkbox"/> Yes <input type="checkbox"/> No					
18 Are there any special accommodations the court needs to make to assist you in serving as a juror? If yes, please explain the accommodations that would be necessary <input type="checkbox"/> Yes <input type="checkbox"/> No					

Date

Signature

JURY SERVICE

- ❑ You will receive a notice requiring you to appear at a court for jury duty. The notice will provide a date or dates that you are to serve.
- ❑ In most cases, you will need to call a telephone number the night before to find out whether you must report.
- ❑ When a courtroom is ready for jurors, you and the other jurors will be taken into the courtroom. Jurors are usually picked by blind draw.

JURY TRIAL PROCESS

Voir Dire

Jury Instructions

Opening Statements

People's Case or Plaintiff's Case

Defendant's Case

Closing Arguments

Jury Instructions

Jury Deliberations

Verdict

VOIR DIRE

“To speak the truth”

Refers to the examination by the court or attorneys of prospective jurors to determine the jurors qualification for jury service

My Cousin Vinny



CHALLENGES

For Cause
or
Peremptory

CHALLENGES FOR CAUSE

A request to the Judge that a prospective juror not be allowed to serve on the jury for a specific reason or cause.

CHALLENGES FOR CAUSE

- ❑ Not qualified to be a juror;
- ❑ Biased for or against a party or attorney;
- ❑ Shows a state of mind that will prevent the person from rendering a just verdict, or has formed a positive opinion on the facts of the cause or on what the outcome should be;
- ❑ Has opinions or conscientious scruples that would improperly influence the person's verdict;
- ❑ Has been subpoenaed as a witness;

CAUSE CHALLENGES CON'T

- ❑ Has already sat on a trial on the same issue;
- ❑ Has served as a grand or petit juror in a criminal case based on the same transaction;
- ❑ Is related within the ninth degree (civil law) of consanguinity or affinity to one of the parties or attorneys;
- ❑ Is the guardian, conservator, ward, landlord, tenant, employer, employee, partner, or client of a party or attorney;

CAUSE CHALLENGES CON'T

- ▣ Is or has been a party adverse to the challenging party or attorney in a civil action , or has complained of or has been accused by that party in a criminal prosecution;
- ▣ Has a financial interest other than that of a taxpayer in the outcome of the action; or
- ▣ Is interested in a question like the issue to be tried.

PEREMPTORY CHALLENGES

A party may exercise a peremptory challenge for any reason, as long as that reason is related to his view concerning the outcome of the case to be tried.

Peremptory challenges are a necessary means for achieving the important governmental objective of impaneling a fair and impartial jury.

Would you use a peremptory challenge when you have a challenge for cause?

DOES A DEFENDANT HAVE
THE RIGHT TO A JURY
COMPOSED, IN WHOLE OR IN
PART, OF MEMBERS OF THE
SAME RACE AS HE?

CAN A JUROR BE EXCUSED
BASED ON RACE ONLY?

AFRICAN AMERICANS AS JURORS

In 1880, the Court declared that the exclusion of blacks from jury service was unconstitutional but noted that service might be limited to men.

CAN A JUROR BE EXCUSED
BASED ON GENDER ONLY?

Women as Jurors

- ❑ In 1961, the Supreme Court held that excluding women from jury service was neither a Due Process nor an Equal Protection Violation because there was a sufficient rational basis for it – that women were regarded as the center of home and family life.
- ❑ In 1975, the Supreme Court held that excluding women from juries violated the Sixth Amendment.

Was this proper use of Peremptory Challenge?

Defendant was a Hispanic male charged with two counts of attempted murder. All witnesses and victims were Hispanic.

The prosecutor used two of his peremptory challenges on two Hispanic jurors because each juror had a brother convicted of a similar crime and one was convicted by the same prosecutor's office. Then, the Prosecutor used two other peremptory challenges on two other Hispanic males who only spoke Spanish and the testimony at trial would have to be translated.

VOIR DIRE
of the STUDENTS

JURY TRIAL PROCESS

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JURY DELIBERATIONS

12 Angry Men



THE END