



NEW YORK STATE UNIFIED COURT SYSTEM JUROR'S HANDBOOK

MESSAGE OF THE CHIEF JUDGE

I am pleased to welcome you to the New York State courts and to jury service. You already have fulfilled a most basic obligation. The Constitutions of the United States and the State of New York guarantee to us the right to trial by jury when certain legal interests or liberties are at stake. These laws also provide that a collective body of "eligible" citizens shall perform as jurors, regardless of race, ethnicity, gender or economic status. It is a role you should assume with pride.

While I recognize jury service is a burden, interrupting your personal and business lives, it is also a unique privilege we enjoy as citizens. Jury service is thus not only your responsibility but also your opportunity to participate in the American justice system, to learn firsthand how it works, and to help us make it work better.

For some time now, in the New York State Courts we have been engaged in a program of jury reform. Automatic exemptions have been eliminated, so that everyone will share the benefits and burdens of jury service; we are attempting to reduce the term of service, so that we take as little of your time as necessary; and we are paying special attention to your surroundings in the courthouses to make your stay more comfortable. This is an ongoing process, far from complete, and we welcome any suggestions you may have.

On behalf of the entire legal community, I want to thank you for your service as a juror. I hope that your time with us is interesting and rewarding.

Judith S. Kaye
Summer 1998

INTRODUCTION

Most people seldom need to think about a jury or how one operates within a trial. It is helpful to envision the jury as an arm of the court - its purpose is to consider the facts and circumstances which are presented in a case and to apply this information to the law.

Being a juror does not require any special skills, expertise or education. The jury's job is to determine the truth to the best of its ability on the basis of the evidence presented in a case.

This handbook provides information concerning the jury experience in the trial courts of New York State. It is not intended to replace the orientation session that is generally provided by the Judge, Commissioner of Jurors or the County Clerk, nor does it replace the instructions that a jury will receive from the judge presiding over the court. It is simply a supplement to the information and rules that will be provided by court personnel and the judge throughout the jury process.

COMMON QUESTIONS OF JURORS

Why must I serve on Jury Duty?

The Constitutions of the United States and the State of New York guarantee defendants in criminal cases and litigants in civil cases the right to a trial by jury. The New York State Judiciary Law states that all litigants have the right to juries selected from a fair cross section of the community and all eligible citizens shall have both the opportunity and obligation to serve.

How are people chosen to be called for jury service?

The New York State court system obtains each year the names of state residents who are included on certain lists - registered voters state taxpayers, licensed drivers, recipients of public assistance benefits and recipients of state unemployment compensation.

It is also possible to volunteer for jury duty. You may do so by contacting your local Commissioner of Jurors or calling 1-800-NYJUROR

Throughout the year, prospective jurors are selected randomly from the source lists and sent a juror qualification questionnaire. This questionnaire must be completed by the prospective juror and returned to the Commissioner of Jurors. Those individuals who "qualify" for service - U.S. citizen and county resident; at least 18 years of age; with no felony convictions; and able to understand and communicate in English - may eventually be summoned to report for service. In some counties the qualification questionnaire and summons are sent together in one mailing.

How long does a juror serve?

The Unified Court System recently implemented a policy to reduce the length of service to the shortest possible term wherever possible.

In most counties, jurors who are not involved in a voir dire or trial are excused after one entire day. In some jurisdictions jurors who are not involved in a voir dire or trial are excused after a few days.

Those who are selected on a jury are required to serve on only one trial. On average, the length of service of a civil trial ranges from three to five days. Criminal trials average from five to ten days. Some trials may last more than ten days. The judge or attorneys will inform the prospective jurors of the length of the trial.

Is it true that sometimes jurors are not allowed to go home until after the trial is over? Is this common?

As a general rule, jurors go home at the end of the day and return the next morning. There are occasions, however, that require a court to "sequester" a jury on a criminal case during deliberations. In extremely rare instances, a jury may be sequestered during the trial itself. "Sequestered" means that jurors do not go home at the end of the day, but stay in a hotel, where their access to other people and to radio and television news or newspapers is limited. The judge or clerk will inform you in advance if there is a possibility that the jury may be sequestered.

