

THE FUNDAMENTAL DIFFERENCE BETWEEN A CIVIL AND CRIMINAL TRIAL

You may be called to sit and hear civil or criminal cases, or both, so it is important that you understand the difference.

One of the basic principles of our system of jurisprudence is that "A person is innocent until proven guilty."

If you are called upon to serve in a criminal case, you have the responsibility of passing upon the guilt or innocence of a fellow man. It is your solemn and sworn duty to both the Defendant and the Commonwealth to put aside all emotions, prejudices, or feelings of sympathy and to render an impartial verdict based solely upon the evidence presented to you.

In a criminal case, a Defendant is charged with the commission of a crime by way of an information. It is to be remembered that this is only an accusation, and the burden of proving the Defendant guilty rests with the prosecution. In fact, since there is no burden upon the Defendant to prove his innocence, the Defendant is under no duty or obligation to present witnesses nor is he required to testify in his own behalf. He may remain mute and the jury may draw no inference whatsoever from his failure to testify.

Contrary to a civil trial where only a fair preponderance of the credible evidence is necessary for a jury to reach a decision and only 10 of 12 jurors need agree, a jury in a criminal case must be satisfied beyond a reasonable doubt that the Defendant is guilty of the crime charged before it can convict. There is nothing mystical about the words "guilty beyond a reasonable doubt," they mean exactly what they imply, i.e., the reasonable doubt of a reasonable man or woman. This will be more fully covered by the Judge at the end of each case in the charge to the jury on the law. If no such doubt exists, it is your duty to convict. However, if a reasonable doubt exists, you may not find the Defendant guilty. You are not to be concerned with punishment. This is the province of the Judge alone.

THE JUROR IN THE COURTROOM

1. Report promptly for each session of the court. The tardiness of one juror wastes the time of many people, for the trial cannot proceed without you.

2. Discard prejudice and sympathy. Control your emotions. Do not indicate how any evidence or incident at trial affects you. Control your facial expressions.

3. Listen attentively to the testimony. Carefully examine all exhibits. Listen to every question and

answer. You may not take notes because while doing so your attention may be distracted. The jury should rely upon its collective recollection or, if the Court permits, it can have a Court Reporter read back the testimony.

4. Keep an open mind until the very end of the case. No matter how persuasive a Plaintiff or his witness may sound, the Defendant is entitled to present his side of the matter without having to overcome any preconception or prejudgment by you.

5. Carefully consider the arguments of lawyers but disregard any statement by a lawyer in opening or closing that has not been proven by the evidence.

6. Do not permit people to talk to you about the case during the trial. Do not discuss the case with your fellow jurors or anyone else until the case has been formally submitted to you and you have begun your deliberations in the jury room. During the trial, avoid all reports and comments on the case in the press, on radio or television. Jurors should not read newspapers or magazines in the courtroom, nor should a juror carry on a conversation with another juror in the courtroom during the trial. Report to the Court promptly any attempt by either party or anyone else to approach you regarding the case. Address all communications or inquiries to the Judge through the tipstaff.

7. Never visit the scene of the occurrences involved in the case, except as accompanied by the Judge, and in the presence of the other jurors.

8. You are not responsible for the law. No matter how much you dislike, disapprove, or disagree with the Judge's explanation of it, you are bound by your oath to accept it and to apply it in accordance with his instructions.

9. You are permitted to consider only the evidence which was placed before you in the courtroom. Disregard everything else. Use all of the judgment, experience and common sense you possess in reaching a verdict.

10. After the verdict has been accepted and read, and the jury has been discharged, you should not discuss with anyone what took place in the jury room, the process by which the verdict was reached, or the conduct of any of your fellow jurors. You should not discuss the case with either party or their attorneys.

IN THE JURY ROOM

At the end of the trial, when the Judge has delivered his charge, the jury retires to consider its verdict. How shall it go about its business? The experience of other juries may offer guidelines to facilitate your work.

The first job you have is the selection of a foreperson. This is an important matter, but the foreperson does not stand on a higher plane than the other jurors. You are all equal. The foreperson is elected or chosen by a majority of all jurors.

What should the foreperson do? How shall he proceed? Basically, the first order of business would be to take a vote. If the jury finds itself unanimous in a verdict, no further discussion is necessary. If it is not unanimous, the foreperson should proceed in a way that will give every juror an equal chance to express his views and at the same time to produce the most rational result possible.

