

OBJECTIONS

From time to time during the trial there will be interruptions necessitated by objections of counsel. In deciding what evidence is admissible for the jury's consideration, the judge must apply many rules concerning the presentation of evidence. These rules are complicated and not always readily understood by those inexperienced in law. These rules, developed through the years, help assure fair and orderly trials. When either attorney believes a question is in violation of these rules, she/he has the right to object. A juror must not be prejudiced for or against either side by objections to the introduction of evidence. The Judge decides whether the witness must answer the question objected to. A judge's ruling does not mean she/he is taking sides. She/he is merely deciding whether the law permits answering the question.

At times the jury will be required to leave the courtroom while objections are being discussed or for other reasons. Under the law, various matters must be heard out of the presence of the jury.

JUROR'S DUTY DURING TRIAL

You must not discuss the case with anyone -even your fellow jurors until you have heard all of the evidence and are instructed by the judge as to the law governing the case. You are not to read any accounts of the trial or listen to radio or watch television accounts, or discuss testimony, evidence, or anything else about the case with anyone. The reason for this is plain. Your duty is to base your verdict on competent evidence presented at the trial. Opinions or comments of others are not proper evidence. If anyone persists in discussing the case or tries to influence you in any manner, it is your legal duty to report this to the judge immediately.

You must be attentive throughout the trial. Article 793 of our Code of Criminal Procedure reads in part. In criminal cases both the prosecution and defense must agree to allow jurors to take notes. Otherwise "a juror must rely upon his memory in reaching a verdict. He shall not be permitted to refer to notes or to have access to any written evidence. Testimony shall not be repeated to the jury."

Jurors are permitted to take notes in civil cases.

SEQUESTERED JURORS

As a juror you may be sequestered, which means you may not return home until the completion of the trial. Jurors are sequestered at the order of the judge. They will be provided with room and board. All requests by jurors while sequestered must be made to the judge and approved by him only. The deputies serve merely in a ministerial position under the supervision of the court.

CLOSING ARGUMENTS

After all the evidence has been presented, counsel may present arguments. The prosecutor argues first; the defense follows; finally, the prosecutor may answer the argument of the defense. If it has not been proved by the evidence. These arguments are not evidence themselves. Under our law, each side, prosecution and defense, is thus permitted to try to persuade the jury that its theory of the case is the correct one.

INSTRUCTIONS OF THE COURT

The judge will instruct the jury in the law applicable to the case. It is your duty to apply the law as given to you by the court to the facts in the case as you find them. It is important for the jurors to listen carefully to the court's instructions, bearing in mind that it is the jury's duty to follow the law as stated and explained by the judge.

COMMODATIONS

Persons with disabilities, who need reasonable accommodations in order to participate in the jury process, must call 497-3331, at least 72 hours prior to trial date. Our goal is to enable every person to fulfill his or her civic duty and privilege of participating in the jury process.

CONCLUSION

If you want to see justice done -and what person would not go willingly to serve. If you are chosen to sit in judgment, hear the evidence and the arguments solemnly, attentively and with scrupulous fairness. In your deliberations, you and your fellow jurors apply the law explained by the judge to the facts you have found. Your service counts mightily. If you have any questions, concerning jury duty, please feel free to call the Judges or the clerk of court.

NOTE: The courthouse is located in a rural area and amenities are few.

SPECIAL NOTICE

**ANYONE RECEIVING A NOTICE TO
SERVE AS A JUROR MUST CALL
985-331-4590**

**24 HOURS BEFORE REPORTING FOR DUTY AND A RECORDED
MESSAGE WILL ADVISE YOU
WHETHER OR NOT TO APPEAR AS A JUROR.**

Alternate number to call 8:30 -4:30 Only
985-497-3331 1-877-497-8836 • 651-9247
Div. A Judge Madeline Jasmine Fax: 985-497-5399
Div. B Judge Mary Hotard Becnel Fax: 985-497-5144
Div. C Judge Sterling Snowdy Fax: 985-497-5572
D.A. Bridget Dinvaout Phone: 985-497-8270
Sheriff Michael Tregre Phone: 985-652-9513

HANDBOOK FOR JURORS IN CRIMINAL AND CIVIL CASES

**Eliana DeFrancesch
Clerk of Court
40th Judicial District Court
Parish of St. John the Baptist**



Presented as a public service
By Eliana DeFrancesch
(985) 497-3331

Check our website for Jury Information
www.stjohnclerk.org

INTRODUCTION

Your name has been drawn by lot for service as a Juror in the trial of a criminal or civil case in the 40th Judicial District Court for the Parish of St. John the Baptist. This is an essential part of our civic duty of the highest responsibility. Jury service is one of the most important functions you are called upon to perform as a citizen. It should not be lightly regarded. Jury service is your direct participation in our American system of justice. As a juror, you serve as an officer of the court along with the lawyer, and judge. You will always remember your jury service as a worthwhile and meaningful experience.

JURY VENIRE SELECTION

Every jury is randomly selected by a computer program. Jurors are selected from drivers license and voter registration rolls.