The expense of all meals and lodging for sequestered jurors is the responsibility of the Commissioner of Jurors of each county or the respective County Clerks in the City of New York.

Are jurors compensated?

Pursuant to law, the state will pay jurors a fee of \$40 for each day of physical attendance with the following Exceptions:

Exception #1. Jurors who are employed CANNOT be paid a jury fee for any day(s) on which they receive regular wages unless their regular wage is less than \$40. In that case, the state will pay the difference between the juror's wage and the \$40 fee.

Exception #2. Jurors who work for an employer with more than 10 employees MUST be paid, by their employer, at least \$40 or their regular daily wage- whichever is less- for each of the first three days* of service. If a juror's daily wage is less than \$40, the state will pay the difference between the juror's wage and the \$40 for the first three days of service.

*Note: The obligation of the employer to pay only applies if the juror is serving on jury duty on a regular scheduled work day. If not, the state pays the daily fee of \$40. In rare instances, when service extends for more than 30 days, the court may authorize an additional allowance of \$6 per day to be paid to a juror.

A juror may waive his or her right to the per diem allowance, in which case the allowance will go to a special account that is used to improve juror facilities.

What about transportation costs?

There is no additional reimbursement to jurors for transportation costs.

What can I do if my employer, who employs more than ten people, refuses to pay for the first three days of my jury service?

You must first inform your employer that Section 519 of the Judiciary Law requires an employer to compensate their employees for the first three days of jury service.

If you are unsuccessful, contact your local Commissioner of Jurors or call 1-800-NYJUROR

What about the juror's job?

New York State law prohibits an employer from subjecting an employee to penalties or termination of employment due to jury service - so long as the employee notifies the employer upon receipt of the jury summons. An employer may lawfully withhold wages during jury service (except for those circumstances in which the employer is required to pay the \$40 allowance... see "Are Jurors Compensated"). The question of salary and wages in addition to the required allowance is a matter to be addressed between the juror and the employer.

In order to verify to an employer that jury service was performed, jurors may request that court staff provide them with an attendance slip - "statement of service form" - which is required by most employers.

Jurors who believe that they have been penalized by their employer due to jury service should contact their local Commissioner of Jurors or the regional office of the New York State Attorney General.

Is possible to report for jury service but not sit on a jury?

Yes. In many cases, parties seek to settle their differences and to avoid the expense and time demanded by a trial. Thus, while several trials may be scheduled for one particular day, the court cannot be certain until that morning, and sometimes afternoon, which cases will actually require a jury.

Even if not selected to serve on a jury, the juror's role is vital. Many times, it is the very presence of a jury - which signifies the trial process and an uncertain outcome - that encourages parties to resolve issues, reach a settlement, or enter a plea.

What is the possibility that a juror will be called again for service in the near future?

The method of selecting names for jury service was revised in June 1995. Now, once a juror serves, he or she is ineligible to be called again for a minimum period of four years from the completion of service, although depending on the needs of the county, ineligibility for service may be two years from completion of service. At the expiration of such time, a juror who had served previously may receive a new qualification questionnaire - but only if they are randomly selected from the designated source lists.

A new law was passed in 1997 permitting jurors to request to reduce this ineligibility period- making it possible to serve more frequently. Please contact your Commissioner of Jurors for details.

Are the same people summoned every few years?

No. Unlike in the past, the same jurors are not automatically summoned every few years. The Commissioner of Jurors try to use the source lists to call as many people as possible for jury service once before calling anyone a second time.

What can jurors do to make their service more enjoyable?

Jurors very often have to wait while important pre-trial activities take place before they are assigned to a particular jury. Reporting jurors are therefore encouraged to bring along books and newspapers to read during breaks. However, once a jury selection or trial begins, reading materials are not permitted unless authorized by the trial judge.