The jurors should enter into their discussion with open minds and freely exchange views with each other. They should decide the facts and apply the law impartially, treating all alike without regard to race, color, creed, or station in life. They should not hesitate to change their original views or opinions concerning the case when convinced after discussion that their opinions were wrong.

As the discussion progresses, the foreperson should periodically call for a new vote.

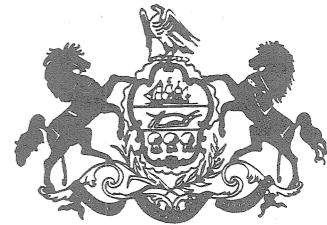
If the jury wishes to ask a question of the Judge concerning its procedure, or if it desires further instructions, the foreperson, through the tipstaff or bailiff in charge of the jury, may send a written request to the Judge. It is then for the Judge to decide how the question is to be answered or instruction given.

If it is impossible for the jury to agree on a verdict, the foreperson may report this fact to the Court. However, it is your duty to reach a verdict whenever possible, for if the jury cannot agree, the case may be the subject of retrial.

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When you have arrived at a verdict, the foreperson should write it on the provided form. The foreperson then notifies the tipstaff, who reports to the Judge, the parties involved, and their attorneys. When all involved are in the court, the jury will be returned to the courtroom. There, when directed by the clerk, the foreperson announces the verdict orally.

If either party asks to have the jury "polled," each of you must rise as your name is called and confirm the verdict as announced by the foreperson, unless you disagree with it, in which case you so state.



HANDBOOK FOR JURORS

Clearfield County, Pennsylvania

Court of Common Pleas
46th Judicial District
of
Pennsylvania

Hon. Fredric J. Ammerman
President Judge

Hon. Paul E. Cherry
Judge

GREETINGS TO THE JURORS

We welcome you to the Clearfield County Courts. You have been called to take an important part, for a limited time, in the administration of justice.

Trial by jury is a treasured, historic right which was wrung from sovereigns by the people in centuries long past and which is now guaranteed to our citizens by the Constitution of this Commonwealth and country.

It means that our citizens have the right to have questions which vitally affect their property, safety or liberty determined by their fellow citizens instead of by public officials.

Jury service is a duty and a privilege enjoyed only by free citizens of a free land. The success of the jury system depends upon the willingness of every juror to serve when called and to serve intelligently and conscientiously.

The sacrifice which you have made in accepting this call to public service is appreciated by all who are concerned with the administration of justice.

Honorable Fredric J. Ammerman
President Judge
Court of Common Pleas
of Clearfield County,
Pennsylvania

BEING A JUROR

Your selection as a juror has probably left you somewhat apprehensive and possibly a bit bewildered. Where do I go? What do I do? How long does it last? These, and many other questions are running through your mind.

First, may we suggest that you read your Juror's Handbook as it will answer many of your questions. In it you will find information concerning working hours, fees, and many other things which will make your service more understandable and satisfying to you and your community.

Do not try to avoid jury service. The fact that you might be a busy, successful person does not exempt you, in fact, it makes you all the more qualified. Jurors should be people who are knowledgeable and active in the community.

Do not be fearful that you may lack legal knowledge. A good juror is one who uses common sense, and is fair and impartial. Do not worry if this is a new experience. You will be directed where to go and when to be there. Court officials will be on hand to help you. Every effort will be made to make your service pleasant.

Your experience as a juror will be a lesson in citizenship which you will long remember. When your service is completed, you will look back on it as one of the most interesting and educational experiences of your lifetime.

GENERAL INSTRUCTIONS AND INFORMATION

A. ATTENDANCE

On each day of your service, you will report to the designated courtroom in the Clearfield County Courthouse for roll call. Thereafter, until you are selected to hear a case, you will wait pending further instructions. Working hours are normally from 9:00 a.m. until Noon and from 1:00 p.m. until 4:00 p.m. Only rarely will a trial be held on a Saturday. You will be required to remain in the evening only if you are on a jury that is still deliberating.

The Tipstaffs are in attendance to assist that Court and the Jurors in the exercise of their duties. You should feel free to call on them for any information which you may want even if it is of a personal nature.

The attendance of jurors is under the supervision of the Court. If a juror desires an excuse or an early dismissal, the juror should contact the Court Administrator. The telephone number of the Office is 765-2641, Ext. 1302.

B. JURY FEES

You are entitled to \$9.00 per day, for the first three days of service, and \$25.00 per day thereafter until such time as you complete your service. In addition, a juror is entitled to 17¢ per mile round trip. This amount is set by the State Legislature.

