**Trouble With The Law?: Know Your Rights!**

You don’t have to be a lawyer to have heard the term “innocent until proven guilty.” A fundamental concept in the United States justice system, the expression was first used in the Bill of Rights to ensure all citizens receive a fair trial if they are ever charged with a crime. When a person receives a fair trial it is a principle known as due process of law.

As the founders of the United States realized, the rights of an accused suspect in a case must be protected if we want to maintain a functioning democratic society and prevent the government from abusing its authority. Therefore, the Constitution grants protections for citizens if they are accused of a crime and details the requirements that must be met before you can be convicted of that crime. Your innocence is assumed until these conditions are met. In other words, no one can say you committed the crime, until facts have shown that this is the case (you are innocent until proven guilty).

It is very important for you to know your rights if you are ever charged with a crime. You have the right to obtain legal representation and, if you are questioned, you have the right to remain silent until you have spoken with an attorney. If you cannot afford an attorney, your rights also guarantee that one will be appointed to you by the government. In addition, you have the right to know the charges against you.

1. Highlight the definition of due process of law.

2. Which of the following best describes the TONE (attitude towards the topic)?

 (Highlight and # evidence)

a. Clear and neutral

b. Persuasive and approving

c. Critical and precise

3. Which of the following is the author’s main purpose for writing the article?

 (Highlight and # evidence)

a. To challenge the idea that unfairness in criminal cases rarely occurs

B. To explain the rights of a person who is a accused of a crime

C. To detail steps to prepare for a trial in which you have been accused of

 a crime

**What is Jury Duty?**

Jury duty is one of our most important responsibilities as New Yorkers and Americans. This privilege allows us to serve our country, state, community and fellow citizens. It allows us to contribute to our state’s judicial system and is a service that should be performed with pride.

Trial by a jury of one’s peers is a sacred right of every American and the cornerstone of our judicial system. All who seek their day in court are entitled to a **fair hearing** and we must ensure they are granted this constitutional right under the Sixth Amendment to the Constitution. Your participation as a juror guarantees that this important democratic process continues.

Jurors are required to exercise sound judgment, integrity and complete impartiality in performing this vital duty.

**Who is qualified to be a juror?**

To qualify for jury service, a person must:

* Be 18 years of age or older.
* Be a United States citizen.
* Be a resident of the county in which the case is to be tried.
* Be able to speak and understand English.
* Not have been convicted of a felony, unless pardoned or had his or her civil rights restored by the governor or other authorized person of the jurisdiction in which he or she was convicted.
* Not be currently under indictment.
* Not have served on a jury within the past 24 months.

Should you be disqualified for one or more of these reasons, the judge or the designee will enter the disqualification on the space provided on the juror qualification form.

**What does a jury do?**

After all evidence has been presented, the grand jurors will deliberate and decide whether to return an **indictment**. An **indictment** is a decision to officially charge someone with a crime. All 12 jurors must be in agreement to return an **indictment**. When everyone agrees it is called an **unanimous decision**. All indictments must be signed by the jury **foreperson**, even if he or she personally voted not to return an indictment. If the jury votes not to return an indictment, the jury foreperson must report that fact in writing. It is the foreperson’s responsibility to report the vote results of the grand jury, whether for or against indictment, to the judge in open court.

Juries consist of 12 jurors in Circuit Court. Once citizens are selected as jurors they are referred to by a juror number (example: Juror 1, Juror 2, Juror 3)

**The Role of a Juror**

**Jurors must give their undivided attention to the trial.**

Listen carefully to all questions, testimony and instructions. A jury’s verdict can be based only on the evidence presented in the courtroom.

**Jurors must be impartial.**

You should not form or express an opinion about the case or discuss it with other jurors before time for deliberations. You should follow the facts in the case and weigh these in your decision making. Your personal prejudices and personal opinions towards the defendant are not relevant. Decision making should be based solely on the facts of the case.

Only after jury deliberations begin can jurors discuss the case among themselves.Jurors should avoid verbal or facial expressions that reveal their feelings about the case. It is important for you to form your own opinions once all evidence has been presented.

**Jurors must not discuss the case with anyone.**

Jurors should avoid conversations with attorneys, parties and witnesses who are involved in the case they have been assigned to decide. Casual greetings are permitted, but conversations could be interpreted as discussions about the case.

During the trial, you should not discuss the case with your family or friends. If anyone approaches you and attempts to talk about the trial, you should report it to the judge immediately.

**Jurors must not research the case through the news media.**

During the course of the trial, you should not read, listen to or view any newspaper, radio, television or electronic reports of the trial you have been assigned to decide[aw3] .

**1.** **Annotate:** What is the **role** (job) of a juror?

**2.** **Annotate:** Highlight the phrase that reveals the definition of “**impartial**”

**3.** **Annotations:** Why is it important for a juror to be “**impartial**”?

**4.** **Extension: What is the main purpose for the section “What is Jury Duty”?**

a. To explain what jurors are required to show during a case

b. To argue that jury duty as an important responsibility to treat the accused

 criminal fairly

c. To compare and contrast the privileges of the accused with those of the jury

**5.** **Extension: What does the phrase “sound judgment” most closely mean?**

a. The jury should consider their personal judgments when thinking about the

 case.

b. The jury should listen careful to the testimony.

c. The jury should assess a situations or circumstances shrewdly and to draw

 fair conclusions.