How are Jurors with Disabilities Accommodated?

If you have a disability and need a reasonable accommodation to allow you to serve, the court will try to provide the services or auxiliary aids you need. The kind of auxiliary aids that are generally available include assistive listening devices, sign language interpreters and "real-time" captioning of court proceedings. In some situations, the court may be able to provide a reader for visually impaired jurors or have forms, such as a jury questionnaire, reproduced in large print or put on audiotape. If you have a mobility impairment and are sent to a courtroom that has access problems, you may be reassigned to a different location that has better access.

If you are a TDD user and need to communicate with the court while you are on jury duty, you can call the relay service at 1-800-662-1220 and they will be able to place the call. Some courts also may have a TDD or TTY in the clerks' office.

Any access questions or requests for assistance can be conveyed to the jury clerk, court clerk or judge in the courtroom where you are assigned.

Who else will be in the courtroom?

A number of people will be in the courtroom in addition to the judge and jury. The list below explains who they are and what they may be doing. Plaintiff - In a civil case, the plaintiff is the party who initiates the lawsuit by bringing the case to court. Defendant - In a civil matter, the defendant is the party who is being sued. In a criminal case, the defendant has been charged with a crime.

Attorneys or Counsel - In certain cases, including criminal cases, attorneys representing the plaintiff, the defendant or the government are referred to as counsel. An attorney representing the government in a criminal case is called the prosecuting attorney or the assistant district attorney, and in some cases, the assistant attorney general.

Court Reporter - The court reporter records the official record of the trial by recording every word which is spoken. This record will be converted into an official transcript of the trial.

Court Clerk - The clerk of the trial part, also called the clerk, maintains the court files and preserves the evidence presented during the trial. The clerk may also administer the oath to jurors and witnesses.

Witnesses - Witnesses provide testimony, under oath, as to what they have seen, heard or otherwise observed regarding the case.

Interpreter - Interpreters, under oath, provide language interpretation for the court on behalf of a non-English speaking party or witness.

Spectators - Spectators are members of the public who are generally permitted to observe the court proceedings. Often spectators include representatives or the media.

THE TRIAL COURTS OF NEW YORK STATE

People who are called to jury service may be assigned to at least one of several trial courts. These courts possess varying powers - or jurisdictional authority - to hear and decide different categories of legal matters. There are also state courts that do not conduct jury trials, although they have important legal responsibility to process complaints, violations of local ordinances, arrests or criminal warrants.

A diagram is provided to illustrate the entire system of state courts, including the State's appellate courts (the Court of Appeals and the Appellate Divisions). A brief summary describing the legal matters addressed by the various trial and lower courts is also provided.

COURT OF APPEALS	
Appellate Division of the Supreme Court	Appellate Terms of the Supreme Court
SUPREME COURT	
COURT OF CLAIMS	
FAMILY COURT	
SURROGATE'S COURT	

NEW YORK CITY

CRIMINAL COURT	CIVIL COURT
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OUTSIDE NEW YORK CITY

COUNTY COURT
CITY COURT
DISTRICT COURT
TOWN & VILLAGE COURT

SUPREME COURT

This is a state wide court which is divided into four departments and twelve districts. Supreme Court has the most extensive authority to determine all categories of cases, including criminal and civil matters. The one exception is claims - or lawsuits - that are filed against the State of New York, which must be brought before a court called the Court of Claims.

Jury trials are commonly conducted in the Supreme Court.

SURROGATE'S COURT

A court which has specialized power, the Surrogate's Court addresses all matters relating to wills, estates and property of deceased persons, and it shares with the Family Court the authority to handle adoption proceedings.

In only rare instances will a jury be required in a matter handled by a Surrogate's Court

COUNTY COURT

County Courts are located in each county outside New York City. They handle all types of criminal cases and a limited number of civil cases that involve amounts of up to \$25,000 in value.

Jury trials are commonly held in a County Court.

