



Criminal Defense and Citizen's Participation Meaningful Access to Justice

**Dawne Mitchell
Chief Attorney
Juvenile Rights Practice
The Legal Aid Society
New York**



Jury System in the US

The jury system is deeply ingrained in the American legal tradition and is seen as a cornerstone of the democratic principles of justice and fairness.

The presumption of innocence is the bedrock for ensuring that defendants charged with crimes are treated fairly.



Core Objectives of a Jury System

Trial Process:

- Jurors are responsible for listening to the evidence presented by both the prosecution and defense, as well as the judge's instructions on the law.
- After hearing all the evidence, the jury deliberates to reach a verdict. In criminal cases, the verdict must be unanimous in most jurisdictions.

Impartiality:

- Jurors are expected to be impartial and to base their decisions solely on the evidence presented during the trial.

Secrecy of Deliberations:

- The deliberations of the jury are usually confidential, and jurors are not allowed to disclose the discussions that occurred during the decision-making process.

Trial by Peers:

- The idea behind a jury of peers is to have a diverse group of citizens from the community who can provide different perspectives and ensure a fair trial.



Jury Selection Process

While every state's jury selection process may vary in procedure, its overarching goal is a strong commitment to ensuring that a defendant charged with a crime receives a fair and impartial trial.

Jurors are selected through voter registration records, motor vehicle records, government aid records, unemployment registration, and tax records.

The rules governing jury selection and discharge derive from several sources, including: (1.) statutory provisions; (2.) the constitutional right to a fair and impartial jury in the Sixth Amendment, (3) the constitutional rights to due process and equal protection in the Fourteenth Amendment and (4.) the right to serve on juries in Civil Rights Law

Who Serves:

In most states, to qualify as a juror, an individual must be:

- 1) a United States citizen,
- 2) at least 18 years old, and
- 3) a resident of the county to which they are summoned to serve.
- 4) be able to understand and communicate in English, and
- 5) not have been convicted of a felony within a specified period of years.

Any of these factors can disqualify a juror, including prior service on a jury within the past 4 years. This last measure is implemented to prevent the same jurors from deciding every case, mitigating the risk of corruption and other issues.



Defendants have a right to a jury selected from a “fair cross-section of the community.”

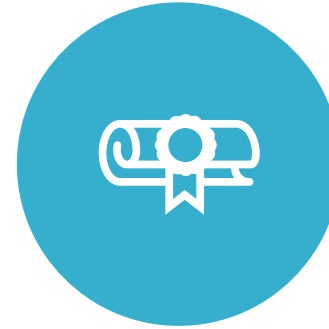
- The defense lawyer's goal to ensure the defendant receives a fair trial and the jury remains open-minded to the defense's theory of the case.
- New York has one of the most inclusive systems in the country for ensuring a diverse segment of the population is called for jury duty.
- The process is essentially completely computerized and standardized statewide for each of the 62 counties. Not only does New York randomly pull names of prospective jurors from five source lists (more than most states), but the process for the qualifications and summoning of jurors is statutorily proscribed and centralized via the Jury Management System (JMS).



Jury Selection in Criminal Trials



During the jury selection process, prospective jurors are typically given a questionnaire, allowing both the prosecutor and defense attorney to gather more information about each potential juror.



The questionnaire covers basic details such as the juror's name, neighborhood of residence, occupation, any personal experiences or connections with crime or law enforcement, reasons they might not be fair or impartial in the case, and their interests in their spare time.



The judge reads each questionnaire aloud, and all jurors respond in turn. Subsequently, the lawyers are granted sufficient time to question the group of potential jurors based on their answers and their ability to be fair and impartial in the specific case they might decide.



This often involves posing hypothetical questions related to the facts of the case at hand, such as, for example, in a self-defense case asking whether jurors or a close relative have ever been attacked and had to defend themselves. If the answer is no, the lawyers might inquire how the juror believes they would respond in a situation where they had nowhere to run, and someone was attacking them.

Jury selection, or voir dire, is a critical phase in a criminal trial, where attorneys aim to assemble a fair and impartial jury.

Understand the Case Dynamics:

- Analyze the case to identify potential biases or prejudices that may arise.
- Consider demographic factors, as well as personal beliefs and experiences that could impact jurors' perspectives.

Develop a Profile:

- Create an ideal juror profile based on the case's specific issues and themes.
- Identify characteristics that may align with your client's interests and the case strategy.

Effective Questioning:

- Craft open-ended questions to encourage potential jurors to share their thoughts and experiences.
- Uncover potential biases or preconceived notions that could affect their ability to be impartial.

Build Rapport:

- Establish a connection with potential jurors to make them feel comfortable sharing their thoughts.
- Use a conversational tone to encourage openness.

Non-Verbal Cues:

- Observe body language and non-verbal cues during questioning.
- Look for signs of discomfort, hesitation, or other indicators of potential bias.

Use Challenges Wisely:

- Exercise peremptory challenges strategically to exclude jurors without stating a reason.
- Consider using challenges for cause if a juror's bias is evident.

Educate the Jury:

- Provide a brief overview of legal concepts such as the presumption of innocence and the burden of proof.
- Assess jurors' understanding of these concepts.

Tell a Compelling Story:

- Frame your case narrative during jury selection subtly.
- Introduce key themes or issues without revealing too much about the case.

