

The Superior Court of New Jersey - Essex Vicinage

PRESENTS:

Law Day 2005

The American Jury

WE THE PEOPLE IN ACTION



Mock Voir Dire

WEDNESDAY, MAY 4, 2005

Law Day activities are co-sponsored by the New Jersey State Bar Foundation and made possible through the financial support of the IOLTA Fund of the Bar of New Jersey.



HISTORIC COURT HOUSE - Essex Vicinage – Newark, N.J.
Photo Courtesy of www.davidwj.com

Acknowledgments

The fact pattern for the
2005 Essex Vicinage Law Day Mock Voir Dire
was created by:

The Honorable Marilyn E. Williams, J.M.C.,
The Honorable Stephen Bernstein, J.S.C., and
The Honorable Michelle Hollar-Gregory, J.S.C,
Gerard V. Ross, Esq., teacher at Belleville High School

With the assistance of:
The members of their staff and the
2005 Law Day Planning Committee.

The American Jury System

WE THE PEOPLE IN ACTION

Table of Contents

<u>Section</u>	<u>Page Number</u>
Introduction	4
Instructions for Teachers	8
Instructions for Judges and Attorneys	10
Mock Voir Dire Fact Pattern	11
Preliminary Instructions to Potential Jurors	13
Jury Selection Issues	16
Voir Dire: Frequently Asked Questions	17
Preliminary Remarks to the Jury	18
Vocabulary List	20

Attachments

1. List of Potential Jurors	21
2. Jury Selection Form	25
3. Potential Juror Profiles	26

The American Jury System

WE THE PEOPLE IN ACTION

Introduction

The following introduction may be useful for classroom instruction.

The Right to a Trial by Jury

The tradition of trial by jury in this country is older than the Republic itself having arisen from traditions that were rooted in English life by the thirteenth century.

The jury trial finds expression in the American legal system in three places; the grand jury, criminal petit jury and civil petit jury. Each is guaranteed in the federal courts by the U.S. Constitution, and every state uses them. The truth and the beauty of the jury system is that it embraces a faith in the collective wisdom of the community.

“The Anglo-American jury is a remarkable political institution...In most trials, especially criminal, it recruits twelve laymen, chosen at random from the widest population; it convenes them for the purpose of the particular trial; it entrusts them with great official powers of decision; it permits them to carry on deliberations in secret and to report out their final judgment without giving reasons for it; and after their momentary service to the state has been completed, it orders them to disband and return to private life...The jury is thus by definition an exciting experience in the conduct of serious human affairs that, virtually from its inception, has been the subject of deep controversy.”ⁱ

“Criminal and civil juries reflect the differences between the criminal and civil law, and most cases in the United States are settled before they go to trial. In cases that go to trial, not every person will insist on their right to a jury. An accused person has the right to a trial by jury but may waive that right in favor of a bench trial before a judge; in civil trials, both parties can agree to a bench trial. Thus a jury trial generally takes place only in those instances, where one side in a civil case, or the accused in a criminal case, believes it is in their best interest. The right to trial by jury, however, influences even the resolution of cases that never go to trial”ⁱⁱ.

“The guarantees of jury trial in the Federal and State Constitutions reflect a profound judgment about the way in which law should be enforced and justice administered. A right to jury trial is granted to criminal defendants in order to prevent oppression by the Government. Those who wrote our constitutions knew from history and experience that it was necessary to protect against unfounded criminal charges brought to eliminate enemies and against judges too responsive to the voice of higher authority. The framers of the constitutions strove to create an independent judiciary but insisted upon further protection against arbitrary action. Providing an accused with the right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt overzealous prosecutor and against the compliant, biased, or eccentric judge... [T]he jury trial provisions reflect a fundamental decision about the exercise of official power—a reluctance to entrust plenary powers over the life and liberty of the citizen to one judge or to a group of judges.

Fear of unchecked power...found expression in the criminal law in this instance upon community participation in the determination of guilt or innocence.”ⁱⁱⁱ.