FAMILY COURT

This court handles a variety of legal matters relating to children and families, as well as offenses involving youths between the ages of eight and 16 that would be crimes if committed by an adult. Matters handled in this court include proceedings that relate to family conflict or violence, the determination of child or family support, child custody or paternity.

Jury trials are not held in this court.

DISTRICT COURT

These courts exist in Nassau and Suffolk counties to handle criminal matters and civil cases involving a certain monetary value, small claims proceedings, and traffic and parking violations.

CITY COURTS (OUTSIDE OF NEW YORK CITY)

City Courts handle violations of local ordinances, such as cases involving traffic, housing or disorderly conduct. They also may handle minor criminal matters such as misdemeanors, and civil cases that involve a certain monetary value.

Even though jurors are called to service by the county, they may be referred to serve as a juror in a City Court.

NEW YORK CITY CIVIL COURT

This court has jurisdiction over civil matters and includes a Small Claims Court. It operates only in New York City.

Jury trials are held in this Court.

NEW YORK CITY CRIMINAL COURT

This court has jurisdiction over misdemeanors and violations and also is responsible for presiding over arraignments and other preliminary proceedings in felony cases.

Jury trials may be held in this court.

TOWN AND VILLAGE COURTS

The jurisdiction of these courts covers minor civil matters, small claims proceedings, traffic and parking violations, minor criminal matters such as misdemeanors and violations, local ordinances and the processing of arrests and criminal warrants. Town and Village Courts may also handle preliminary proceedings in felony cases.

Jury trials are held in these courts and jurors are summoned to report directly to the court. The jury allowance for town and village court jurors is determined and paid by the town or village.

THE STEPS OF A JURY TRIAL

A trial is a legal forum for resolving individual disputes, and in the case of a criminal charge, it is a means for establishing whether an accused person is legally guilty of an offense. The trial process varies with respect to whether the matter at issue is civil in nature or criminal. In either case, a jury acts as a fact-finding body for the court in assessing information and evidence that is presented by the respective parties in a case. A judge presides over the court and addresses all the legal issues that arise during the trial. A judge also informs the jury as to how to apply the facts of the laws that will govern in a given case - this process is referred to as "jury instructions."

The general sequence of a jury trial is outlined below. Note that in a civil trial there is a plaintiff who commences a case, and that in a criminal trial, an Assistant District Attorney prosecutes a case on behalf of the "People" or the citizens of the State of New York.

I JURY SELECTION

II OATH & PRELIMINARY INSTRUCTIONS

III THE TRIAL

Opening Statements - Plaintiff's Attorney (or Prosecutor in a criminal case) and Defendant's Attorney

Testimony of Witnesses & Presentation of Evidence by Plaintiff's Attorney and Defendant's Attorney

Closing Arguments - Plaintiff's Attorney and Defendant's Attorney

Jury Instructions

IV JURY DELIBERATIONS & VERDICT

I JURY SELECTION

How are reporting jurors chosen to sit on a jury?

The first phase of a jury trial involves the selection of a particular jurors - screening process which is known as "voir dire." In a criminal trial involving a felony offense, 12 jurors and up to six alternate jurors may be chosen; if the charge is a misdemeanor, a jury of six is necessary. In a case involving a civil matter, a jury will comprise six jurors and usually one or two alternates.

In a criminal case, a judge always will be present during jury selection to explaining the principles of law, to read the accusatory instrument, and at times also to question prospective jurors. In a civil case, the judge will commence the voir dire and generally oversee the entire selection process.

The court and the attorneys for the parties may question the jurors to determine their fitness to serve in a particular case. Such questions are intended to identify whether an individual may have certain biases or personal knowledge that could influence his or her ability to judge a case objectively. In order to screen out those jurors who they believe would be inappropriate for a particular case, the attorneys have the right to "challenge, " or eliminate a prospective juror from serving on the panel if they offer a justifiable reason why the juror should be eliminated. There is no limit to the number of times that this challenge may be exercised.