Adaptability:

- Stay flexible and adapt your strategy based on the information revealed during jury selection.
- Be ready to adjust your profile and approach as needed.

Focus on Juror Dynamics:

- Consider the dynamics among potential jurors.
- Look for potential leaders or influencers within the group.



- A savvy defense attorney ensures that the jury understands the instructions that are favorable to their client, and their approach to jury selection should be largely based on the final jury instructions that will be recited at the end of the case.
- Equally important, when interacting with potential jurors, lawyers should be aware that they are also being judged and should always maintain a professional appearance and demeanor.
- Whenever possible, they should try to ingratiate their client with the jury by introducing them and ensuring they appear presentable for trial.

A key role of the Jurist: Jury Instructions

Presumption of Innocence



Burden of Proof



Proof Beyond A Reasonable Doubt

Presumption of Innocence

- Throughout the proceedings, the defendant is presumed to be innocent.
- As a result, you must find the defendant not guilty, unless, on the evidence presented at this trial, you conclude that the People have proven the defendant guilty beyond a reasonable doubt

Burden of Proof

- In determining whether the prosecutor have satisfied their burden of proving the defendant's guilt beyond a reasonable doubt, you may consider all the evidence presented, whether by the People or by the defendant.
- Even if the defendant introduces evidence, the burden of proof remains on the prosecutor
- The defendant is not required to prove that he/she is not guilty.
- In fact, the defendant is not required to prove or disprove anything.
- To the contrary, the prosecutor has the burden of proving the defendant guilty beyond a reasonable doubt.
- That means, before you can find the defendant guilty of a crime, the Prosecutor must prove beyond a reasonable doubt every element of the crime including that the defendant is the person who committed that crime.
- The burden of proof never shifts from the Prosecutor to the defendant.
- If the People fail to satisfy their burden of proof, you must find the defendant not guilty.
- If the Prosecutor satisfies their burden of proof, you must find the defendant guilty.

Proof Beyond a reasonable Doubt

- Proof beyond a reasonable doubt is how convincing the evidence of guilt must be to permit a verdict of guilty.
- The law recognizes that, in dealing with human affairs, there are very few things in this world that we know with absolute certainty. Therefore, the law does not require the People to prove a defendant guilty beyond all possible doubt.
- A reasonable doubt is an honest doubt of the defendant's guilt for which a reason exists based upon the nature and quality of the evidence.
- It is an actual doubt, not an imaginary doubt.
- It is a doubt that a reasonable person, acting in a matter of this importance, would be likely to entertain because of the evidence that was presented or because of the lack of convincing evidence.
- Proof of guilt beyond a reasonable doubt is proof that leaves you so firmly convinced of the defendant's guilt that you have no reasonable doubt of the existence of any element of the crime or of the defendant's identity as the person who committed the crime.

After jury selection, the order of a jury trial, in general, is as follows

The jury is selected and sworn.

The court must deliver preliminary instructions to the jury.

The prosecutor must deliver an opening statement to the jury.

The defense may deliver an opening statement to the jury.

The prosecutor must offer evidence in support of the charges.

The defense may offer evidence in their defense.

The prosecutor may offer evidence in rebuttal of the defense evidence,

The defense may then offer evidence in rebuttal of the prosecution

Parties may offer rebuttal or surrebuttal evidence

At the conclusion of the evidence, the defense may deliver a summation to the jury.

The people may then deliver a summation to the jury.

The court must then deliver a charge to the jury.

The jury must then retire to deliberate and, if possible, render a verdict.

Strengths of the system:

- **Fair Representation:**
 - The jury system is designed to provide a fair and impartial representation of the community. Jurors are selected randomly, and the diversity of the jury pool is intended to ensure a broad range of perspectives.
- **Public Participation:**
 - The system allows citizens to actively participate in the judicial process.
 - Serving on a jury is considered a civic duty and an opportunity for citizens to contribute to the justice system.
- **Checks and Balances:**
 - The jury system serves as a check on government power, as jurors have the authority to acquit a defendant even if the evidence suggests guilt, based on their interpretation of the law.



Challenges:

- **Underrepresentation:**
 - Despite efforts to promote diversity, there are challenges in achieving equitable representation on juries, particularly in terms of race, ethnicity, and socioeconomic status.
- **Juror Understanding:**
 - Some jurors may struggle to comprehend complex legal concepts and evidence, leading to potential challenges in delivering fair verdicts.
- **Lengthy Trials:**
 - Some trials can be lengthy and complex, placing a burden on jurors and potentially impacting their ability to serve effectively.
- **Public Perception:**
 - Public perception of the jury system may be influenced by high-profile cases, leading to concerns about fairness and impartiality.

Confronting challenges in the Jury System and striving for necessary reforms:



The demographics of those who appear for jury service across the most populous counties often do not match the racial make-up of the county populations (though the demographic representation of juries and the disparity, if any, between the racial makeup of the jury pool and the demographics of the county vary statewide. Efforts have been made to improve the representation of various demographics on juries to ensure a more diverse and inclusive system.



Court systems must make a greater effort to reach communities of color so that juries mirror the counties in which they serve and barriers to service that cause racial disparities in who appears for jury duty.



One pathway to jury diversity, is a universal civic engagement outreach campaign to promote the importance of jury service to citizens of all backgrounds, focusing on strategic outreach to underrepresented populations through community groups and churches with uniform literature about jury. The thought is increased civic engagement may decrease such disparities.

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Thank You