

PARTIAL VERDICTS¹

Members of the jury, you have indicated to the Court that you have reached a partial verdict.

I must instruct you that your partial verdict(s) will be final, and not subject to reconsideration, even if you continue deliberating on other count(s).

You have the option of returning the partial verdict(s) now, which, as I have just instructed you, will be final, or continuing deliberations on all the counts.²

I will give you an opportunity to return to the jury room and discuss your decision among yourselves. Once you have made a decision, the foreperson will write your decision down and hand it to the Sheriff's Officer, who will, in turn, hand it to me. Depending upon your decision, I will then either bring you into the courtroom to take your partial verdict(s) or allow you to continue your deliberations.

I remind you that if you decide to render partial verdict(s), that verdict must be unanimous, in that all 12 deliberating jurors must agree on the partial verdict(s).

¹ R. 3:19-1(a) expressly permits a jury to deliver a partial verdict with respect to either specific defendants or to specific counts of a multi-count indictment. The Rule, however, does not indicate whether a partial verdict may be delivered before jury deliberations are concluded. Because of the potential compromise to either a defendant's or the State's interests and the risk of interfering with jury deliberations, in State v. Shomo, 129 N.J. 248 (1992), the Supreme Court strongly discouraged routine use of partial verdicts. Nevertheless, the Court recognized that trial courts have discretion to accept such verdicts if the defendant will not be prejudiced. The Court articulated some circumstances in which interim partial verdicts may be justified. Specifically, they are warranted when: (a) the jury has deliberated at length; (b) the charges against the defendant are rooted in unrelated facts; (c) the court is concerned that a juror might become ill before deliberations end; (d) there is a risk of taint to the jury's deliberations; or (e) the State indicates it will dismiss the unresolved counts. Id. at 257-58.

² If the jury decides to return partial verdict(s), the verdict(s) must be announced in open court, the verdict(s) must be recorded and, if requested, the jury polled. Id. at 259.