

# THIS IS THE LAW

## SERVING ON A NORTH CAROLINA JURY

Thomas Jefferson, the author of the Declaration of Independence, once wrote, "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

The right to a trial by jury is one of our most important rights and is guaranteed by the United States and North Carolina Constitutions. By serving as a juror, citizens are helping to preserve this freedom.

If you are required to serve on a jury, along with the lawyers and the judge, you become an officer of the court – part of the judicial system with a most important responsibility to your state and your fellow citizens.

You may be asked to make decisions that affect others' civil or property rights, or you may be asked to determine someone's right to freedom or even to life itself. Juror's contributions are invaluable to the court and our democratic tradition.

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Revised 2017

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seeking liberty + justice

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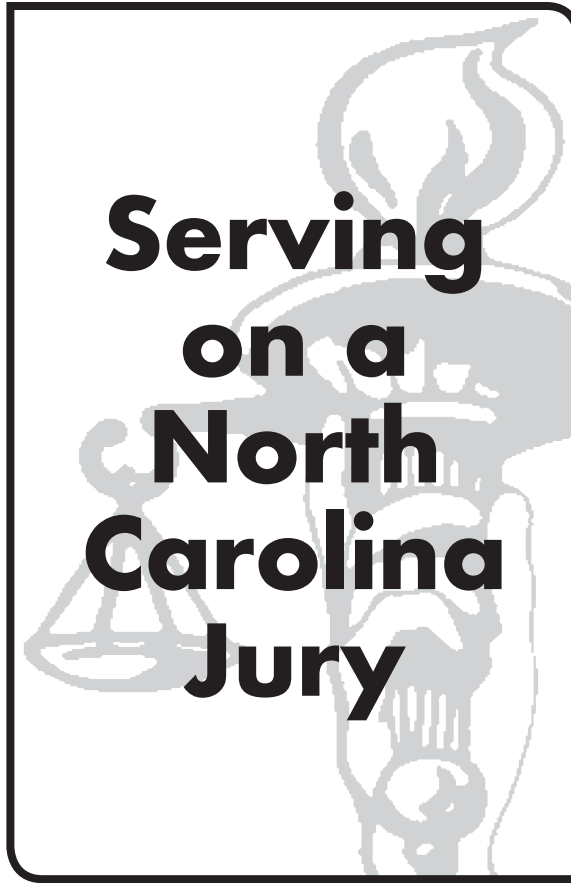
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Published as a Public Service  
by the Communications Committee of the  
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**REPORTING FOR JURY DUTY** • When you are summoned to jury duty, you must fully comply with the requirements of the summons. Report to the bailiff of the proper court on the date and at the hour stated in your summons. (In some counties, jurors report to a jury assembly room, managed by the clerk's office.) The bailiff is the sheriff or deputy sheriff assigned to duty in the courtroom. He or she will advise you whether you are reporting to the proper place and will tell you where to sit. The bailiff will be available throughout the court sessions.

**QUALIFICATIONS OF JURORS** • To qualify to serve as a juror under North Carolina law, a person: (1) must be a citizen of the United States and a resident of the state of North Carolina, (2) must be a resident of the county in which called to serve as a juror, (3) must be at least 18 years of age, (4) must be physically and mentally competent, (5) must be able to understand English, (6) must not have been convicted of a felony or plead guilty or nolo contendere to an indictment charging a felony, unless citizenship has been restored pursuant to law, (7) must not have served as a juror during the preceding two years and (8) must not have served a full term as a grand juror during the preceding six years. In certain cases in which there is a great deal of publicity, you may be required to serve as a juror in a county other than the one in which you live.