Because “a general grant of jury trial for serious offences is a fundamental right, essential for preventing miscarriages of justice and for assuring that fair trials are provided for all defendants”^{iv}., the Sixth Amendment provision, guaranteeing the right to a trial by jury in all criminal prosecutions, is binding on the states through the Due Process Clause of the Fourteenth Amendment. Although guaranteed, it is possible for a defendant to waive this right and instead go to trial before the judge alone, this is referred to as a “bench trial”.

The guarantee of a trial by jury is established in Article III, Section 2, Clause 3 of the United States Constitution and the guarantee is further entered in the Fifth, Sixth and Seventh Amendments to the United States Constitution.

Article III of the United States Constitution provides in part and reads as follows:

Section 2, Clause 3. Trial by Jury

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be such Place or Places as the Congress may by Law have directed.

The Fifth Amendment to the United States reads as follows:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Sixth Amendment to the United States Constitution reads as follows:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

The Seventh Amendment to the United States Constitution guarantees reads as follows:

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall

be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

The right to a trial by jury is also established in the New Jersey Constitution, as follows:

Article 1, Paragraph 9 reads as follows:

The right of a trial by jury shall remain inviolate; but the Legislature may authorize the trial of civil cases by a jury of six persons. The Legislature may provide that in any civil cause a verdict may be rendered by not less than five-sixths of the jury. The Legislature may authorize the trial of the issue of mental incompetence without a jury.

Voir Dire and the Jury Selection Process

Essential to the right of trial by an impartial jury is the jury selection process. The process begins when a citizen receives a jury summons in the mail requiring their appearance at the courthouse on a given day. The entire group of potential jurors summoned for service on a particular day is called the *jury panel*. After the jury panel is assembled at the courthouse, it is divided up into groups. Each group is assigned to a specific courtroom.

After the group arrives at the specified courtroom, a short statement is given describing the case and the parties involved. The case may be civil or criminal. Next, each juror is questioned by the trial judge and the attorneys. Jurors may be questioned about their backgrounds, life experiences, and opinions to determine whether they can weigh the evidence fairly and objectively. To each inquiry, the juror must respond truthfully. For this reason the process of juror questioning is called **voir dire**, an Anglo-French phrase meaning **“to speak the truth”**. A voir dire can be conducted by the trial judge and the attorneys, or by the trial judge alone.

Through voir dire, an attorney can challenge a prospective juror **“for cause”** if certain legal grounds exist. For example, a potential juror may be excused if they respond to questioning in a way that expresses a bias against the attorney’s case. Or, if they are incapable of impartiality due to prior dealings with a party, witness or attorney involved in the case. Each attorney can also exercise a limited number of **“peremptory challenges”**. These challenges allow the attorney to excuse a certain number of jurors without giving any reason.

Those individuals who are accepted by both attorneys, or by the trial judge, if the judge conducts the voir dire, are impaneled and sworn in as the jury. They affirm that they will “try the matter in dispute and give a true verdict according to the evidence.” After the jury is sworn in, the trial begins.

Traditionally, American attorneys have had much latitude in conducting voir dire. The attorney’s power to challenge jurors at their discretion is very important in our adversary system of justice. Each attorney works to select a jury most sympathetic to their side.

Who sits on the jury, of course, can have a great impact on the outcome of a trial. Yet until very recently, jury panels often did not reflect the diversity of the communities from which they were

called. In addition, it was common for prospective jurors to be challenged and excused from jury service simply because of their race, gender, class, or even religion. Today the federal courts and most state courts have adopted outreach strategies to increase the total number of prospective jurors and to create jury panels that more accurately reflect the communities from which they are called. The U.S. Supreme Court and various state courts also have made it harder for prospective jurors to be excused simply because of characteristics like race, gender, class, or religion. These measures have helped to ensure that a jury will be comprised of one's peers.

NOTES:

ⁱ Kalven, Harry, Jr., and Hans Zeisel. *The American Jury* (1966), pp. 3-4.

ⁱⁱ Kalven, Harry, Jr., and Hans Zeisel. *The American Jury* (1966), p. 32.

ⁱⁱⁱ Duncan v. Louisiana, 391 U.S. 145, 155-56 (1968).

^{iv} Duncan v. Louisiana, 391 U.S. 145, 157-158 (1968).



