

# TEXAS UNIFORM JURY HANDBOOK

As authorized by Chapter 23 of the Government Code

(Also available in Spanish/También se encuentra en versión Español.)

## Why is Jury Service Important?

The United States Constitution and the Texas Constitution guarantee all people, regardless of race, religion, sex, national origin, or economic status, the right to trial by an impartial jury. Justice ultimately depends to a large measure upon the quality of the jurors who serve in our courts.

## What is My Duty As A Juror?

As a juror, you must be fair and impartial. Your actions and decisions must be free of any bias or prejudice. Your actions and decisions are the foundation of our judicial system.

## How Was I Selected?

You were selected at random by the municipal clerk from public information listings.

## Am I Eligible?

### Jurors must:

- Be a citizen of the United States and of this State.
- Be at least 18 years of age.
- Reside in the county of jury service.
- Be able to read and write.
- Be of sound mind.
- Be a city resident.

### You cannot serve on a jury if:

- You have been convicted of a felony or of any type of theft (unless rights have been restored);
- You are now on probation or deferred adjudication for a felony or for any type of theft; or
- You are now under indictment for a felony or are now under criminal charges for any type of theft.

**If you are in doubt, or think you may not be qualified to serve on a jury for one of the above or any other reasons, please notify the Judge.**

## Who Can Be Excused From Jury Service?

### You are entitled to be excused as a juror if you:

- Are over 70 years of age;
- Have legal custody of a child under 10 years of age and jury service would leave the child unsupervised;
- Are a student in class;
- Are the caretaker of a person who is unable to care for themselves (an invalid); or
- Can show a physical or mental impairment or an inability to comprehend or to communicate in English.

## What Kind of Case Will I Hear?

Municipal courts preside over criminal fine-only misdemeanor cases that arise under state statute or municipal ordinance.

A criminal case results when a person is accused of committing a crime. You, as a juror, must decide whether the person charged is guilty or not guilty. The accused person is presumed innocent; and the state, represented in municipal court by the city attorney or deputy city attorney, must prove guilt "beyond a reasonable doubt."

## Must My Employer Pay Me While I Am On Jury Duty?

Your employer is not required to pay you while on jury duty; however, employers are prohibited by law from firing an employee for serving as a juror.

## Who Can Have A Jury Trial?

Any person charged with a criminal offense has a right to a jury trial.

## Are There Rules About Jury Conduct?

Yes. The Texas Supreme Court has rules to assist you in your conduct as a juror, which will be given to you by the Judge.

## How Is A Juror Selected For A Particular Case?

Cases in municipal court will be heard by juries of six jurors. A larger group, called a panel, will be sent to the trial court (courtroom) where the jurors will be questioned under the supervision of the Judge. A juror may be excused from the panel if it is shown that the juror cannot act impartially concerning the case to be heard. In addition, each side is allowed to remove three jurors from the panel without having to show any reason. The trial jury will be the first six of the remaining jurors on the panel.

## What Is Voir Dire Or Questioning Of The Jury Panel?

It is a way for the parties to select a fair and impartial jury. Under the justice system, you may be questioned by each of the parties before they decide to remove a certain number of jurors from the jury panel. The state is represented by the city attorney, and the defendant is represented by an attorney or represents him or herself. For example, a party may ask you questions to see if you are connected to the trial or if you have any prejudice or bias toward anyone in the trial. These questions are not intended to embarrass you, but

rather to help the parties in the jury selection process. You may ask the Judge to allow you to answer some questions away from the other jurors.

### **What If I Have A Special Need Or Emergency?**

After you have been selected as a juror on a trial panel, if you have a special need or an emergency, tell the bailiff.

### **Order Of Events Of The Trial**

#### **Opening Statements:**

The parties explain the case, the evidence they will present, and the issues for you to decide.

#### **Presentation Of Evidence:**

The evidence consists of the testimony of witnesses and the exhibits allowed by the Judge. Exhibits admitted into evidence will be available to the jury for examination during deliberations. You have a right to ask for them. You will be asked to make decisions regarding disputed facts; therefore, your attention at all times is critically important. Juror note taking or the use of any notes will be determined by the Judge.

#### **Rulings By The Judge:**

The Judge may be asked to decide questions of law during the trial. Occasionally, the Judge may ask jurors to leave the courtroom while the parties make their legal arguments. The jurors should understand that such interruptions are needed to make sure that their verdict is based upon proper evidence, as determined by the Judge under the Rules of Evidence. You may give the evidence whatever weight you consider appropriate.

#### **Instructions To The Jury:**

At the close of all the evidence, the Judge may submit to the jury the Charge of the Court. This will include legal instructions on this particular case and the questions that the jury is to answer from the evidence admitted.

#### **Closing Arguments:**

After the Charge of the Court, the parties have the opportunity to summarize the evidence in their closing arguments and to try to persuade the jury to accept their view of the case.

### **Deliberations And Verdict Of The Jury:**

Following closing arguments, the jury is sent to deliberate. When the jury has answered the questions asked of them they shall return their verdict. The verdict must be based solely on the evidence presented by the parties, the Charge of the Court, and the rules of law provided by the Judge.

### **When In Doubt, Ask The Judge:**

You have the right to communicate with the Judge regarding any matters affecting your deliberations, including but not limited to: 1) physical comfort; 2) special needs; 3) any questions regarding evidence; or 4) the Charge of the Court. During deliberation, if it becomes necessary to communicate with the Judge, the bailiff or the officer of the court will deliver jurors' notes to the Judge. The information in this handbook is not intended to take the place of the instructions given by the Judge in any case. In the event of conflict, the Judge's instructions will prevail.

#### **Excerpt from the Government Code**

##### **§ 23.202. Uniform Jury Handbook; Contents**

- (a) The state bar shall publish a uniform jury handbook that:
  - (1) informs jurors in lay terminology of the duties and responsibilities of a juror;
  - (2) explains basic trial procedures and legal terminology; and
  - (3) provides other practical information relating to jury service.
- (b) The state bar shall review and update the uniform jury handbook annually. A Spanish language version of the handbook shall be published and made available.

Added by Acts 1993, 73<sup>rd</sup> Leg., ch. 833, § 1, eff. Jan. 1, 1994.

##### **§ 23.203. Distribution of Handbook**

- (a) The state bar shall distribute copies of the uniform jury handbook to each trial court of this state in sufficient numbers to meet the requirements of this subchapter.
- (b) The clerk of a trial court shall provide each juror in a civil or criminal case with a copy of the uniform jury handbook. The juror shall read the handbook before the juror begins jury service.
- (c) The handbook is a public document. The state bar or a trial court may distribute the handbook to promote the public's understanding of jury service.

Added by Acts 1993, 73<sup>rd</sup> Leg., ch. 833, § 1, eff. Jan. 1, 1994.

##### **§ 23.204. Conflict With Instruction or Charge**

If a provision of the uniform jury handbook is in conflict with an instruction or charge of a trial judge in a case, the instruction or charge supersedes the provision of the handbook.

Added by Acts 1993, 73<sup>rd</sup> Leg., ch. 833, § 1, eff. Jan. 1, 1994.

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