

HON. RICHARD A. JONES

OPENING COMMENTS TO THE JURY (CRIMINAL)

GOOD MORNING, LADIES AND GENTLEMEN, AS YOU JUST HEARD, I AM JUDGE RICHARD A. JONES AND YOU HAVE ALL BEEN SUMMONED TO THIS COURTROOM TO SERVE AS POTENTIAL JURORS IN THIS CASE.

IN A MOMENT I WILL FORMALLY INTRODUCE THE CASE, THE ATTORNEYS AND THE COURT PERSONNEL, BUT FIRST OF ALL, OUT OF CURIOSITY, HOW MANY OF YOU HAVE EVER BEEN INVOLVED IN THE JURY SELECTION PROCESS BEFORE, REGARDLESS OF THE COURT OR TYPE OF CASE?

I ASSUME THAT ALL OF YOU HAVE READ THE JUROR HANDBOOK AND HAVE SEEN THE VIDEO PRESENTED DOWNSTAIRS BY OUR JURY CLERK.

HAVING REVIEWED THOSE MATERIALS, YOU ARE AWARE THAT THE FIRST PART OF A CRIMINAL TRIAL INVOLVES THE SELECTION OF A JURY. UNDER OUR CONSTITUTION, A DEFENDANT CHARGED BY THE GOVERNMENT WITH THE COMMISSION OF A CRIME HAS THE RIGHT TO BE TRIED BEFORE AN IMPARTIAL JURY MADE UP OF 12 CITIZENS OF OUR COMMUNITY.

YOU ARE THE PROSPECTIVE PANEL FOR THIS CASE. YOU WERE RANDOMLY SELECTED OUT OF THE COMMUNITY AT LARGE BEFORE YOU CAME TO THE COURTHOUSE THIS MORNING, AND BEFORE COMING TO THE COURTROOM, YOU WERE, ONCE AGAIN, THANKS TO THE COMPUTER IN THE JURY ROOM, RANDOMLY SELECTED INTO THIS SPECIFIC ORDER.

YOUR ROLE AS JURORS IN THIS CASE IS QUITE SPECIFIC. YOU WILL SERVE AS THE FACT FINDER. YOU WILL MAKE THE DETERMINATION OF GUILT OR INNOCENCE AS THIS CASE INVOLVES ALLEGATION(S) OF VIOLATION(S) OF FEDERAL LAW.

THE ONLY TOOLS YOU WILL NEED DURING THIS TRIAL WILL BE NOTEBOOKS AND THEY WILL BE PRESENTED TO YOU AT THE APPROPRIATE TIME WITH AN INSTRUCTION ON THEIR USE.

ALL OF THE EVIDENCE YOU ARE TO CONSIDER WILL BE PRESENTED DURING THE COURSE OF THIS TRIAL. IN THIS REGARD YOU ARE INSTRUCTED NOT TO ENGAGE IN ANY TYPE OF RESEARCH ABOUT ANYTHING YOU HEAR IN THIS TRIAL. THIS RESTRICTION INCLUDES LOOKING UP TERMS IN THE DICTIONARY, READING NEWS ARTICLES OR USING ANY RESOURCE TO ENHANCE YOUR KNOWLEDGE ABOUT ANY ISSUE THAT MAY ARISE DURING THE TRIAL. THIS ALSO INCLUDES SEARCHING THE INTERNET.

WHILE ON THE SUBJECT OF THE INTERNET, AS A JUROR, IT IS IMPROPER FOR YOU TO COMMENT ON OR UPDATE YOUR STATUS ON ANY SOCIAL NETWORKING SITE REGARDING ANY SPECIFIC ASPECT OF YOUR JURY SERVICE. THIS INCLUDES FACEBOOK, TWITTER, MYSPACE, AND ANY OTHER SOCIAL NETWORKING SITES. ALSO, BLOGGING ON THE TOPIC OF JURY SERVICE, THE JUSTICE SYSTEM, OR ANY ASPECTS OF THE CASE IS INAPPROPRIATE WHILE ON JURY SERVICE.

DOES ANY JUROR BELIEVE THAT HE OR SHE WILL NOT BE ABLE TO ABIDE BY THESE INSTRUCTIONS FROM THE COURT?

