

1.11 PRELIMINARY CHARGE (Approved 11/98, Revised 5/07)

[To be given after the jury is sworn in but before the openings.]

F. Jury of Six - Alternates¹ (Approved 11/98)

You will note that seven/eight of you now sit in the jury box. After the court's charge, one/two of you will be selected as alternate(s). The remaining six will then deliberate and return a verdict. Since we do not know now which jurors will be the six jurors who are finally selected, all jurors should pay careful attention to the evidence as it is presented and to the court's ruling which are applicable to the case.

[R. 1:8-2(d)]

¹ If fewer than six jurors remain before deliberations begin, the parties can then agree on the record to submit the case to fewer than six jurors. R. 1:8-2(b)(2). In this case, unless the parties agree otherwise, the verdict must be unanimous. R. 1:8-2(c)(2).

If more than six jurors remain before deliberations begin, the parties can then agree on the record to have all remaining jurors deliberate. R. 1:8-2(b)(3). In this case, unless the parties otherwise agree, the verdict shall be by five-sixths of the deliberating jurors. R. 1:8-2(c)(3).