

100.20 INSTRUCTIONS TO BE GIVEN AT JURY SELECTION.

NOTE WELL: At the beginning of each new case, prior to selection of jurors, the following instruction must be given to the prospective jurors:

The next case is (*name case, e.g., State versus John Roe*). The parties to this case are the State of North Carolina and (*name defendant*). The State is represented in this case by (*name and identify attorney for the state*). The defendant is (*name and identify defendant*).

The defendant is represented in this case by (*name and identify defendant's attorney*).

The defendant is charged with (*state nature of charge, e.g., larceny from the person*). This offense is alleged to have occurred on or about (*name date*). (The alleged victim of this offense is (*name victim*)).¹ The defendant has entered a plea of not guilty. (In addition, the defendant asserts, as an affirmative defense, that (*state affirmative defense, as set forth in defendant's pretrial notice*).)²

NOTE WELL: N.C. Gen. Stat. § 15A-1214(a)(b) and (f); § 15A-1212. When twelve prospective jurors have been seated in the jury box, the judge may, though he need not,³ briefly question prospective jurors individually or as a group concerning general fitness and competency, to determine whether there is cause why they should not serve as jurors in the case. He may also so question prospective jurors called as replacements for others who are excused. If the judge chooses to question, he could do so as follows:

Prospective jurors, I am now going to ask you some questions concerning your service as a juror in this case. When I finish, counsel for the state and for the defendant may also question you.

Have you been a party, a witness, a grand juror, or a trial juror, or

have you otherwise participated in any civil or criminal proceedings involving a transaction which relates to the present charges against the defendant?

Have you ever been a party adverse to the defendant in any civil action?

Have you ever complained against or been accused by the defendant in any criminal proceeding?

Are you related in any way to the defendant (*or victim*) by blood or marriage?

NOTE WELL: If any prospective juror answers yes, ask him to state the relationship. A prospective juror may be challenged for cause if he is related by blood or marriage within the sixth degree of kinship to the defendant or the victim. To determine whether two people are related to one another within the sixth degree, determine their nearest common ancestor. Then, starting with either of them, count the generations back to the common ancestor and then count the generations from that common ancestor down to the other. Each generation up and each generation down is a degree. Thus second cousins are related to one another within the sixth degree because their common ancestor is a great grandparent; there are three generations from one up to the great grandparent and three more generations from the great grandparent down to the other; and this makes six degrees.

Have you formed or expressed an opinion as to the guilt or innocence of the defendant?

Would you, as a matter of conscience, or for any other reason, regardless of the facts and circumstances, be unable to render a verdict

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with respect to the charge in accordance with the law of North Carolina?

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1. Delete if the victim is not named in the pleadings.
 2. Use this parenthetical expression only when the defendant has given notice of an affirmative defense pursuant to N.C. Gen. Stat. § 15A, Article 52. For a list of defenses for which notice is required see N.C. Gen. Stat. § 15A-905.
 3. Judges may, under N.C. Gen. Stat. § 15A-1214, leave the entire voir dire to counsel.