The lawyers also have a fixed number of challenges for which a reason does not have to be given - these challenges are known as "peremptory." A peremptory challenge is a privilege of trial counsel which may be exercised arbitrarily and without explanation. However, the number of peremptory challenges that may be used is limited by law and varies according to the nature of the case. This challenge may never be exercised in a discriminatory manner.

This questioning process continues until the attorneys for all parties are satisfied with the composition of the jury or have exhausted all challenges permitted by law.

What are alternate jurors?

It is necessary to choose additional people who will serve as alternates to the selected panel of jurors in the event that emergencies or illness arise. Alternate jurors are necessary to avoid having to retry a case when there are too few jurors on a panel. Throughout the trial, all jurors will sit together and pay careful attention to the evidence. The judge will decide when to excuse the alternate jurors.

Does the trial start once the jury is chosen?

The policy of the New York State court system is that jurors selected for juries serve as promptly as possible. Normally, a trial will start within 24 hours of the completion of jury selection. The Administrative Judge is permitted to discharge a sworn jury if, the trial does not start within five days of the juror being sworn. Jurors who have been discharged for this reason are finished with their service.

II OATH & PRELIMINARY INSTRUCTIONS

Oath

Once the screening and selection process results in a sufficient number of jurors and alternate jurors, an oath is administered to the jurors who have been selected. The oath is a pledge that the juror will act fairly and impartially in the role as a judge of all questions of fact. This oath

obligates the juror to put aside individual emotions or opinions and to use logic and objectivity throughout the trial and the deliberations.

Preliminary Instructions

Following the oath, the judge will provide preliminary instructions which set out the basic responsibilities that jurors must adhere to throughout the trial. These directives include an admonition not to read or listen to news accounts of the trial, visit the scene of an alleged offense, or discuss the case with outsiders or with fellow jurors.

III THE TRIAL

Criminal Trial

A criminal trial is a process for establishing whether an individual is legally guilty of a criminal offense. If a trial results in a guilty verdict for a felony offense charge, the possible punishment may include imprisonment of more than one year and in certain extremely serious cases may range in severity to include the death sentence where a defendant is convicted of murder. A trial may also be held on the basis of a misdemeanor offense charge, which covers acts for which the maximum punishment allowed by law is no more than one year imprisonment or a fine.

Opening Statements

After the judge delivers the preliminary instructions, the assistant district attorney (prosecutor) will make an opening address to the jury outlining the charges and the evidence that will be offered to sustain the case. It is important to note that a criminal charge is only an accusation; the burden of proving that the defendant is guilty always rests with the prosecution. The attorney for the defendant is also allowed to make an opening statement but there is no obligation to do so. The defendant may choose not to speak in his or her defense.

People's Direct

At this point in the trial, the prosecution will present its proof. Because the prosecutor represents the people of the State of New York, this phase of the trial is often referred to as the "People's Direct." Proof may be offered in the form of the testimony of witnesses and the introduction of physical objects or records.

Following questioning by the prosecutor, the defense attorney may cross-examine the witnesses by asking his or her own questions. The prosecutor may then wish to ask clarifying questions on "redirect" examination. This process continues until all the witnesses for the prosecution have testified.

Defense Case

The defense case may involve many witnesses, possibly the defendant, or there may be no witnesses at all. This phase of the trial may also involve a sequence of questioning by the defense counsel and the prosecutor. When the defense has completed the presentation of its witnesses and the questioning is exhausted, the defense will rest its case.

The prosecutor may have a rebuttal case if a specific defense is raised. The prosecutor cannot, however, save evidence from his or her direct case for rebuttal. The defense counsel may cross examine rebuttal witnesses. The People will then rest their case.

Summation

The defense attorney will generally deliver a summation argument and may attack the testimony or credibility of witnesses or the prosecutor's evidence or lack of evidence. The prosecutor's summations often describes reasons for finding the defendant guilty and puts the arguments that were made by the defense in perspective.

