

## Unit 1 Activity

### Jury of Your Peers

#### Introduction

The United States Constitution says,

“The trial of all crimes . . . shall be by jury” (Article III, Section 2)

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury” (Amendment V)

“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” (Amendment VI)

“In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved” (Amendment VII)

This activity focuses on trial juries, which are also known as petit juries. This type of jury hears evidence, decides the facts, and determines whether someone is guilty or not. In some cases, petit juries also determine a guilty person’s sentence. (There are also grand juries that hear preliminary evidence to decide if there is enough evidence to formally charge a person with a crime. They meet before a case ever goes to trial.)

The Constitution gives states and local jurisdictions the authority to determine the method of choosing petit juries. In this lesson, you will learn how your state selects the people who serve on juries. Then you will reflect on how well that method works to create an unbiased jury. You will work through the following steps to complete this activity:

**STEP 1:** Use your state’s juror information Web site to answer questions about jury selection in your state.

**STEP 2:** Think about how well your state’s method samples the available population.

**STEP 3:** Find out more about the demographics of your state to determine who a “jury of your peers” would include.

**STEP 4:** Write an essay reflecting your conclusions.

#### STEP 1:

Find your state below and click on it to go to a Web site that will provide information on how juries are selected in your state. If you cannot find the information you need from your own state, click on several other states to compare the information in those areas. Then return to this site to record your answers to the questions below.

<a href="#">Alabama</a> (Click on Title 12, then on Chapter 16.)	<a href="#">Hawaii</a> (If you can't watch the video on your system, click on "view transcript.")	<a href="#">Michigan</a>	<a href="#">North Carolina</a>	<a href="#">Utah</a>
<a href="#">Alaska</a>	<a href="#">Idaho</a>	<a href="#">Minnesota</a>	<a href="#">North Dakota</a>	<a href="#">Vermont</a>
<a href="#">Arizona</a>	<a href="#">Illinois</a>	<a href="#">Mississippi</a> (Select Mississippi, then select Title 13, Chapter 5.)	<a href="#">Ohio</a> (Click on "jury commission.")	<a href="#">Virginia</a>
<a href="#">Arkansas</a>	<a href="#">Indiana</a>	<a href="#">Missouri</a>	<a href="#">Oklahoma</a> (Keep clicking "Next" until you find all the information you need)	<a href="#">Washington</a>
<a href="#">California</a>	<a href="#">Iowa</a>	<a href="#">Montana</a> (Scroll down to rules 38–48.)	<a href="#">Oregon</a>	<a href="#">West Virginia</a>
<a href="#">Colorado</a> (This will open a PDF document.)	<a href="#">Kansas</a>	<a href="#">Nebraska</a>	<a href="#">Pennsylvania</a>	<a href="#">Wisconsin</a>
<a href="#">Connecticut</a>	<a href="#">Kentucky</a> (Each link opens a PDF document.)	<a href="#">Nevada</a>	<a href="#">Rhode Island</a> (This will open a PDF document.)	Wyoming
<a href="#">Delaware</a>	<a href="#">Louisiana</a> and <a href="#">this link</a> and <a href="#">this link</a>	<a href="#">New Hampshire</a>	<a href="#">South Carolina</a>	
<a href="#">District of Columbia</a>	<a href="#">Maine</a>	<a href="#">New Jersey</a>	<a href="#">South Dakota</a>	
<a href="#">Florida</a>	<a href="#">Maryland</a>	<a href="#">New Mexico</a> (This will open a PDF document.)	Tennessee	
<a href="#">Georgia</a> (Keep clicking on other sections of Chapter 15-12 until you have the information you need.)	<a href="#">Massachusetts</a>	<a href="#">New York</a>	<a href="#">Texas</a>	

1. Where does the list of potential jurors come from (drivers' license records, voter registration, etc.)?
2. How long will jurors be asked to serve?
3. What will happen if a person does not appear when summoned?
4. List some examples of people who are exempt from jury duty. What are some other reasons a person may be excused from jury duty? (Look for a section that discusses peremptory challenges or other ways to dismiss jurors.)
5. What are the rules for employers, and how much are jurors paid for jury duty? (Think about how this affects the ease or difficulty for some people to perform jury duty.)
6. Make note of some other details in your state, such as age restrictions, how often people are called for jury duty, and anything else you find interesting.

## **STEP 2:**

Think-Pair-Share: First, think about the answers you found to the questions above, and whether these things contribute to or detract from the effort to create a jury of the defendant's peers. Then pair up with a partner to compare conclusions. When your teacher is ready, you will share your ideas with the class. Below are some things to think about and discuss with your partner:

- *Where does the list come from (drivers' license records, voter registration, etc.)?* Does the answer to this question limit the possible jurors to certain types of people?
- *How long will jurors be asked to serve?* Does this make jury duty a hardship for some?
- *What will happen if a person does not appear when summoned?* Does this penalty encourage people to serve?
- *What are some reasons a person may be excused from jury duty?* How does this limit the potential juror pool, and do you find these limits acceptable?
- *What are the rules for employers, and how much are jurors paid for jury duty?* Think about how this affects the ease or difficulty for some people to perform jury duty.
- *What else?—age restrictions, how often people are called for jury duty, and anything else you found?* How do these affect the juror pool?

## **STEP 3:**

Considering the demographics of the population where you live, what kind of people would constitute a jury of your peers? If you need to know more about the demographics of your local area, the U.S. Census Bureau Web site ([www.census.gov](http://www.census.gov)) has a wealth of information about the people who live near you.

## **STEP 4:**

Write an essay to answer the following question: Based on what you learned, is it possible to find a jury of your peers?