FOR MORE INFORMATION ON THE JURY SYTEM,
SEE ENCLOSED PAMPHLET:

Educational Guide for Trial Jurors, 2nd Edition (2000)
A Publication of the New Jersey State Bar Foundation.

The American Jury System

WE THE PEOPLE IN ACTION

Instructions for Teachers

Prior to Law Day, the attached fact pattern should be reviewed and discussed with your students. All students should also become familiar with the voir dire process as outlined in the Introduction.

In particular, twenty-four students should be selected to portray potential jurors. Each of these students will be given a potential juror profile and the list of questions entitled: ***Voir Dire: Frequently Asked Questions***. The students will formulate responses to these questions based on the potential juror profile they have been given.

The room that will be used for the Mock Voir Dire should be set up as follows. A desk or table should be placed in the center of the room as the judge's "bench". The attorneys will be on either side of the judge. Twelve chairs should be set up as the "jury box" to the right or left of the bench.

On Law Day, two attorneys and one judge will visit your school and conduct a Mock Voir Dire. The twenty-four students selected previously will make up the jury panel from which the jurors will be selected.

The judge will instruct briefly on the procedure, and the potential jurors will be asked certain questions by the attorneys to determine if they are able to serve as impartial and unbiased jurors. The attached fact pattern details a criminal case. In criminal cases at least twelve jurors are selected.

After the jury selection is completed, the judge, attorneys and other participants will engage in a question and answer session with the students. In order to encourage a meaningful discussion, we ask that you spend some time discussing issues related to the American jury system with your students prior to Law Day.

For example, students may want to look at the list of potential jurors and discuss which potential jurors are likely to be excluded and why. It may also be helpful to copy and distribute the sample jury summons and vocabulary list included in this packet.

Students may want to create a list of questions in advance to pose to the judge and attorneys, such as:

What happens when so many potential jurors are challenged and excused that there are not enough left to make up a full jury?

Do jurors receive any monetary compensation for their time?

What qualifications must a person have to serve as a juror?

Can citizens with disabilities serve as jurors?

The following list of topics may also be helpful in fostering classroom discussion:

THE AMERICAN JURY SYSTEM IS A CRITICAL ELEMENT IN:

Reaching a fair and impartial verdict,

Assessing evidence,

Bringing closure to difficult cases or conflicts,

Determining the guilt or innocence of a defendant in a criminal trial,

Determining the whether a defendant is liable in a civil trial,

Discovering the truth in a case,

Establishing the facts of a case,

Fighting corruption,

Allowing citizens to play an important role in the judicial system,

Improving the efficiency of the legal system,

Increasing community acceptance of verdicts as valid and fair,

Making the legal system more predictable,

Preserving individual liberty,

Promoting a sense of openness and fairness in the judicial system,

Protecting the rights of the accused,

Providing a democratic check on government,

Speeding up the legal process,

Saving money in the legal system,

Educating the citizenry by exposing them firsthand to democratic principles at work.

The American Jury System

WE THE PEOPLE IN ACTION

Instructions for Judges and Attorneys

The students and teachers have received these materials, including the fact pattern, in advance. Twenty-four students have been selected to assume the roles of the potential jurors. Attached you will find the potential juror profiles.

The judge will preside over the voir dire process, beginning with the *Preliminary Instructions to Potential Jurors*. When the instructions have been read, the judge will invite the attorneys to introduce themselves and their list of witnesses to the jury panel. As the fact pattern is a criminal trial, one attorney will assume the role of the prosecutor and the other will assume the role of the defense attorney.

The judge will then call the first twelve potential jurors to come forward and be seated in the jury box.

One by one, the attorneys will question the potential jurors. Attorneys should alternate so that the same attorney is not the first to question each potential juror.

After each attorney has had a chance to question the potential juror, the judge will rule on any application to excuse the potential juror for cause. If the potential juror is not excused for cause, the judge will then permit the attorneys to exercise their peremptory challenges. According to the *New Jersey Court Rules*, a defendant indicted for murder is entitled to twenty peremptory challenges when tried alone and the state is entitled to twelve. R. 1:8-3. However, for this exercise, each attorney may exercise six (6) peremptory challenges.