Jury Instructions

At the conclusion of the summation arguments, the judge will charge the jury, or describe to the jury the law that is applicable. The judge also will explain legal concepts like the "presumption of innocence," the "burden of proof" and the elements of the crime charged. After the judge gives these instructions, the prosecutor and the defense attorney may ask for additional instructions or they may object to those that were given.

Civil Trial

A civil trial is conducted as a way to enforce or protect private rights. A civil case may be disposed of through a variety of means, including a jury trial.

There are several outcomes that may be reached through a civil trial. A trial court may reach a verdict and impose money damages on a party

to compensate for loss and, on occasion, punish a party for wrongdoing.

In civil cases, the party who brought the case to court is called the plaintiff; the party being sued is called the defendant.

Opening Statements

Similar to a criminal trial, a civil trial commences with the delivery of opening statements by the attorneys for the plaintiff and the defendant, in which they explain their client's position and outline the evidence that they expect to present to support their claims. These statements are not evidence and should not be considered as such.

Plaintiff's Case

After the opening statements, the plaintiff may call witnesses and introduce evidence. The plaintiff's attorney will question each witness, and the defense attorney may cross-examine the witnesses. After cross-examination, the plaintiff's attorney may re-examine some of the witnesses. After completion of this process, the attorney for the plaintiff will tell the judge that the plaintiff rests his or her case. At this point, the judge may excuse the jury and entertain motions from the attorneys.

Defendant's Case

The defendant then has the right to call witnesses and to present evidence to support its contentions. A similar sequence of direct questions and cross examination which was conducted during the plaintiff's case will generally occur. The defendant's attorney will question the witnesses, and the plaintiff has the right to cross-examine them. Once this process is completed, the defense will rest its case, at which time the plaintiff may be permitted to offer testimony to reply to or rebut any new matter raised by the witnesses for the defense.

Jury Instructions

At this point in the proceedings, the judge gives instructions to the jury by identifying the issues to consider and the laws that are applicable to the case. The jury is also informed about the possible verdicts that may be reached, and that the verdict must be based upon a "preponderance of the credible evidence."

IV JURY DELIBERATIONS & THE VERDICT

After the judge has completed delivering the instructions to the jury, the jurors will leave the courtroom and go to a jury room to begin deliberations - the process that the jury must engage in to arrive at a verdict.

Should any questions or personal needs arise during this time, a court officer is nearby to provide assistance.

What is the role of the foreperson?

The foreperson has the ceremonial duty of acting as the jury's spokesperson. A foreperson has the same status as any other juror and is not required to serve as a moderator during deliberations. In criminal trials, the first juror drawn and accepted by both sides is usually designated by the court as the foreperson. In civil trials, this is customarily the same, or the jury may elect one of its members as foreperson.

How are deliberations conducted?

The jury reviews the evidence which was presented in a case and discusses the jurors' views on the information.

During the deliberations, jurors should keep an open mind, listen carefully to everyone and be prepared to tell the others what they think and why. It is generally easier to reach a swift and sound verdict when jurors remain courteous to and patient with one another and listen openly to the views of others.

It is important to remember that if questions arise during deliberations, or if there is a need for further instructions or a need to have testimony reread, the foreperson may send a written request to the judge through the court officer. Upon the judge's approval, all parties may be asked to return to the courtroom to address an issue.

Verdict

In a criminal case, the deliberations must result in a jury's finding by a unanimous vote that the defendant is guilty or not guilty. If a jury reaches a guilty verdict in a criminal case, the judge will determine the punishment or sentence in accordance with the law.

Unlike criminal cases, in civil trials a verdict does not have to be unanimous; agreement by five or six jurors is sufficient. In addition to deciding upon a verdict, a civil trial jury may also be asked to determine whether there should be an award of damages for certain parties, and if

so, how much money should be awarded.

How does the jury verdict become official?