JURORS ARE ALSO OFTEN CURIOUS ABOUT THE TRIAL SCHEDULE. WE WILL BE IN SESSION GENERALLY FROM MONDAY THROUGH THURSDAY. IT IS POSSIBLE WE COULD BE IN SESSION ON A FRIDAY, BUT I WILL ADVISE YOU IF THIS BECOMES NECESSARY. OUR HOURS OF OPERATION ARE 9:00AM TO 4:30PM UNLESS OTHERWISE INSTRUCTED BY THE COURT. WE BEGIN AT 9:00AM. OUR FIRST RECESS IS FOR 15 MINUTES AT 10:30AM. OUR LUNCH PERIOD IS FROM NOON TO 1:30PM. OUR AFTERNOON RECESS IS AT 2:45PM FOR 15 MINUTES. WE THEN RECESS AT 4:30PM.

IN ORDER TO CREATE AND MAINTAIN A CONSTANT APPEARANCE OF FAIRNESS, AT NO POINT DURING THE COURSE OF THIS TRIAL WILL I, THE LAWYERS OR ANYONE CONNECTED TO THIS CASE HAVE ANY CONTACT WITH YOU. THIS MEANS IF WE SEE YOU IN THE HALLWAY, ELEVATOR OR OUTSIDE OF THIS COURTROOM, WE WILL KEEP OUR DISTANCE AND HAVE NO COMMUNICATION WITH YOU.

WHEN THE TRIAL IS OVER, IF TIME PERMITS, I WILL PERSONALLY COME BACK TO THE JURY ROOM AND ANSWER ANY QUESTIONS YOU MIGHT HAVE ABOUT THE TRIAL.

LET ME NOW FORMALLY INTRODUCE THIS CASE AND THE PARTIES.

THIS IS THE MATTER OF THE UNITED STATES OF AMERICA V.
_____.

THE GOVERNMENT IS REPRESENTED BY ASSISTANT UNITED STATES ATTORNEY(S), _____.
PLEASE STAND AND INTRODUCE YOURSELVES.

DEFENDANT _____ IS REPRESENTED BY COUNSEL, _____. PLEASE INTRODUCE YOURSELF, YOUR CLIENT AND ANYONE ELSE SEATED AT COUNSEL TABLE.

THE GOVERNMENT HAS OBTAINED AN INDICTMENT FROM THE GRAND JURY CHARGING DEFENDANT _____ WITH _____ SEPARATE CRIMINAL CHARGES:

1. COUNT I
2. COUNT II, etc.

PLEASE REMEMBER THAT AN INDICTMENT IS SIMPLY THE DESCRIPTION OF THE CHARGES MADE BY THE GOVERNMENT AGAINST THE DEFENDANT. IT IS NOT EVIDENCE OF ANYTHING.

THE DEFENDANT HAS ENTERED A PLEA OF NOT GUILTY TO ALL CHARGES AND HE/SHE IS TO BE PRESUMED INNOCENT UNLESS AND UNTIL HE/SHE IS PROVED GUILTY BEYOND ANY REASONABLE DOUBT. THE BURDEN OF PROOF IS UPON THE GOVERNMENT AND A DEFENDANT ALWAYS HAS THE RIGHT TO REMAIN SILENT AND HE/SHE NEVER HAS TO PROVE INNOCENCE OR PRESENT ANY EVIDENCE.

NOW, LADIES AND GENTLEMEN, FIRST OF ALL, I WILL ASK A SERIES OF GENERAL QUESTIONS AND THEN THE ATTORNEYS WILL HAVE AN OPPORTUNITY TO ASK QUESTIONS THEMSELVES. THESE QUESTIONS ARE NOT DESIGNED TO EMBARRASS YOU OR PRY UNNECESSARILY INTO YOUR PRIVATE LIVES OR AFFAIRS. THE QUESTIONS ARE DESIGNED TO ASSIST THE ATTORNEYS IN SELECTING THE FAIREST JURY POSSIBLE.

NOW, EACH OF YOU MAY THINK, WHY DO WE NEED TO GO THROUGH THIS AT ALL? I'M FAIR AND UNBIASED. I'D MAKE A GREAT JUROR IN ANY CASE. AND THAT MAY VERY WELL BE TRUE; HOWEVER, I THINK WE CAN ALL ACKNOWLEDGE THAT AS HUMAN BEINGS WE ALL HAVE SOME TYPE OF BIAS OR PRECONCEIVED IDEAS. THERE MAY BE CERTAIN CASES THAT DUE TO OUR OWN UNIQUE BACKGROUNDS, WE MAY HAVE VERY STRONG OPINIONS ABOUT. AND BECAUSE OF THIS MAYBE WE WOULDN'T BE THE BEST JUROR FOR ONE SIDE OR ANOTHER OR MAYBE BOTH.

