

THE COMMON PLEAS COURT
RICHLAND COUNTY, OHIO
JUROR HANDBOOK

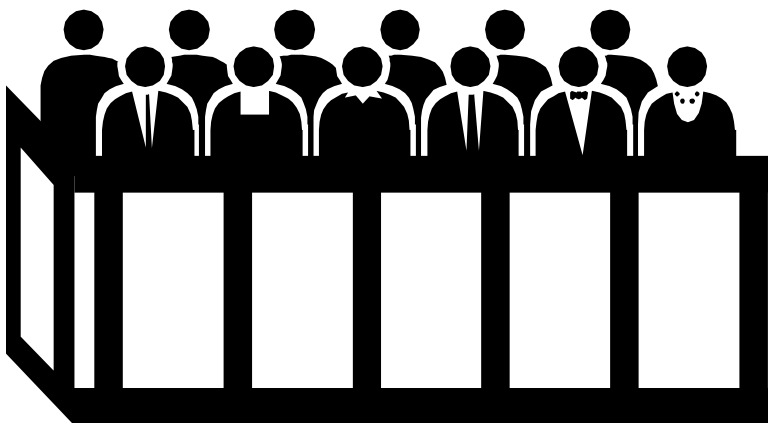


A Guide for Potential Jurors

Welcome

Welcome to jury service. Your service as a juror is one of the most valuable contributions you can make to your government and to your community. The right to a trial by a jury of one's peers is guaranteed by the Constitution. Jury trials protect the fundamental rights of all citizens. A jury's decision of the facts in a case must be fair and impartial in order to protect an individual's rights and interest, as well as the public interest. By serving on a jury, you are assuming an active role in our system of justice. Trial by jury is not a perfect system. It is simply the best system we have yet been able to devise. Serving on a jury is not only an obligation of every qualified citizen; it is a right and a privilege. Please keep in mind that the administration of justice is not a process in which shortcuts should be taken simply to speed up the process. The determinations of the truth and the fair and equitable applications of the law are matters of grave importance.

Your job, as a juror, is to listen to all of the evidence presented in the trial and then to decide the facts. Determine the truth – what really happened. The judge's job is to decide the law, making decisions on the legal issues in the trial. You do not need special knowledge, ability or training to be a juror. Simply listen to all of the evidence, keep an open mind, use common sense, and be fair and honest. It is essential that you not be influenced by sympathy or prejudice.



Summons to Jury Service

You have been chosen by a completely fair and impartial method of selection. Every year the Jury Commission prepares a list of names of all qualified persons eligible to serve as jurors. These names are taken at random from a list of registered voters. You become part of a jury pool, which is a group of citizens from whom trial juries are chosen.

To be eligible, you must be at least 18 years of age, a United States citizen, a resident of the county in which you have been summoned to serve as a juror, and be physically and mentally competent. In addition, you must be able to understand the English language. If you have ever been convicted of or plead guilty to a felony, you are eligible to perform jury service after your citizenship rights have been restored. Once you have been released from supervision, meaning you are no longer on community control or parole, your rights are automatically restored.

Excusal or Deferral of Jury Service

As established by the State of Ohio, it is the solemn obligation of all qualified citizens and that excuses from the discharge of this responsibility should be granted only for reasons of compelling personal hardship or because requiring service would be contrary to the public welfare, health, or safety. Please note that there are no exemptions from jury service based on occupation. Although work commitments can be hard to break, they are not a valid reason for being excused from jury service. Prospective jurors can request to be deferred to a later date when they may be less busy. Requests for deferral should come from the individual summoned, not the employer.

In Richland County, those who have a first-time request to defer their service must do so in writing by outlining the reasons for the request. The Court will respond to all requests for deferral either by denying the request or rescheduling the service date.

If you have a permanent or continuing medical problem, you will be dismissed with a doctor's excuse. Please obtain that medical excuse immediately and return it to the Court with your completed jury questionnaire. Your doctor can fax the medical excuse to the Court at 419-774-5516. This excuse **MUST CONTAIN YOUR NAME AND YOUR DATE OF SERVICE** in order for you to be excused.