In a criminal trial, twelve jurors and two alternate jurors are impaneled. However, in this exercise you will not select alternates. You will select twelve jurors only. Please leave one seat on the jury vacant until you have questioned all twenty-four students. The students have prepared for this exercise and should each have a chance to be questioned. For example, if you select the first twelve potential jurors, the remaining ten students will not have a chance to participate. Please keep track using the attached *Jury Selection Form*.

After selecting the jury, the judge will then read the *Preliminary Remarks to the Jury* and will administer the oath to the jury. This will conclude the Mock Voir Dire. At this point, the judge and attorneys should invite the students and teachers to discuss the voir dire process and pose questions about the American jury system.

The American Jury System WE THE PEOPLE IN ACTION

Fact Pattern

State of New Jersey

v.

Christopher Peters

**Essex County – Law Division – Criminal Part
Docket No. W2003-123456-0714**

Statement of Stipulated Facts

On November 22, 2003, 18-year-old Michael Milan died as a result of a 26-foot fall from the clock tower located in the student-center of Eastern New Jersey University located in Newark, NJ. His death occurred during a pledging activity sponsored by Phi Gamma Gamma (hereafter referred to as “Gamma”), the coed fraternity Michael was pledging at the time. Michael was a freshman at Eastern New Jersey University, having graduated from Belleville High School in 2002 with honors.

Fraternity life plays a large role on the Eastern New Jersey University campus. Fraternities are social organizations composed of students at a college or university, usually designated by Greek Letters. Gamma, in particular, is known for having members in high academic and social standing. Michael was eager to become a part of this organization to distance himself from his father, Walter Milan and was willing to do whatever it took to become a Gamma man. Walter Milan is a notorious criminal who was recently convicted, in a well-publicized trial, of fraud and embezzlement for creating fraudulent charitable organizations to benefit victims of 9/11. Mr. Milan collected millions of dollars in the name of these charitable organizations and kept the money. He is currently serving a 20-year federal prison sentence.

Pledging is the process fraternities use to select which freshmen they will accept into their group that year. Pledges are students wishing to join the fraternity. In the Gamma Fraternity, the last week of pledging is known as “Hell Week.” During “Hell Week”, pledges are given various tasks by the fraternity’s upper-classmen, which they must complete if they want to be considered for membership. The defendant, Chris Peters, is the president of Gamma, and was in charge of planning Gamma’s 2003 pledging activities. Chris’s father is Ernie Peters, All Star outfielder for the New York Yankees. Ernie Peters is a member of Eastern New Jersey University’s Class of 1986 and is a past president of the Gamma Fraternity. He has donated millions of dollars to Eastern New Jersey University and various other community organizations in New Jersey.

On the last night of pledging, all pledges of the Gamma Fraternity were blindfolded while inside of the Gamma Fraternity House. Then they were to be led, one at a time, outside of the fraternity house to the clock tower located in the student-center to perform one last task before they were informed who had made it into the fraternity and who had not. While Michael was still blindfolded, he was led from the fraternity house to the top of the clock tower where Chris, the defendant, whispered something into his ear. Shortly thereafter, Michael grabbed the fraternity flag and lunged forward, falling 26-feet to a horrible death.

At the time of his death, Michael's blood alcohol content was 0.10. The level of legal intoxication in New Jersey is 0.08.

Charges and Defense

The State of New Jersey charges Chris Peters with the following violations of the New Jersey Criminal Statutes:

Count 1 – **Murder** (a 1st degree crime) in violation of N.J.S.A. 2C:11-3

Count 2 – **Aggravated Hazing** (a 4th degree crime) in violation of N.J.S.A. 2C:40-3

Chris Peters denies all charges, claiming that the death of Michael Milan was accidental and solely the direct result of Mr. Milan's own actions.

Trial Counsel

Prosecuting Attorney: **Connie Jockran**, 17-year veteran of the Essex County Prosecutor's Office.

