

**JUDGE'S INSTRUCTIONS FOR SELECTING AND CHARGING ALTERNATES  
AND APPOINTING FOREPERSON**

We will now reduce the jury to twelve. The alternates will be selected at random.

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You are not excused as juror(s). You will be kept in a separate location in case it becomes necessary to substitute one or both of you for another juror or jurors. You should not therefore discuss this case with anyone or between the two of you. If it becomes necessary to substitute an alternate I will give you and the remaining deliberating jurors further instructions of law at that time. If there is a question or a verdict we will bring you back into court so that you may hear it.

**(REMOVE ALTERNATES FROM JURY BOX)**

**APPOINTING FOREPERSON**

(Juror # \_\_\_\_\_) you are the foreperson of the jury because of your position in the jury box.<sup>1</sup> You will preside over the deliberations and tell us the verdict when reached. Your vote carries no greater weight than that of any other deliberating juror.

It is your responsibility to lead deliberations. It is also your responsibility to tell us what the verdict is when the jury has reached it. When you come out with your verdict, please resume the seats you now have. We will make certain everyone is here. We will then ask the foreperson to stand to confirm that you have arrived at a verdict.

We will read each charge and will ask the foreperson what the verdict is as to each. The foreperson will answer with the verdict on each charge. We then poll each of the deliberating jurors to confirm his or her agreement with the verdict announced by the foreperson.<sup>2</sup>

As soon as the officers are sworn you will proceed to the jury room, but do not begin your deliberations until the jury verdict form and/or exhibits have been delivered to you.

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<sup>1</sup> See R. 1:8-4, designating juror number one as the foreperson, unless that juror is designated an alternate or otherwise discharged.

<sup>2</sup> In State v. Milton, 178 N.J. 421 (2004), the New Jersey Supreme Court addressed the polling process after the jury returns a verdict. The court must establish that each juror assented in the jury room, and still assents, to the verdict tendered to the court. Id. at 432-433.

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**SWEAR IN SHERIFF'S OFFICERS**

**JURY RETIRES TO JURY ROOM**

**[OUT OF PRESENCE OF JURY]**

Counsel please review all the evidence and the verdict sheet and make sure they are in order. If they are in order please state so on the record.