

# MODEL JURY SELECTION QUESTIONS

## Standard Jury Voir Dire

### Criminal

[Revised as Promulgated by Directive #4-07]

1. In order to be qualified under New Jersey law to serve on a jury, a person must have certain qualifying characteristics. A juror must be:
  - Age 18 or older
  - A citizen of the United States
  - Able to read and understand the English language.
  - A resident of \_\_\_\_\_ county (*the summoning county*)

Also, a juror must not:

- Have been convicted of any indictable offense in any state or federal court
- And must not have any physical or mental disability which would prevent the person from properly serving as a juror.

Please consider that the Judiciary will provide reasonable accommodations consistent with the Americans with Disabilities Act.

Is there any one of you who does not meet these requirements?

2. a. This trial is expected to last for \_\_\_\_\_. Is there anything about the length or scheduling of the trial that would interfere with your ability to serve?
  
- b. Do you have any medical, personal or financial problem that would prevent you from serving on this jury?

c. Do any of you have a special need or require a reasonable accommodation to help you in listening, paying attention, reading printed materials, deliberating, or otherwise participating as a fair juror? The court will provide reasonable accommodations to your special needs but I will only be aware of any such needs if you let me know about them. My only purpose in asking you these circumstances relates to your ability to serve as a juror. If you have any such request, please raise your hand and I will speak to you at sidebar.

[Note: If a juror makes a request, contact the ADA Coordinator to see if the TCA can meet the request right away (e.g., a portable speaker system available immediately) or if the juror's service should be deferred so that the TCA can arrange the accommodation timely (e.g., an ASL interpreter that may require three or four months' reservation in advance).]

3. *Introduce the lawyers and the defendant.* Do any of you know either/any of the lawyers? Has either / any of them or anyone in their office ever represented you or brought any action against you? Do you know Mr./ Ms. \_\_\_\_\_?

Name of defendant

4. *Read names of potential witnesses.* Do you know any of the potential witnesses?

[ Note: List witnesses' names here or attach a separate sheet. ]

5. I have already briefly described the case. Do you know anything about this case from any source other than what I've just told you?
6. Are any of you familiar with the area or address of the incident?

7. Have you ever served on a jury before today, here in New Jersey or in any state court or federal court?
8. Have you ever sat as a grand juror?
9. Do you know anyone else in the jury box other than as a result of reporting here today?
10. Would your verdict in this case be influenced in any way by any factors other than the evidence in the courtroom, such as friendships or family relationships or the type of work you do?
11. Is there anything about the nature of the charge itself that would interfere with your impartiality?
12. Have you ever been a witness in a criminal case, regardless of whether it went to trial?
13. Have you ever testified in any court proceeding?
14. Have you ever applied for a job as a state or local police officer or with a sheriff's department or county jail or state prison?
15. Have you, or any family member or close friend, ever worked for any agency such as a police department, prosecutor's office, the FBI, the DEA, or a sheriff's department, jail or prison, either in New Jersey or elsewhere?
16. As a general proposition, do you think that a police officer is more likely or less likely to tell the truth than a witness who is not a police officer?

17. Would any of you give greater or lesser weight to the testimony of a police officer merely because of his or her status as a police officer?
18. Have you or any family member or close friend ever been accused of committing an offense other than a minor motor vehicle offense?
19. Have you or any family member or close friend ever been the victim of a crime, whether it was reported to law enforcement or not?
20. Would you have any difficulty following the principle that the defendant on trial is presumed to be innocent and must be found not guilty of that charge unless each and every essential element of an offense charged is proved beyond a reasonable doubt?
21. The indictment is not evidence of guilt. It is simply a charging document. Would the fact that the defendant has been arrested and indicted, and is here in court facing these charges, cause you to have preconceived opinions on the defendant's guilt or innocence?
22. I have already given you the definition of reasonable doubt, and will explain it again at the end of the trial. Would any of you have any difficulty in voting not guilty if the State fails to prove the charge beyond a reasonable doubt?
23. If the State proves each element of the alleged offense(s) beyond a reasonable doubt, would you have any difficulty in returning a verdict of guilty?
24. The burden of proving each element of a crime beyond a reasonable doubt rests upon the prosecution and that burden never shifts to the defendant. The defendant in a criminal case has no obligation or duty to

prove his/her innocence or offer any proof relating to his/her innocence.  
Would any of you have any difficulty in following these principles?

25. Would you have any difficulty or reluctance in accepting the law as explained by the court and applying it to the facts regardless of your personal beliefs about what the law should be or is?
26. Is there anything about this case, based on what I've told you, that would interfere with your ability to be fair and impartial?
27. A defendant in a criminal case has the absolute right to remain silent and has the absolute right not to testify. If a defendant chooses not to testify, the jury is prohibited from drawing any negative conclusions from that choice. The defendant is presumed innocent whether he testifies or not. Would any of you have any difficulty in following these principles?

[Note: The defendant has the right to waive this question. The defendant's decision in that regard should be discussed during the voir dire conference.]

## **Biographical Question**

*The following questions should be asked of each potential juror, one by one, in the jury box:*

You have answered a series of questions about criminal trials and criminal charges. Now we would like to learn a little bit about each of you. Please tell us the type of work you do; whether you have ever done any type of work which is substantially different from what you do now; whether you've served in the military; what is your educational history; who else lives in your household and the type of work they do; whether you have any children living elsewhere and the type of work they do; which television shows you watch; any sources from which you learn the news, i.e., the newspapers you read or radio or TV news stations you listen to; if you have a bumper sticker that does not pertain to a political candidate, what does it say; what you do in your spare time and anything else you feel is important.

[Note: This question is intended to be an open-ended question which will allow and encourage the juror to speak in a narrative fashion, rather than answer the question in short phrases. For that reason, it is suggested that the judge read the question in its entirety, rather than part by part. If the juror omits a response to one or more sections, the judge should follow up by asking, in effect: "I notice you didn't mention [specify]. Can you please tell us about that?"]

### **Omnibus Qualification Questions (Two)**

1. Is there anything, whether or not covered by the previous questions, which would affect your ability to be a fair and impartial juror or in any way be a problem for you in serving on this jury?
  
2. Is there anything else that you feel is important for the parties in this case to know about you?