Defense Attorney: **Lee F. Hailey**, Veteran defense attorney and author of the best selling book; "*Justice is Blind, Not Stupid, Mishandled Police Investigations and Prosecutions.*"

Witnesses To Appear Before the Court

For the State:

Pat Smith

Investigating Officer, Newark Police Department

Dr. Alex Richards

Medical Examiner, State of New Jersey

Tyler Johnson

Student, Eastern New Jersey University

For the Defense:

Chris Peters

Defendant

Ernie Peters

Defendant's father

Dean Jesse Thomas

Dean of Eastern New Jersey University

The American Jury System WE THE PEOPLE IN ACTION

Preliminary Instructions to Potential Jurors

My name is _____ and I'm a Judge in the Superior Court of the State of New Jersey.

Ladies and Gentlemen, you have been brought here today as part of a jury panel so that we may select a jury for the criminal case of **State of New Jersey vs. Christopher Peters**. Christopher Peters is charged as follows:

Count 1- **Murder** in violation of NJSA 2C11:-3 (a 1st degree crime)

Count 2- **Aggravated Hazing** in violation of NJSA 2C:40-3 a (4th degree crime)

This case arises out of a fraternity initiation that resulted in the death of Michael Milan, an 18 year old student at Eastern New Jersey University.

I realize that jury service may be new to some of you, so some preliminary remarks may prove to be helpful. We are about to begin a process called the **voir dire** and the purpose of the **voir dire** is very simple. It is a preliminary examination of prospective jurors conducted by the court to determine whether the prospective jurors are qualified and suitable to serve as jurors on this case. The purpose of the **voir dire** is to obtain a fair and impartial jury that is able to hear this case without any bias, prejudice or pre-conceived ideas. In short, the idea is to select a fair jury.

Although you may be qualified to serve as a juror in most cases, there may be something that could disqualify you in this case or make it embarrassing for you to serve. In order to determine this, the attorneys will ask you questions about your backgrounds and experiences. Please answer the questions fully and truthfully. It is very important that you answer each question fully and truthfully. Do not hesitate to speak openly and keep in mind that there are no right or wrong answers.

Each of us is entitled to be who we are, as well as think and feel the way we want to about certain things. However, the State and the defendant are entitled to jurors who are impartial and agree to keep their minds open until a verdict is reached. Jurors must be as free as humanly possible from bias, prejudice or sympathy and must not be influenced by preconceived ideas.

That is why it is important for you to recognize any biases, prejudices fixed opinions and views that you may have and to disclose them during this process. If, for any reason, the questions do not cover why you would not be able to listen with an open mind to the evidence in this case or be unable to reach a fair and impartial verdict, it is necessary that you volunteer this information when you are questioned.

After the attorneys have questioned you, you may be excused as a juror if, in my opinion, there is a valid reason why you should not serve. This is known as a **challenge for cause**. Each attorney may also excuse up to six (6) prospective jurors without giving any reason or cause for doing so. These are known as **peremptory challenges**. In the event you are excused, please do not consider this an insult or take it personally. It is merely part of the process employed in selecting a jury as permitted by our Court Rules.

If you are selected to serve on this jury, you must presume that the defendant, Mr. Peters, is innocent and you will be asked to decide whether the State has proven the charges beyond a reasonable doubt. Since this is a criminal case, at least twelve jurors must be selected to deliberate and must agree upon any verdict returned to the Court.

At this time, I will allow the attorneys to introduce themselves, tell you whom they represent, and give you a list of the proposed witnesses that they may call during the trial. Please listen carefully to the attorneys since you will be asked whether you know or have any familiarity with them.

(Each attorney should introduce themselves and their witness list to the panel.)

Now I will call out the first twelve jurors. When your name is called, please come forward and I will seat you in the jury box.

(Judge will call the first twelve names on the list of potential jurors and seat them.)

At this time we will begin the **voir dire**. The attorneys will ask you a few questions about your backgrounds and experiences so that the attorneys and the Court can decide whether it is appropriate for you to sit on this jury.

(Allow each attorney to ask questions of the potential jurors, alternating which attorney will go first.

At the end of the questioning of each juror, the judge should rule on any application to excuse a juror for cause.