C. WHAT TO WEAR

There is no prescribed dress for jurors except that the dress of any juror should not distract from the dignity of the court. Women may wear slacks or pant suits provided they are appropriate to a courtroom. Men should dress conservatively, and, if possible, coats and ties should be worn, but they are not required. Remember, the parties in any case look to the jurors for justice. Their faith in the jury system is more likely to persist if the jurors present a favorable appearance.

D. MEALS

You will normally be excused for lunch at noon and you will be free to have lunch at a restaurant of your choice. Only when a jury is deliberating, during regular dining hours, will the Court furnish meals to those Jurors.

HOW A JURY IS CHOSEN FOR A TRIAL

When a civil or criminal case is called for a trial, a panel of jurors for both civil cases and criminal cases is chosen from the jury pool. From this panel, 12 jurors and 2 alternates are selected for the actual trial.

INSTRUCTIONS AND CHALLENGES

Each party to a trial has the right to a jury that is unprejudiced and unbiased. Thus, attorneys are permitted to question the prospective jurors in a process known as "voir dire" i.e. to attempt to discover anything which would prevent a juror from being absolutely fair and impartial. Such questions should not be resented, but answered fully and honestly. What may seem inconsequential to the juror may be of importance to the parties or their attorneys.

Ordinarily, such questions cover whether the juror is acquainted with the parties or the lawyers, if they are employed or have claims against any of the parties, or if they formed an opinion about the case. If, for any reason, you feel you could not be completely objective about the case, you should call this to the attention of the attorneys or Judge. The Judge may or may not participate in the questioning of jurors. Whenever the questioning discloses a reason why a juror might not be impartial he will be excused from participating by a process called "challenge for cause."

Even if there is no legal reason for the "challenge for cause," the law provides each party with a certain number of "pre-emptory challenges" — that is the right to have a juror excused without specifying any cause. Should you be so challenged, do not be disappointed or disturbed since such a challenge is not a reflection on your ability or integrity. It gives both sides greater choice in the selection and guarantees the element of "fairness" in the selection of the jury, and both sides are more satisfied.

PROCEDURE IN CIVIL AND CRIMINAL TRIALS

In a civil case, the parties are known as the "plaintiff," the party who brought the case, and the "defendant," the party that is being sued. In a criminal case, the "plaintiff" is the Commonwealth, and the "defendant" is the person charged.

Usually there are six stages in a trial:

1. The Plaintiff's attorney makes an opening

statement of that which he expects to prove. The Defendant's attorney may then do so or defer until after the Plaintiff closes his case. Such statements are not to be considered as proof. They are intended only to acquaint you with the evidence which is to follow.

2. Plaintiff's witnesses are called and evidence produced in proof of the case. As questioning of each is completed, the Defendant's attorney may, if he wishes, cross-examine. The Plaintiff's attorney may then reexamine the witness if he wishes.

3. When the Plaintiff's attorney has rested: i.e., completed his case by submitting all witnesses and other evidence, the Defendant may, if he sees fit to do so, call his own witness to contradict the testimony of the witnesses of the Plaintiff and to establish his own contentions.

4. After the Defendant has concluded, Plaintiff may call witnesses to rebut any new matter raised by the witnesses for the Defendant.

5. When all the evidence has been offered, the attorney for the Defendant addresses the jury and summarizes and analyzes the evidence. Then, the Plaintiff's attorney follows with his own version of the evidence and his arguments. This portion of the trial is called "the summation." In summation, each attorney will naturally attempt to persuade you to his client's cause. These two speeches are not evidence, but are still important, for they summarize the opposing viewpoints which you will have to examine and discuss in the jury room.

6. Finally, the Judge will "charge" or instruct you as to the law which must be applied. He may or may not summarize the evidence.*

*The charge of the Court is important, for you are bound to follow and apply the law as the Judge explains it to you, to the facts that you have heard from the witnesses and the evidence.

During the trial, objections may be presented to the Judge, usually in the presence and hearing of the jury. Most frequently they have to do with objections to testimony that one side or the other wishes to present. His ruling, of course, does not indicate that he favors one side of the case. He is merely saying in effect: "The law does not permit that question to be asked!"; or "That question is permissible under the law."

Sometimes the jury may be asked by the Judge to withdraw so that a discussion may be held by the Judge with the attorneys out of the hearing of the jury.**

**The purpose of this is not to hide anything from you but to insure that you do not hear something that would be otherwise impermissible evidence.