If you have a medical condition that is not permanent and continuing, please fill out the questionnaire, include a request to reschedule your service and return it to the Court. Once received, the Court will contact you to schedule a new date for your service. If you are in good health, you are expected to fulfill your jury obligation.

If you have a previously planned vacation and a deposit has been sent, your service can be transferred to a more convenient time period to fulfill your obligation. Proof of reservations must be submitted to the Court along with your questionnaire. Once received, the Court will contact you to schedule a new date for your service

Full-time students and teachers are not exempt from service. If a deferral is desired, return your questionnaire along with your request to be rescheduled. Once received, the Court will contact you to schedule a new date for your service.

Types of Juries

In the administration of justice in our courts, different types of juries are necessary to perform separate and distinct functions. The two types used are the grand jury and the petit jury.

The grand jury is a group of people who serve three or four days of the first week of the month for two months. Their responsibility is to inquire into the evidence against persons accused of serious offenses. This examination by the grand jury determines only whether there is probable cause for charging the accused with the crime and requiring him or her to stand trial in court. The grand jury does not decide whether the accused is actually guilty or innocent. If the grand jury finds probable cause, the accused person will then be tried in court at a later date.

Petit jury is a group of people who determine the guilt or innocence of an accused person in the court. This kind of jury also decides disputed questions of fact that arise in the trial of all civil actions. The remainder of this handbook deals with the duties of petit jurors, who may be called to serve in either civil or criminal cases.

Selection of Jurors

Before you will be permitted to serve as a juror, the court will administer an oath to you. You will be asked to swear or affirm that you will truthfully and without prejudice or partiality try all issues in civil or criminal actions that come before you and submit rightful verdicts according to the evidence.

If the particular case to be tried is one requiring a jury, the judge and the attorneys for each side may ask questions concerning each panel member's qualifications to serve as a juror in that case. It may seem to you, as a juror, that some of the questions asked are not pertinent to the issue to be tried. The questions may also seem very personal. These questions are asked only for the purpose of making certain that the jurors hearing that particular case are impartial and will decide the issues based solely upon the evidence presented. It may be that a juror is closely related to one of the parties in the case, has a business relationship with one of the attorneys or has some personal knowledge about the case. This juror may subconsciously have some feeling one way or another regarding the type of case to be tried that would make you less desirable juror for that particular case.

The purpose of these questions is simply to discover any possible interest or bias that a juror might have in the particular case that is to be tried. If a juror is challenged or excused, whether or not the reason is given, it should be understood that this action is not a reflection on the juror in any way. When the jury has been selected the required number of jurors is in the jury box, the jurors are sworn to hear the case.

Kinds of Cases

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. Typical civil cases deal with a contract, which someone claims has been broken; a claim of damages because of negligence; or cases involving rights between individuals. It is your job as a juror to see that these civil rights, whatever they may be under the law, are upheld and sustained.

Criminal cases are those in which action is brought by the government on behalf of all citizens to try the person 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. Because it is society in general charging an individual with breaking a criminal law, we always refer to society as “The State of Ohio.” If the charges against these persons are proven beyond a reasonable doubt, you, as a juror, must not hesitate to declare their guilt. The kind of punishment this person will receive is a matter almost always determined by the judge. If, however, the guilt of the defendant is not proven beyond a reasonable doubt, you must be equally ready to render a verdict of not guilty.

The Trial of A Case

Opening statements – After you have been selected to sit on a particular case, the attorneys will usually make opening statements. Their purpose is to tell you what the case is all about. You should remember that the opening statements are not evidence.

Examination of Witnesses – Witnesses for the plaintiff testify first. Plaintiff proceeds with his or her direct examination questions to bring out the facts he or she wishes to show. When plaintiff’s direct examination is finished, defendant’s attorney may cross-examine the witness to bring out additional facts or to try to discredit them. Once all of plaintiff’s witnesses have been called for questioning, the defendant will then call his or her witnesses.

