

100.21 REMARKS TO PROSPECTIVE JURORS AFTER EXCUSES HEARD.

NOTE WELL: This is a suggestive model and the judge can modify as deemed appropriate

Source: NORTH CAROLINA TRIAL JUDGE'S BENCH BOOK, SUPERIOR COURT. VOL. 1 (Criminal), Appendix, Pretrial Section at pp. 41-42 (3rd ed.) (Institute of Government 1999)

Ladies and Gentlemen, because of your special status as jurors, it is important that you remember that during this week of court it is your duty not to talk among yourselves about the proceedings in this court or about the cases here for trial and not to talk with any of the parties, any of the witnesses or any of the lawyers about the cases set for trial, or to engage in any type of conversation with them even if it is only to pass the time of day.

The State of North Carolina and the parties in the cases to be tried this week are entitled to jurors who approach their cases with open minds and who agree to keep their minds open until a verdict is reached. Jurors must be as free as humanly possible from bias, prejudice or sympathy, and must not be influenced by preconceived ideas either as to facts or as to the law. You must not form an opinion or express an opinion about any of the cases until you are deliberating in the jury room.

During jury selection, the court and the lawyers will ask you questions. These questions are not designed to pry into your personal affairs, or to cause you any personal discomfort. The questions are designed to discover if you have any knowledge of the case to be tried, if you have any preconceived opinion that you cannot lay aside, or if you have any experience that might cause you to identify yourself with either

party in a case. These questions are necessary to assure each party an impartial jury.

There may have been some publicity in a case at the time it happened or since then. You must not permit anything you have read or heard or seen to influence your verdict, because what you have read, heard or seen was not under oath at this trial. It is not evidence. None of you would want to be tried based on what was reported by others outside the courtroom. Being fair-minded persons, certainly none of us would rely on that kind of information in the trial of a case. You must exclude all that you have seen, heard or read and render a verdict based solely on the evidence brought out in court and the law I give you in my charge or instructions.

You may not let your present opinion or information influence your decision in a case or let it prevent you from rendering any proper verdict required by the facts and the law. The test for qualification for jury service is not the private feelings of a juror; rather, it is whether the juror can honestly set aside any such feelings, fairly consider the law and evidence, and impartially determine the issues.

In the process of selecting a jury, jurors may be excused by the court for cause if there is a valid reason why he or she cannot serve. In addition, counsel on each side may excuse a limited number without giving a reason for doing so.

If you are excused by one of the lawyers from serving on the jury, you should not be concerned about that or be upset with the lawyer who excused you. The fact that a lawyer may excuse you in one case does not

mean that the same lawyer will object to your serving as a juror in another case which is called for trial.

I hope you will enjoy your week of jury service. You should not be scared or afraid of serving as a juror. We ask no more of you this week than that you use the same good judgment and common sense that you used in handling your own affairs last week and that you will use in the handling of your own affairs in the weeks to come.

I also hope that these introductory remarks will serve to make you feel at ease here and that they will impress upon you the importance of jury service, acquaint you with what will be expected of you, and strengthen your will and desire to enter upon your duties with the determination to discharge them honorably.

Optional additional topics:

- Court will try to be efficient in its work and in use of jurors' time.
- Court is no assembly line; it does not deal with inanimate objects, but with people.
- Certain seats are set aside for jury use.
- Jurors' badges should be worn at all times.
- Jury telephone call-back service.
- Recesses.
- Chambers matters (*i.e.*, judge is working even when not on

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bench).

- When jurors excused (certain proceedings must take place out of jurors' presence).