

**INSTRUCTIONS REGARDING JUROR RESEARCH**  
**FIRST RECESS**

In a few minutes, you will be excused for a short break. I am now going to give you some important instructions. It is critical that you follow these instructions so please listen carefully.

I direct that you must not discuss this case among yourselves or with anyone else during this or any other recess. You must not communicate or share information about the case. Recess means breaks, lunch, or when you leave here at the end of the day. You are not permitted to discuss anything about this case with your fellow jurors, or with anyone else, until I instruct you to do so at the end of the case, which means after you have heard all of the testimony, listened to the summations of the lawyers, and heard my instructions as to the applicable law. Once I instruct you to begin your deliberations in the privacy of the jury room, that will be the first time you can discuss this case. You may not have any discussions with anyone before then about this case or about anything related to the case.

So it is clear, when I mean you cannot discuss the case with anyone, I mean any of the facts alleged, the charges, where the crimes allegedly occurred, the names of any witnesses, and even the jury selection process. And discuss means communicate. The word communicate means something far different today than it did a few years ago. I am sure you understand what I am referring to. Communication includes any way in which you can share information with someone else. It includes, of course, all forms of electronic communication. So, not only am I instructing you that you cannot discuss this case with anyone such as your fellow jurors as well as your friends, family members and co-workers, but you can also not call them, text them, email them, or communicate with them in any way about anything connected to this case, including through any form of social media. I realize that there are numerous forms of social media, including Facebook, Twitter, Instagram, Periscope, Tinder, Tumbler, Snapchat, Pinterest and the like, and that many of you utilize social media on a regular basis. You may not communicate with anyone via social media about the case.

The only exception to this strict rule is that you may tell family members or a supervisor or co-worker about the length and schedule of the trial, but not about anything else related to the case including the charges.

A conversation about a jury trial may begin innocently, maybe with just a sentence or two. But if you start talking about this trial with someone else, that person will say something to

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you that might affect your thinking about the facts of this case. That would obviously be unfair to both parties in this case because what some other person says to you outside this courtroom is not evidence and cannot be considered by you.

I instruct you further that you cannot read, or have anyone tell you about something they have read, in the newspaper, on-line, nor can you search the Internet for any media accounts about this trial or about any issues even remotely related to this trial. You are also prohibited from searching the Internet about any persons, topics or places related to this case, or even reading blogs about anything concerning this case.

I also instruct you not to visit the scene of the incident or try to view it on the Internet through Mapquest or Google Earth type sites. You must not, under any circumstances, do any legal or factual research about anyone or any topic connected to this case. You are NOT here as investigators - you are here as judges of the facts.

If you are sworn as jurors in this case, and some of you will be, you will become the sole judges of the facts, so you must remain impartial throughout the trial. You must decide the facts of this case based solely on the evidence produced in this courtroom. It would be unfair and a violation of the oath that many of you will take as jurors to base your decision about the facts of this case upon something that was said to you, or discovered by you, outside this courtroom. You will hear me use the word integrity many times. The reasons for all of these critical instructions is to protect the integrity of the trial, and to assure that both sides receive a fair trial, from fair and impartial jurors.

Also, you must understand that no one is permitted to talk to you about this case outside the courtroom. If you should see any of the attorneys, the defendant or witnesses in the hallway and they do not greet you, do not be offended or think that they are being rude. They are not permitted to talk to you. Also, if anyone approaches you and tries to talk about this case, do not tell any of the other jurors but report that to one of the sheriff's officers immediately. That officer will then inform me and I will take the appropriate steps. Again, the reason for these rules is to protect the integrity of the trial.

Lastly, if you are excused, you must return to the jury assembly room on the fourth floor of the other building. If you are excused, do not discuss with other jurors in the jury assembly room your experience here and, of course, do not discuss anything about the case.

Some of you may be wondering why I feel so strongly about everyone following these rules. So, let me explain to you why these instructions are so important, and must be followed, and

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what happens when jurors break the rules.<sup>1</sup>

Jurors, during the last few years, have been overheard discussing testimony over lunch before the trial was complete so obviously before deliberations began, which take place in the jury room. Other jurors have withheld information from the Court during jury selection only to share it with their fellow jurors during deliberations. These jurors caused a mistrial, which meant the trial had to start all over again. That is not justice for either side, and is not fair to other jurors who follow the rules.

There are serious consequences for violating the rules I outlined. If a juror violates these rules, he or she can be held in contempt of court and is subject to fines and jail time, or both. I hope all of you can understand why these rules are so important and why they must be followed. A violation of these rules could force the Court to start jury selection, or a lengthy trial, all over again. More importantly, the State and the defendant could be denied their right to a fair and impartial trial, an important right guaranteed by our U.S. and state constitutions.

So, in advance, thank you for following all of these very important instructions. And, once again, you cannot discuss anything about this case until those of you selected as jurors commence your deliberations at the end of the trial. The only, and, I repeat, only exception to this rule is that you may tell family members or a supervisor or co-worker about the length and schedule of the trial, but not about anything else.

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<sup>1</sup> The court is encouraged to provide examples from its own experience, if appropriate, to advise jurors against violating these instructions.