THAT'S WHY THESE QUESTIONS ARE ASKED IN ORDER FOR THE ATTORNEYS TO BE ABLE TO EXERCISE THEIR BEST JUDGMENT IN SELECTING A JURY THAT THEY FEEL WILL BE FAIR AND IMPARTIAL IN THIS PARTICULAR CASE.

I WILL FIRST ASK QUESTIONS OF ALL OF YOU. PLEASE SPEAK UP WHEN YOU RESPOND BECAUSE OUR COURT REPORTER IS TAKING DOWN EVERY WORD SAID IN THIS PROCEEDING. AFTER THE QUESTIONS ARE ASKED BY ME, COUNSEL WILL THEN HAVE AN OPPORTUNITY TO FOLLOW UP AND ASK YOU QUESTIONS.

COUNSEL MAY CHALLENGE ANY POTENTIAL JUROR FOR CAUSE. CAUSE IS WHEN A JUROR HAS A PERSONAL ACQUAINTANCE WITH ANY OF THE PARTIES INVOLVED IN THE CASE OR WOULD OTHERWISE HAVE SOME BACKGROUND OR PREJUDICE SO THAT YOU COULD NOT BE IMPARTIAL.

COUNSEL WILL ALSO HAVE THE RIGHT TO CHALLENGE JURORS USING WHAT ARE CALLED PEREMPTORY CHALLENGES FOR WHICH NO REASON NEED BE GIVEN. IF CHALLENGED, YOU SHOULD NOT TAKE OFFENSE AT THE CHALLENGE. THE CHALLENGE IS NOT INTENDED TO BE PERSONAL IN ANY WAY. IT IS MERELY COUNSEL'S WAY OF DETERMINING THAT AN IMPARTIAL JURY IS IMPANELED. DEPENDING ON THE NUMBER OF JURORS DESIGNATED TO HEAR THIS CASE (13 IF THERE IS ONE ALTERNATE, 14 IF THERE ARE TWO ALTERNATES, ETC.), THOSE JURORS WITH THE LOWEST NUMBERS WHO REMAIN AFTER ALL THE CHALLENGES HAVE BEEN MADE WILL MAKE UP THE JURY IN THIS CASE.

TWELVE ARE NEEDED IN ORDER TO BE ABLE TO RETURN A VERDICT.
[ONE/TWO] ALTERNATES WILL ALSO BE IMPANELED.

PLEASE DO NOT WITHHOLD INFORMATION IN ORDER TO BE SEATED ON THIS OR ANY JURY. BE STRAIGHTFORWARD IN YOUR ANSWERS RATHER THAN ANSWERING IN THE WAY THAT YOU FEEL THE LAWYERS OR I EXPECT YOU TO ANSWER. IF YOUR ANSWER IS "YES," PLEASE RAISE AND HOLD YOUR NUMBER UP UNTIL OUR CLERK CALLS YOUR NUMBER OUT. ALSO, BE LIBERAL IN YOUR RESPONSES. IF THE ANSWER IS "YES" OR "MAYBE," GO AHEAD AND RESPOND. THE LAWYERS CAN ALWAYS FOLLOW UP IN GREATER DETAIL LATER ON.

IF THE ANSWER TO ANY QUESTION IS ONE THAT MAY EMBARRASS YOU OR THAT YOU DON'T WANT TO DIVULGE IN FRONT OF EVERYONE, PLEASE INDICATE THAT TO ME. WE CAN THEN TAKE YOUR RESPONSE IN A MORE PRIVATE SIDEBAR CONFERENCE.

ONCE AGAIN, THESE QUESTIONS ARE NOT DESIGNED TO PRY INTO YOUR BACKGROUND OR BE DELIBERATELY EMBARRASSING. IF YOUR ANSWER TO ANY QUESTION MIGHT BE PERSONALLY EMBARRASSING TO YOU, WE CAN TAKE YOUR MATTER UP PRIVATELY IF YOU SO REQUEST.