



# CHRIS DANIEL

## HARRIS COUNTY DISTRICT CLERK

### Texas Uniform Jury Handbook

**As Authorized by Chapter 23 of the Government Code**

#### Why Is Jury Service Important?

The United States Constitution and the Texas Constitution guarantee all people, regardless of race, religion, sex, national origin, or economic status, the right to trial by an impartial jury. Justice ultimately depends to a large measure upon the quality of the jurors who serve in our courts.

#### What Is My Duty As a Juror?

As a juror, you must be fair and impartial. Your actions and decisions must be free of any bias or prejudice. Your actions and decisions are the foundation of our judicial system.

#### How Was I Selected?

You were selected at random from a list of voter registrations and a list of driver registrations from the county in which you live.

#### Am I Eligible?

Jurors must:

- Be a citizen of the United States and of this State.
- Be at least 18 years of age.
- Reside in the county of jury service.
- Be able to read, write and communicate in English.
- Be of sound mind.

You cannot serve on a jury if:

- You have been convicted of a felony or of any type of theft (unless rights have been restored);

You are now on probation or deferred adjudication for a felony or for any



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type of theft; or

- You are now under indictment for a felony or are now under criminal charges for any type of theft. If you are in doubt, or think you may not be qualified to serve on a jury for one of the above or any other reasons, please notify the clerk or bailiff.

#### Who Can Be Excused From Jury Service?

You are entitled to be excused as a juror if you:

- Are over 70 years of age;
- Have legal custody of a child under 12 years of age and jury service would leave the child unsupervised;
- Are a student in class;
- Are a member of the United States military forces serving on active duty and deployed to a location away from your home station and out of your county of residence;
- Are the caretaker of a person

who is unable to care for themselves (an invalid); or

- Can show a physical or mental impairment or an inability to comprehend or to communicate in English.

#### What Are the Different Types of Cases?

There are two basic types of cases, criminal and civil (including family cases).

##### Criminal Cases

A criminal case results when a person is accused of committing a crime. You, as a juror, must decide whether the person charged is guilty or not guilty. The accused person is presumed innocent, and the State, represented by the District or County Attorney, must prove guilt "beyond a reasonable doubt."

##### Civil Cases

A civil case results from a

disagreement or dispute between two or more parties. In a civil case, you, as a juror, must answer questions of disputed facts based upon the testimony and evidence admitted by the Judge. The answers to these questions are called the verdict.

#### **Will I Be Paid For Being a Juror?**

Yes, you will be paid not less than \$6 for the first day or fraction of the first day served and not less than \$28 for each day or fraction of each day served after the first day.

#### **Must My Employer Pay Me While I Am On Jury Duty?**

Your employer is not required to pay you while on jury duty; however, employers are prohibited by law from firing an employee for serving as a juror.

#### **Who Can Have a Jury Trial?**

Any person charged with a criminal offense or any party to a civil case has a right to a jury trial. All parties are equal before the law and each is entitled to the same fair treatment.

#### **Are There Rules About Jury Conduct?**

Yes. The Texas Supreme Court has rules to assist you in your conduct as a juror, which will be given to you by the Judge.

#### **What If I Fail to Respond to a Jury Summons or Give Incorrect Information to Get Out of Service?**

The consequences of not appearing for jury service or falsely claiming an exemption can involve a fine, contempt of court and/or criminal penalties.

#### **How Is a Juror Selected For a Particular Case?**

Cases will usually be heard by juries of 6 or 12 jurors. A larger group, called a panel, will be sent to the trial court (courtroom) where the jurors will be questioned under the supervision of the Judge. A juror may be excused from the panel if it is shown that the juror cannot act impartially concerning the case to be heard. In addition, each side is allowed to remove a given number of jurors from the panel without having to show any reason. However, a juror may not be removed because of his or her race or gender. The trial

jury will be the first 6 or 12 of the remaining jurors on the panel.

#### **What Is Voir Dire or Questioning of the Jury Panel?**

It is a way for the parties to select a fair and impartial jury. Under the justice system, you may be questioned by each of the lawyers before they decide to remove a certain number of jurors from the jury panel. For example, the lawyer may ask you questions to see if you are connected to the trial or if you have any prejudice or bias toward anyone in the trial. These questions are not intended to embarrass you, but rather to help the lawyers in the jury selection process. You may ask the Judge to allow you to answer some questions away from the other jurors.

#### **What If I Have a Special Need or Emergency?**

After you have been selected as a juror on a trial panel, if you have a special need or an emergency, tell the bailiff.

#### **May I Discuss the Case After It Is Over?**

After you are discharged from jury service, you are released from the obligation of secrecy. You will then be free to discuss the case and your deliberations with anyone. However, you are also free to decline to discuss the case and your deliberations if you wish.

#### **Order of Events of the Trial Opening Statements:**

The lawyers for each side may explain the case, the evidence they will present, and the issues for you to decide.

#### **Presentation of Evidence:**

The evidence consists of the testimony of witnesses and the exhibits allowed by the Judge. Exhibits admitted into evidence will be available to the jury for examination during deliberations. You have a right to ask for them. You will be asked to make decisions regarding disputed facts; therefore, your attention at all times is critically important. Juror note-taking or the submission of questions by jurors to witnesses will be determined by the Judge.

#### **Rulings By the Judge:**

The Judge may be asked to decide

questions of law during the trial. Occasionally, the Judge may ask jurors to leave the courtroom while the lawyers make their legal arguments. The jurors should understand that such interruptions are needed to make sure that their verdict is based upon proper evidence, as determined by the Judge under the Rules of Evidence. You may give the evidence whatever weight you consider appropriate.

#### **Instructions to the Jury:**

At the close of all the evidence, the Judge may submit to the jury the Charge of the Court. This will include legal instructions on this particular case and the questions that the jury is to answer from the evidence admitted.

#### **Closing Arguments:**

After the Charge of the Court, the lawyers have the opportunity to summarize the evidence in their closing arguments and to try to persuade the jury to accept their client's view of the case.

#### **Deliberations and Verdict of the Jury:**

Following closing arguments, the jury is sent to deliberate. When the jury has answered the questions asked of them they shall return their verdict. The verdict must be based solely on the evidence presented by the parties, the Charge of the Court, and the rules of law provided by the Judge.

#### **When In Doubt, Ask the Judge:**

You have the right to communicate with the Judge regarding any matters affecting your deliberations, including but not limited to: 1) physical comfort; 2) special needs; 3) any questions regarding evidence; or, 4) the Charge of the Court. During deliberation, if it becomes necessary to communicate with the Judge, the bailiff or the officer of the court will deliver jurors' notes to the Judge. The information in this document is not intended to take the place of the instructions given by the Judge in any case. In the event of conflict, the Judge's instructions will prevail.

*Note: Not all of these rules apply in Justice or Municipal Courts.*

*\*Document approved by the State Bar of Texas, January 14, 2010.*