Then, permit the attorneys to exercise their peremptory challenges. Each attorney may exercise up to six (6) peremptory challenges.

Keep track of challenges and jury selection using the attached *Jury Selection Form*.

After the jury is selected, proceed to the *Preliminary Remarks to the Jury* on page 15 and administer the oath to the jurors.)

The American Jury System

WE THE PEOPLE IN ACTION

Jury Selection Issues

The following factors will be important with regard to challenging potential jurors for cause:

- Relationship to any witness or attorney
- Membership in a fraternity or sorority, past or present
- Victim of Walter Milan's fraud/embezzlement or any fraud/embezzlement
- Fan of New York Yankees
- Fan of Ernie Peters or benefactor of organizations he has supported
- Alumni of Eastern New Jersey University
- Alumni of Belleville High School
- Person formally represented by or prosecuted by trial counsel
- Person has read defense counsel's book
- Victim of hazing or proponent of hazing
- Relative killed by drunk driver
- Victim of September 11th or family member a victim of September 11th
- Donor of a charitable organization
- Victim of a crime
- Family member is incarcerated
- Underage drinker

The American Jury System

WE THE PEOPLE IN ACTION

Voir Dire: Frequently Asked Questions

1. What is your name?
2. What do you do for a living?
3. Are you married and do you have children?
4. Does your spouse work?
5. What does he/she do?
6. Have you ever served on a petit or grand jury before? If so, what type of case was it? How long ago? Did you reach a verdict?
7. Are any of your friends or relatives connected with any law enforcement or government agency? (Police, FBI, etc.)
8. Would you tend to give any greater or lesser weight to the testimony of a law enforcement officer because he or she is a law enforcement officer? In other words, would you tend to believe or disbelieve their testimony solely because of their position?
9. Have you or any of your close friends or relatives ever been the victim of a crime?
10. Have you or any of your close friends or relatives been accused or indicted or convicted or a crime?
11. Can you accept the law or principles of law that govern this trial?
12. Is there any reason whatsoever that would prevent you from serving on this jury impartially?

The American Jury System

WE THE PEOPLE IN ACTION

Preliminary Remarks to the Jury

My name is Judge _____ of the New Jersey Superior Court. You have been brought here to act as the jury in this case.

I realize jury service may be new to you, so I will give some instructions. You are the judges of the facts. You will listen to the witnesses and at the end of the case, you will determine what facts have been proven or not proven. I am the judge of the law. You must accept the law as I tell it to you, whether you agree with the law or not, and you must apply that law to the facts as you find them to be, in order to reach your verdict.

Since this is a criminal case, any verdict returned by the jurors must be unanimous. That means simply that all twelve (12) jurors must agree on any verdict returned to the Court.

The defendant has pleaded not guilty to the charges and is presumed to be innocent. Unless each and every essential element of the offenses charged are proved beyond a reasonable doubt, the defendant must be found not guilty of that charge.

The burden of proving each element of the charges beyond a reasonable doubt rests upon the State and that burden never shifts to the defendant. It is not the obligation or the duty of the defendant in a criminal case to prove his or her innocence or offer any proof relating his or her innocence.

Now please stand and raise your right hand, state your name after the word "I" and repeat after me:

“I (State your name) do solemnly promise that I will listen to the evidence of the case with an open mind, without prejudice or favoritism and apply the law as it is given by the judge in reaching a fair and just verdict”.

(This concludes the Mock Voir Dire. Please proceed with a Question and Answer session).

The American Jury System

WE THE PEOPLE IN ACTION

Vocabulary List

Burden of Proof:

In a criminal trial, the duty of the State to prove *beyond a reasonable doubt* that the defendant is guilty as charged.

Challenge For Cause:

Objection to the seating of a particular juror for a stated reason (usually bias or prejudice for or against one of the parties in the lawsuit). The judge has the discretion to deny the challenge. This differs from *peremptory challenge*.

Indictable Offense:

An offense, which is heard before a grand jury charging a person with a crime.