**JURY SERVICE IS PUBLIC DUTY** • Jury Service is a solemn obligation, and qualified citizens are expected to serve if summoned. Persons age 72 or older may request to be excused or deferred to another session of court. Full-time students enrolled at an out-of-state postsecondary public or private educational institution, including any out-of-state trade or professional institution, college or university may be excused upon request with supporting documentation showing enrollment at the out-of-state educational institution. Otherwise, excuses from this responsibility are granted only in special circumstances, such as compelling personal hardship. A judge decides each request on its own merits and may defer jury service until a later date. If you have questions about your jury service, contact the clerk of court as soon as possible. In some areas you may be referred to a special "Jury Clerk."

**CASES TRIED BY A TRIAL JURY** • Cases that come before a trial jury are divided into two general classes: civil and criminal.

Civil cases are those in which the parties come into court to determine and settle their respective rights.

The person who brings an action against another is the "plaintiff." The person against whom the action is brought is the "defendant."

In criminal cases, the government, on behalf of all citizens, tries persons charged with the violation of criminal laws. In a criminal case, the state is the "prosecutor" and the person accused of the crime is the "defendant."

**THE QUESTIONING OF JURORS** • When you report to the court for jury service, you may be asked certain general questions by the judge regarding your qualifications to serve as a juror. After the judge is satisfied that you meet these qualifications, you will then either swear or affirm that you will give all parties a fair trial in any case in which you serve as a juror. Then, when you are called to the jury panel for a particular case, the lawyers in the case have the right to ask additional questions.

If you have never before served as a juror it may seem that some of the questions are very personal. No question is intended to embarrass or reflect upon a juror in any way, but lawyers have a duty to their clients to ask questions to assist them in deciding which jurors to select and whom to excuse if there is reason to do so.

When the required number of jurors has been selected and are in the jury box, the jurors are sworn to try the case. This is called "impaneling" the jury.

### **THINGS TO REMEMBER DURING THE TRIAL**

After you are selected as a juror in a case, there are some rules of conduct you should observe.

- **Be on time** for court sessions.
- **Always sit in the same seat** in the jury box. This enables the judge, the clerk and the lawyers to identify you more easily.
- **Listen to every question and answer.** Since you must base your verdict upon the evidence, it is important you hear every question asked and every answer given.
- **Do not talk about the case**—even to another juror—until the judge instructs that you are permitted to talk about the case. This means that during the case you must not talk, email, post on Facebook or any other social media, tweet or communicate in any other way with anyone about what you hear in the courtroom. You must not permit anyone to talk to you or talk in your presence about the case. If any person persists in talking to you about it or

attempts to influence you as a juror, report that fact to the judge immediately.

- Under the law, lawyers and the parties involved in the case are not allowed to speak to jurors individually at any time during the trial. Lawyers address the jury in the courtroom in the presence of the judge and opposing counsel.
- **Don't be an "amateur detective."** Since the only evidence you may consider is what is presented in court, you are not allowed to make an independent investigation or to visit any of the places involved in the case. Do not research anything on the Internet. Do not conduct any Google searches for matters connected to the case. Do not read, watch or listen to any news reports about the case or in any other way try to gain information beyond the evidence and testimony presented in court.
- **Follow the law.** The judge will instruct you on the law that applies to the case. Listen to the law and apply it to the facts of the particular case as instructed by the judge.

### **CONDUCT IN THE JURY ROOM**

• Your first duty upon retiring at the close of the case is to select your foreperson. It is the foreperson's duty to see that discussion is carried on in a sensible and orderly fashion, to see that the questions, called issues, submitted for your decision are fully and fairly discussed, and that every juror has a chance to say what he or she thinks about each issue. You will consider each of the issues presented. When a unanimous decision has been reached, the foreperson will record your decision and present it to the court.

The foreperson and each juror should see that discussion in the jury room is never so loud that it can be heard outside. Until a verdict is announced, no outsider should know what goes on in the jury room. If you are selected to serve as a juror, you are eligible to receive a small payment for each day of your service.

**NOTE:** This pamphlet is published only for general information. Jury instructions may be given to you prior to your being sworn in as a juror. If you are required to serve on a jury, the judge presiding in the case will provide additional instructions. In all cases, rely on the information you receive from the judge and other appropriate officers of the court.