Once the jury has reached its verdict, the foreperson should notify the attending court officer. The officer will advise the judge who will then call everyone, including the jury, back into the courtroom. When everyone is present, the clerk will ask the foreperson for the jury's verdict. In some cases, the entire jury may be "polled" - each member will be asked if he or she agrees with the verdict.

After a guilty verdict in a criminal case, when does the sentencing take place?

Sentencing normally takes place several weeks after the verdict is rendered. In all cases (except murder cases in which the people are seeking the death penalty) the judge determines what a defendant's sentence will be. Jurors are not required to return to the court for the sentencing proceeding

JUROR RIGHTS & RESPONSIBILITIES

Every Juror is Entitled to -

- ...Be treated with courtesy and respect at times;
- ...Express concerns, complaints and recommendations to court personnel;
- ...Have their questions answered plainly and clearly;
- ...Remain informed about the trial schedule

Discussion of the Trial

Jurors may not discuss the case with anyone during the course of the trial - this includes discussions with fellow jurors until such time as jury deliberations commence. When the trial is over, the juror may discuss it with others or may keep silent.

If a juror accidentally hears something about the trial outside the courtroom, or if someone contacts a juror about the trial while it is still in session, the juror may ask the court clerk or officer to tell the judge immediately what has happened. Under no circumstances should the juror tell anyone about the incident except the court clerk, officer or the judge.

News, Television and Radio Reports

Jurors are not allowed to read, watch or listen to media stories relating to the trial to which they are assigned.

Note Taking

A judge may allow jurors to take notes.

Breaks

Jurors are given lunch breaks and may be given other breaks during a trial. If a juror needs a break for some other reason, he or she should inform the judge, court clerk or court officer. These requests should only be made if they are absolutely essential, so as not to disrupt the proceedings.

Emergencies

It is important that jurors report when they are required to and are prompt. Absences may delay or even jeopardize trials. If jurors are faced with an emergency such as sudden illness or a death in the family, they should follow the instructions that they were given by the court. If they are unable to do so, they should telephone the commissioner of Jurors' office. (The jury summons generally provides a number to call in case of emergencies.)

GLOSSARY OF TERMS

Alternate Jurors

Additional jurors who are chosen in order to avoid having to retry the case should one or more jurors be excused from the jury during the trial for an emergency (such as illness). Throughout the trial, all jurors will sit together and pay equal attention to all the evidence. After the closing argument and the judge's instruction of the jury, the judge may, in his or her discretion, excuse the alternate jurors or have them remain until the jury renders a verdict.

Accusatory Instrument

A document in which an accusation of a criminal offense is set forth, which may include an 'indictment, ' an' information' or a 'complaint.'Capital Case A criminal case involving a charge of murder, for which the people are seeking the penalty of death. If the defendant is found guilty of the murder charge in a capital case, the jury will then consider whether the death penalty should be imposed.

Challenges

Challenge for cause - A request from a party that a certain prospective juror not be allowed to be a member of the jury because of specified causes or reasons. peremptory challenge - An objection to the inclusion on a jury panel of a prospective juror that may be raised without a showing of reason. The court must excuse the person who has been challenged, and has no discretion in this regard, . The number of peremptory challenges is limited by law and depends upon the nature of the matter which is at issue.

Jury Instructions (Judge's Charge)

A direction given by the judge to a jury concerning the rules of law that apply to the case, which the jury is bound to accept and apply.

Rebuttal Evidence

Information and data which is offered by a party explain, counteract or disprove facts given in evidence by an adverse party.

Sidebar Conference

The law provides that certain matters must be discussed outside the presence of the jury if they involve questions of law, the presentation of evidence or witnesses. These conferences are usually conducted to the side of the judge's bench while the jury is present in the courtroom or the jury may be excused while the conference occurs.

Voir Dire

A preliminary examination by the court and attorneys to determine the ability and objectivity of potential jurors.

Thank you for the service you have given to your court system and the administration of justice.

If you wish to make remarks or suggestions by telephone, you may call toll free, 1-800-NY-JUROR
(1-800-695-8767)