Indictment:

A written accusation by a grand jury charging a person with a crime

Jury:

Persons selected according to law and sworn to inquire into and declare a verdict on matters of fact. A **petit jury** is an ordinary or trial jury, composed of six to 12 persons, which hears either civil or criminal cases. A **grand jury** is a body of persons sworn to inquire into crime and if appropriate, bring accusations (indictments) against the suspected criminals.

Jury Panel:

The entire group of potential jurors summoned on a particular day to be considered for a particular criminal or civil case.

Peremptory Challenge:

A challenge that may be used to reject a certain number of prospective jurors without giving a reason.

Prosecutor:

The attorney who represents the State in a criminal trial.

Voir Dire:

A preliminary examination of prospective jurors conducted by the court to determine whether the prospective jurors are qualified and suitable to serve as jurors on this case. The purpose of the **voir dire** is to obtain a fair and impartial jury that is able to hear this case without any bias, prejudice or pre-conceived ideas.

**Superior Court of New Jersey
County of Essex**

Jury Information Form

Name	Address	Occupation
Jerry Grote	15 Shea St. West Orange	Teacher
Wayne Garret	17 3rd Ave. Irvington	Doctor
Leon Jones	2 Franklin Ave. Nutley	Bar Tender
Joan Payton	69 Champs St. Bloomfield	Retired
Mary Hodges	11 Norfolk St. Newark	Stock broker
Jon Matlack	20 Lake St. Newark	Engineer
Leeann Shamsky	10 Main St. Caldwell	Nurse

Superior Court of New Jersey
County of Essex

Jury Information Form

Name	Address	Occupation
Alfred Weis	12 Washington Ave. Livingston	Airline pilot
Ronda Swoboda	24 Union Ave. Cedar Grove	Scuba Dive Instructor
Gerry Koosman	12 Franklin St. Montcalir	Administrative Assistant
Terry Kranepool	69 1st St.. Bloomfield	Fireman
Sam Seaver	302 North Ave. Belleville	Bank President
Jesse Harrelson	3 Mill St. Verona	Owner Short Stop Diner
Alex Clendenon	20 Clifton Ave. Newark	Teacher

**Superior Court of New Jersey
County of Essex**

Jury Information Form

Name	Address	Occupation
Sam DeBuschere	22 Knickerbocker Way Milburn	Unemployed
Dee Barnett	14 Garden Terr. Irvington	Lawyer
Alex Reed	19 Franklin Ave. Nutley	Medical Technician
Vic Bradley	24 Princeton St. Montclair	College Professor
Gene Frazier	11 Cleveland St. Roseland	Accountant
Pearl Monroe	15 Baltimore Place Fairfield	Police Officer

**Superior Court of New Jersey
County of Essex**

Jury Information Form

Jessie Holtzman	711 Lake St. Newark	Judge
Dorothy Drinkard	55 Maple Ave Newark	Unemployment
Bill Hazalet	29 Franklin Ave. East Orange	Medical Examiner
Lyon Wright	53 Story Pl So. Orange	Politician

**SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY**

JURY SELECTION FORM

Peremptory State						
Peremptory Defendant						
For Cause						
For Cause						

1.	2.	3.	4.	5.	6.
7.	8.	9.	10.	11.	12.

Jury Information Form w/ Profiles

Name	Address	Occupation	Profile
Jerry Grote	15 Shea St. West Orange	Teacher	58 year old Math teacher in West Orange. Married w/ 2 children, Officer Pat Smith's uncle.

Name	Address	Occupation	Profile
Wayne Garret	17 3 rd Ave. Irvington	Doctor	41 year old ER doctor at UMDNJ. Single and active member in Pi Delta Ki Fraternity.

Name	Address	Occupation	
Horace Clark	2 Franklin Ave. Nutley	Bar Tender	22 year old bar tender at Applebee's. Parents donated money to one of Mr. Milan's fraudulent charitable organizations.

Name	Address	Occupation	Profile
Joan Payton	69 Champs St. Bloomfield	Retired	77 year old retired secretary. Lifelong Yankee fan and season ticket holder for 45 years.

Name	Address	Occupation	Profile
Mary Hodges	11 Norfolk St. Newark	Stock broker	47 year old stock broker for Smith Barney. Married w/ 4 children. Graduate of Eastern New Jersey University Class of '88.