During the trial, you will hear the attorneys make what are known as objections. These objections may appear rather technical to you, but it may be the attorney’s duty to make them. If the judge thinks there are grounds for the objection, it will be sustained; if not, it will be overruled. At times the jury will be excused from the courtroom while objections and motions are being discussed or argued before the judge. These are matters of law for

the judge to determine. Because your sole duty is to determine the facts, you do not need to be present. Objections by the attorneys or the rulings of the judge on the objections should not cause the jury to draw inferences for or against either side. A trial is not a contest between the attorneys, but rather a search for the truth according to the rules of law.

Closing Arguments – After all of the witnesses have testified, the attorneys will make closing arguments to the jury. The purpose of the closing argument is to help the jury remember and analyze the evidence and attempt to convince the jury that, under the evidence, the issues should be answered in their client’s favor.

Jury Instructions – After closing arguments, the judge will declare and explain the law arising out of the evidence given in the case. You should listen to the judge’s instructions very carefully and try to understand and remember his instructions. The judge must declare the law as it is, and you must find the facts under the law as it is stated. Under your oath, you are not at liberty to substitute your own opinion of what the law should be.

Juror Conduct During a Trial

In order to give the parties a fair trial, you should follow certain rules throughout the trial. First of all, do not be late for court sessions. The trial cannot proceed until all jurors are present.

You should reach your decision based upon the evidence presented in court and upon no other sources of information. Accordingly, you should not discuss the merits of the case with anyone, not even a fellow juror, until the jury retires to deliberate. It is improper for you to read newspaper articles about the case and to listen or watch radio or television accounts of the trial.

Should anyone try to discuss the case with you, you should politely excuse yourself with the explanation that you are serving on the jury. If that person persists or if they try to influence your decision in any way, you should get their name and report the incident to the judge as soon as possible. Please remember that your every action is subject to intense scrutiny and that it is best to do nothing that may arouse suspicions, however false they may be.

Often during the course of a trial, the testimony will be contradictory about physical facts, such as the layout of a highway intersection or the location of the objects in a room. Whenever advisable, the judge will order a view of the scene in question by all members of the jury. The judge may also decide that a view of the scene would be misleading, due to the changes in circumstances since the occurrence of the events. Jurors are not allowed to visit the scene on their own initiative because they may gain an entirely incorrect impression about the disputed facts. Jurors, also, may not conduct their own investigation of the case.

Juror Conduct During Deliberations

As soon as the judge has completed his or her instructions, the jury will retire to the jury room to begin deliberations (deciding a verdict).

The first task of the jury is to select a foreperson. It is the foreperson's duty to see that the discussions are carried on in a sensible and orderly fashion; to see that the issues submitted for decisions are fully and fairly discussed; and to ensure that every juror has a chance to say what he or she thinks about every question, without wandering too far off subject. Each question presented must be thoroughly considered. A jury verdict is a finding in which all the jurors agree. When a unanimous decision has been reached, the foreperson should record the decision and present it to the court.

Failure of a jury to reach a unanimous decision results in a mistrial. The case must then be tried before a new jury. You should reason through your differences with each other and make a sincere and conscientious effort to agree on a verdict. However, you should never agree to a decision that you believe to be contrary to the truth.

The Jury's Verdict

The result of the jury's deliberation is its verdict, which literally means, "truth speaking." In a criminal case, the verdict is usually guilty or not guilty. In a civil case, the verdict takes the form of answers to written instructions, called the "interrogatories." These questions are framed in legal language, which is explained by the judge in his instructions. The foreperson writes the jury's verdict on the form containing the issues.

The verdict must be reached as a result of deliberation and discussion and not as a result of mere chance. It is highly improper for the jury to determine its verdict by the toss of a coin or any other haphazard method. The parties involved are entitled to a verdict reached after full thought and deliberation.