**Trial of a Case**

**1. Opening Statements**

The first steps in a trial are the opening statements presented by the plaintiff’s attorney or the prosecutor and the defense attorney. They outline the proof to be presented to the jury. The opening statements are not to be considered as evidence.

Opening statements simply acquaint the jurors with the nature of the case.

**2. Examination of Witnesses**

After opening statements, the plaintiff’s attorney or the prosecutor will present his or her case in the form of evidence. Evidence can be testimony by a trial witness or physical exhibits, such as a gun or photograph. Case presentation begins with direct examination of a witness by the plaintiff’s attorney or the prosecutor. Direct examination reveals points important to the case.

The defendant’s attorney is allowed to cross examine any witness called to the stand by the plaintiff’s attorney or the prosecutor. The defendant’s attorney will attempt to reveal points important to his or her client’s side of the case. Following the defense attorney’s cross-examination, the plaintiff’s attorney or the prosecutor is permitted to re-examine the witness to clarify statements revealed during the cross-examination by the defendant’s attorney.

When the plaintiff’s attorney or the prosecutor has finished presenting his or her side of the case, the defendant’s case is presented in the same format as the case of the plaintiff or the prosecutor.

During the course of the trial, attorneys may object to certain evidence presented and the judge will either sustain or overrule their objections. The evidence in question cannot be presented if the objection is sustained. It can be presented, however, if the objection is overruled by the judge.

The rulings of the judge on objections do not indicate favoritism toward either attorney. No trial is a popularity contest between lawyers. A trial is a search for truth as prescribed by law.

The judge rules on the questions of law and the jurors are the triers of the facts. Jurors consider only evidence that the judge has permitted and must disregard any evidence that has been ruled inadmissible, or thrown out of consideration by the judge.

Jurors may address questions to the judge and to the witnesses and may take private notes during the course of the trial.

**3. Closing Arguments**

After the judge has instructed the jury as to the law, the plaintiff’s attorney or the prosecutor and the defendant’s attorney will give closing arguments to help the jury remember the evidence presented.

Both attorneys will attempt to persuade the jury that, based on the evidence, the verdict should favor their client.

**4. Judge’s Instructions**

After all witnesses have testified, the judge will instruct the jury on the issues to be decided and the rules of law that apply to the case. The judge will explain the law based on the evidence presented in the case. Listen carefully to the judge’s instructions.

The judge must declare the law as it is and you must determine the facts under the law as it is presented to you.

You cannot substitute your own opinion of what the law should be. The instructions are in writing and the jury will take them to the jury room when deliberations begin.

The judge cannot indicate to the jury which side he or she favors in a case. The jurors must decide the case for themselves. If you have any questions, ask the judge.

**5. Jury Room**

Jurors select a jury foreman to act as presiding officer before beginning deliberations in the jury room. Every juror should be given an equal opportunity to express his or her views during deliberations.

Each juror should keep an open mind when listening to the views of other jurors. Your purpose as a jury is to reach an honest verdict. Jurors cannot use sources of information from outside the courtroom in deciding their verdict. If a juror knows something favorable or unfavorable concerning the plaintiff or the defendant and discloses it in the jury room, the two parties have no opportunity to defend themselves. The information may be explainable and, whether true or false, may be something that should have no bearing on the outcome of the case in question.

**Guidelines for Justice**

**Fairness Issues**

Age, color, disability, gender, national origin, race, religion[aw2] and the sexual orientation of litigants or witnesses should not be considered by jurors in deliberations. Rather, each member of the jury must weigh the facts presented in the case to reach a knowledgeable and reasonable decision.

**When in Doubt, Ask the Judge**

If you are unsure of your rights or your duties as a juror, do not hesitate to ask the judge. Do not ask anyone but the judge. If an emergency should arise, consult the judge about it.

**Proof Beyond A Reasonable Doubt**

We now turn to the fundamental principles of our law that apply in all criminal trials- the **presumption of innocence**, the **burden of proof**, and the requirement of proof beyond a **reasonable doubt.**

**Presumption of Innocence**

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

In determining whether the prosecution (the People) have satisfied their burden of proving the defendant’s guilty beyond a reasonable doubt, you may consider only the evidence presented by the defendant and the prosecution. You should review the evidence presented by witnesses. In doing so, however, remember that, even though the defendant introduced evidence, the burden of proof remains on the prosecution.

**Beyond a “Reasonable Doubt”**

The law uses the term, “proof beyond a reasonable doubt” to tell you how convincing 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 prosecution to prove a defendant guilty beyond all possible doubt. On the other hand, it is not sufficient to prove that the defendant is probably guilty. In a criminal case, the proof of guilt must be stronger than that. It must be beyond a reasonable 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 any 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.

In determining whether or not the prosecution have proven the defendant’s guilt beyond a reasonable doubt, you should be guided solely by a full and fair evaluation of the evidence. After carefully evaluating the evidence, each of you must decide whether or not that evidence convinces you beyond a reasonable doubt of the defendant’s guilt.

Whatever your verdict may be, it must not rest on baseless speculations, your personal opinions, or your prejudices. Your decision may not be influenced by bias, prejudice, sympathy, or a desire to bring an end to your deliberations or to avoid an unpleasant duty.

**Be ready to discuss**: What is the **presumption of innocence**?