Name	Address	Occupation	Profile
Jon Matlack	20 Lake St. Newark	Engineer	29 year old engineer at Ford Motor Co. Is currently president of Ernie Peters Fan Club.

Name	Address	Occupation	Profile
Lee Shamsky	10 Main St. Caldwell	Nurse's aid	22 year old nurse's aid at Clara Maas Hospital. Graduated from Belleville High School in 2001.

Jury Information Form w/ Profiles

Name	Address	Occupation	Profile
Alfred Weis	12 Washington Ave. Livingston	Airline pilot	51 Year old pilot. Married w/2 children. Is the pilot for all Yankee charter flights.

Name	Address	Occupation	Profile
Ronda Swoboda	24 Union Ave. Cedar Grove	Scuba Dive Instructor	33 year old scuba dive instructor for NJ State Police.

Name	Address	Occupation	Profile
Gerry Koosman	12 Franklin St. Montclair	Administrative Assistant	39 year old administrative assistant at Newark Public Library. Read defense counsel's book " <i>Justice is Blind, Not Stupid, Mishandled Police Investigations</i> ".

Name	Address	Occupation	Profile
Terry Kranepool	69 1 st St. Bloomfield	Fireman	26 year old Newark fireman. Married w/1 child. Was represented by F. Lee Hailey's law firm in a personal injury case.

Name	Address	Occupation	Profile
Sam Seaver	302 North Ave. Belleville	Bank President	64 year old PNC Bank President. Divorced father of 6. Donates thousands of dollars every year to charitable organizations. Did not donate to any money to Mr. Milan.

Name	Address	Occupation	Profile
Jesse Harrelson	3 Mill St. Verona	Owner Short Stop Diner	42 year old owner of Short Stop Diner, located in Verona. Husband was a victim of 9/11.

Name	Address	Occupation	Profile
Alex Clendenon	20 Clifton Ave. Newark	Teacher	27 year old elementary school teacher in Newark. Car was stolen in 2004.

Name	Address	Occupation	Profile
Dorothy Drinkard	55 Maple Ave Belleville	Unemployed	18 year old graduate of Belleville High School. Currently unemployed. Suspended once in high school for underage drinking at school dance.

Name	Address	Occupation	Profile
Bill Hazelet	29 Franklin Ave East Orange	Medical Examiner	38 year old medical examiner for Essex County. Former President of Phi Theta Pi Fraternity which was banned from Eastern New Jersey University campus for hazing pledges.

Name	Address	Occupation	Profile
Lyon Wright	53 Story Pl So. Orange	Politician	50 year old Senator and renowned proponent of increased penalties for hazing. Lost his only son, last year in hazing incident at Southern University.

Jury Information Form w/ Profiles

Name	Address	Occupation	Profile
Sam DeBuschere	22 Knickerbocker Way Milburn	Unemployed	56 year old unemployed court stenographer. Wife killed by a drunk driver.

Name	Address	Occupation	Profile
Dee Barnett	14 Garden Terr. Irvington	Lawyer	47 year old lawyer, married w/ 3 children. Victim of hazing while in college.

Name	Address	Occupation	Profile
Alex Reed	19 Franklin Ave. Nutley	Medical Tech.	35 year old x-ray technician, married no children. Brother is in jail for selling drugs.

Name	Address	Occupation	Profile
Vic Bradley	24 Princeton St. Montclair	College Professor	40 year old professor at Eastern New Jersey University. Single.

Name	Address	Occupaiton	Profile
Gene Frazier	11 Cleveland St. Roseland	Accountant	37 year old accountant, single. Graduated from Eastern New Jersey University in 1990. Member of Phi Gamma Gamma.

Name	Address	Occupation	Profile
Pearl Monroe	15 Baltimore Place Fairfield	Police Officer	30 year old Irvington police officer, single. Dating Melissa Richards, daughter of Dr. Alex Richards.

Name	Address	Occupation	Profile
Jessie Holtzman	711 Lake St. Newark	Judge	53 year old Superior Court Judge in Bergen County. Married w/4 children. Was a partner in defense counsel's law firm.