The Judge

The judge has many duties to perform in connection with the trial. He or she is responsible for ensuring that the trial is conducted in an orderly manner and according to the prescribed rules governing the conduct of the parties, their attorneys and the witnesses that they present. It is the judge's function to pass upon the qualification of jurors, the objections raised to evidence seeking introduction and numerous other questions that may arise concerning the conduct of the trial. The judge must tell the jurors what issues of fact they are to decide. He or she interprets and applies the law governing the case being tried, leaving it to the jury to determine the factual questions raised by the trial. It is the function of the jury to resolve all questions raised by conflicting testimony and to determine what witnesses can be believed. The jury should not expect the judge to comment on the reliability of the witnesses or to express an opinion as to which of the parties should win the case.



The Attorneys

Attorneys serve as officers of the court and are subject to all orders of the court. During the course of the trial, you may come in contact with several attorneys. For this reason, you should have an understanding of the standards required of person engage in the practice of law. Attorneys are licensed to practice only after they have passed a bar examination.

The judge will appoint an attorney at the State's expense to defend an accused person in a criminal case if the accused cannot afford an attorney. However, the defendant must pay back the money spent on his or her defense.

The Bailiff

The bailiff is charged with keeping order in the courtroom during the trial. The bailiff opens and closes the court each day and attends to the jury by sitting outside the jury room, while the jury is deliberating on a verdict. The bailiff also administers the oath, or affirmation, to jurors and all witnesses before they testify and marks all exhibits when they are received in evidence. Jurors should comply with requests of the bailiff while under the supervision of the bailiff.

The Court Reporter

The court reporter records and logs all trial proceedings and will be responsible for preparing a typewritten transcript of the trial, if requested, by either party.

Frequently asked questions:

Contacting the Court:

How can I contact the Court? ANSWER: The phone number to contact the Court is 419-774-5570. You will need to know the judge you are serving for and your date of service.

Transportation:

I do not drive or have difficulty driving at night. ANSWER: Under certain circumstances the Sheriff's department will transport you to and from jury service. It is your responsibility to advise the Court if you do not drive.

Payment:

How much will I be paid for my jury service? ANSWER: Jurors in Richland County are paid \$20 per day or \$10.00 for a half day's service.

When do I get paid? ANSWER: You will be paid approximately three weeks after the end of your jury service, and your jury pay will be mailed to you.

Work Excuse:

Where can I get confirmation of my jury service to give to my employer? ANSWER: Jury excuses are available from the courtroom bailiff on the day you serve.

Inclement Weather:

In the event of inclement weather, jurors should tune to the local television or radio station for reporting instructions and possible court closings or call the Court at 419-774-5570.

Hours of Service

Jurors are to appear at 9:00 a.m. or as directed on the jury information number. Court is normally recessed at 4:00 p.m., however, release times will vary depending on the case.

Failure to Appear:

What happens if I do not show up for jury service? ANSWER: Jury service is not voluntary but a civil duty. Persons who fail to appear for jury service after being summoned may be fined \$250 and otherwise punished for contempt of court.



Nearby Restaurants

Lunch will not be provided. There is a limited snack bar on the second floor of the building or you may bring your own lunch. Refrigerator space and a microwave are available in the jury room.

The following restaurants are within a short walk of the courthouse. You are free to leave the courthouse during lunchtime or when the court recesses for a brief break. Listen to the bailiff's instructions carefully before leaving the courtroom.

Athens Greek Restaurant, 41 N. Main St.
Coney Island Diner, 98 N. Main St.
Coney Island Inn, 20 Park St., S
Fork & Fingers, 5 Park Avenue W
Main Street Café, 28 N. Main St.
Uncle John's Place, 18 S. Main St.
Saffron Indian Cuisine, 10 South Park St.
Two Cousins Pizza, 103 N. Main St.
Subway, 28 Park Avenue West
City Grille, 37 E. 4th St.
Relax It's Just Coffee, 105 N. Main St.