QUALIFICATIONS AND EXEMPTIONS

Jury service is a privilege and duty. It is a privilege because only qualified persons can serve. It is also a duty and you are compelled to appear until excused or discharged.

In order to qualify to serve as a juror, a person must:

- Be a citizen of the United States and of this state who has resided within the parish in which he is to serve as a juror for at least one year immediately preceding his jury service;
- Be at least 18 years of age;
- Be able to read, write and speak the English language;
- Not be under interdiction, or incapable of serving as a juror because of mental or physical infirmity; and
- Not be under indictment for a felony; not have been convicted of a felony for which he has not been pardoned.

If you are not qualified under the preceding provisions, you should make your disqualifications known to the Court by communication with the judge whose name is on the summons served on you, prior to the date. **THE JUDGE IS THE ONLY PERSON WITH THE AUTHORITY TO EXCUSE YOU.**

If you are over the age of seventy (70) years and want to waive your right to the jury process, the court must receive a written request for excusal. This must be done each time you are called to serve.

All litigants in Louisiana courts are entitled to trial by jury; and they shall have the right to grand, petit and civil juries selected at random from a fair cross-section of the parish wherein the district court convenes.

All qualified citizens shall have the opportunity to be considered for jury service in the district courts of Louisiana. They have an obligation to serve as jurors when summoned for that purpose. No citizen shall be excluded from jury service in the district

courts of Louisiana on account of race, color, religion, sex, national origin or economic status.

Your assertion of disqualification or exemption should be in person or by written communication. You should be prepared to give proof.

COMPENSATION

Louisiana Revised Statute 13:31149 provides that:

A. Every person selected and summoned shall attend as a juror or talesman punctually and for the time for which he is selected. **THE DISTRICT JUDGE MAY ENFORCE THE ATTENDANCE OF ANY JUROR BY IMPOSING A FINE OF NOT MORE THAN FIFTY DOLLARS OR BY IMPRISONMENT IN THE PARISH JAIL FOR NOT MORE THAN THREE DAYS, OR BOTH AT THE JUDGE'S DISCRETION, FOR EACH VIOLATION.**

B. The jurors who attend and serve shall be entitled to demand and receive from the parish treasury, twenty-five dollars and mileage.

Louisiana Revised Statute 23:965 reads in part: Any person who is regularly employed, upon call or subpoena to serve on a jury, be granted leave of absence; by his employer, up to one day, without loss of wages, sick, emergency or personal leave or any other benefit.

Payment for your services, in most instances, will be made at the Clerk of Court's office on the day you appear.

TIME OF SERVICE

Unless you have been excused by the judge, you must appear at the time and in the place specified on your summons. Your failure to do so will cause delay and confusion. Normally jurors serve for one or two days; however, if you are selected to serve on a jury which hears a case that lasts longer, your service will extend until the case is completed. Except in some capital cases jurors will normally be permitted to return home at the close of the day's sessions.

If no cases are left to try on a day when you are summoned, do not feel that your time has been wasted. Your availability for service has an important role in our legal system.

SELECTION OF THE TRIAL JURY

The judge and lawyers can ask certain questions of each prospective juror. This may give the appearance of prying into your affairs, but its purpose is to insure selection of a jury fair and impartial to both sides. The lawyers have a duty to ask proper questions to assist them in deciding which jurors to select. In criminal and civil cases, each side has the right to challenge a limited number of jurors without giving reasons. The judge may excuse any prospective juror from service in a particular case if for any reason doubt exists as to the juror's ability to serve impartially in that case.

If you are excused by the court, the state, or the defendant, you should not be offended. The concept of jury selection is simply that while all qualified persons are able to serve on juries, not all are suitable for every jury. Either side might feel that you would be a good juror in one type of case and not in another.

If you are selected as a juror, you are exempt from serving on a jury for two years. If you are excused you may be selected again.

The following discussion focuses on criminal case procedure. However, the procedure for the trial of a civil case are similar.

CHARGE AGAINST THE DEFENDANT

Louisiana law requires that before a defendant can be brought to trial he must be indicted by a grand jury or charged in a bill of information by the District Attorney. In all cases to be tried by juries, the defendant has answered the charge of the indictment or information by pleading "not guilty."

DISTRICT ATTORNEY

The prosecution of criminal cases is the duty of the district attorney. In this connection his responsibility is to present to the jury the evidence on which the state's case is based.

THE ATTORNEY FOR THE DEFENSE

Under the law, the defendant has the right to be represented by an attorney. Where the defendant is financially unable to engage an attorney the court will appoint one for him. In other cases, the defendant hires his attorney. The defense attorney has the duty to protect the rights of his client.

THE JUDGE

The judge presides over the proceedings and rules upon the admissibility of evidence. It is the judge's duty to take steps to insure a fair and orderly trial and to instruct the jury as to the law applicable to the case. Depending on the case the judge can issue a judgment or verdict.

OPENING STATEMENT

After the jury has been selected, the prosecutor is required to make an opening statement in which he broadly outlines the evidence he intends to present. The defense counsel may, but is not required to, make an opening statement.