

13th Judicial District Jury Handbook

CIBOLA COUNTY

You must call the CODE-A-PHONE when required to do so, after 5:30 p.m.
to receive instructions regarding the status of the jury trial.

Number:(505) 287-8831, ext. 1

OR

Log on to www.13districtcourt.com, click on jury duty

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JUSTICE BY JURY:

YOU HAVE BEEN SUMMONED to render an important service as a juror. You as a juror, serve as an **OFFICER OF THE COURT**, along with lawyers and the judges. As a juror, you are a part of the judicial system of our state.

TRIAL BY JURY has long been one of the cornerstones of judicial administration. The right has survived through the centuries as a vigorous and necessary force in the lives of free people.

THE DECISIONS OF THE JURY affect the property rights, and even the life and the liberty of those whose cases come before it. Those chosen for Jury Service should take pride in performing this most important duty to their country and to their fellow men.

THE PROPER AND EFFICIENT FUNCTIONING OF THE JURY SYSTEM requires that each juror exercise intelligence, integrity, sound judgment, and complete impartiality in the performance of his/her duty.

IN EACH CASE in which you serve as a juror, the judge will give you instructions as to the law applicable to the case. It is the judge's duty to instruct you correctly on the law in each case. It is your duty to base your verdict upon the evidence as you hear it in court, and upon the law as contained in the instructions of the judge.

THE PURPOSE OF THIS BOOKLET is to help you understand the proceedings in the cases in which you will take part, and to enable you to do your part in administering justice.

THE INFORMATION IN THIS HANDBOOK is NOT intended to take the place of the instructions given by the judge in any case. In the event of conflict, the Judge's instructions will prevail.

BENEFITS OF BEING A JUROR:

WHEN YOU GIVE TO THE PERFORMANCE OF JURY SERVICE. the best combined efforts of your mind, heart and conscience, you may feel that you are making a substantial contribution to the stability and perpetuation of an institution which must be preserved if freedom under a democratic government is to endure.

HOW THE JURY IS SELECTED:

THOSE OF YOU WHO ARE HERE have been selected in the following manner. The laws of the State of New Mexico require that a list of REGISTERED VOTERS and DRIVER'S LICENSE HOLDERS from each county be merged to form a master Jury list so that a RANDOM SELECTION of Jurors can be made.

EVERY SIX MONTHS, a number of potential jurors, sufficient to accommodate the needs of the court, is selected, at random, from the master jury list and summoned to the courthouse as you have been in this instance.

THERE ARE NO STATUTORY EXEMPTIONS FROM JURY DUTY; therefore, only extreme hardship cases are excused at the discretion of the presiding judge. Those persons found qualified will be given reporting instructions and assigned to a particular panel. Jurors will be advised as to what courtroom to report to by the judge with whom they are serving.

THE FIRST STEP IN A TRIAL BY JURY is to select from the regular panel the "trial panel" of either six or twelve jurors. The number is pre-determined by jury demands filed by the parties. At the judge's discretion, alternate jurors may be selected for a particular trial to fill emergency vacancies on the trial panel.

THE JUDGE WILL BRIEFLY EXPLAIN to the regular panel the general nature of the case to be tried, the names of the parties involved and their attorneys. Questions are then directed to the jurors by the judge and the attorneys to determine their qualifications to sit fairly and impartially in the trial of the specific case at issue. The basic information submitted by the jurors on their questionnaires is available to the attorneys prior to trial time. Jurors may be excused from the panel "for cause" if the judge is satisfied, for any reason, that the juror cannot sit fairly or impartially, or on a "peremptory challenge" allowed from the attorneys without assigning any cause. The "peremptory challenge" allows both sides some choice in the makeup of a jury and is not reflection on the ability or integrity of the juror so challenged.

AFTER ALL CHALLENGES HAVE BEEN EXERCISED, the first twelve (or six) jurors found to be qualified will constitute the trial panel and will be administered the Jurors Oath by the court.

JURORS NOT SELECTED on the trial panel will be excused and given additional instructions.

KINDS OF CASES:

IN GENERAL, juries decide three kinds of cases --- CIVIL, CRIMINAL and JUVENILE.

A CIVIL CASE usually involves a claim for money damages or a claim with respect to property.

A CRIMINAL CASE is brought in the name of, and by, the State of New Mexico against a person charged with breaking the law.

A JUVENILE CASE is brought in the name of, and by, the State of New Mexico against a juvenile charged with breaking the law.

THE STAGES OF A TRIAL:

AFTER THE TRIAL JURY HAS BEEN SELECTED AND SWORN, the trial of a case proceeds in the following general stages:

1. AN OPENING STATEMENT IS MADE, first by the attorney for the plaintiff or the state, then by the attorney for the defendant. The purpose of this opening statement is to outline to the jury the factual situation involved in the particular case and what each side contends it will establish by the evidence to follow. A general idea of what the case is about is thus presented to the jury.

2. THE PLAINTIFF CALLS WITNESSES AND EXAMINES THEM, in an attempt to prove his/her claims. This is called DIRECT EXAMINATION. The defendant has the right to CROSS-EXAMINE witnesses. When the plaintiff has presented all his/her witnesses, he/she "rests".

3. THE DEFENDANT CALLS WITNESSES to dispute the plaintiff's claims and to establish any claims that he/she may be making against the plaintiff. When the attorneys are through asking questions of these witnesses, the defendant "rests".

4. THE PLAINTIFF THEN HAS AN OPPORTUNITY TO BRING BACK WITNESSES who have testified, or bring in other witnesses, in order to refute any new matter raised by the defendant's witnesses.

5. THE JUDGE THEN GIVES INSTRUCTIONS TO THE JURY. In these instructions, the issues are defined and the jurors are instructed on the law that governs the case.

6. THE ATTORNEYS FOR THE PARTIES then make CLOSING ARGUMENTS, in which they sum up the evidence and testimony and try to persuade the jury to find in favor of their respective parties.

7. WHEN THE CLOSING ARGUMENTS ARE COMPLETED, the jurors retire as a body to the Jury Room to consider the case and reach a verdict.

TIME SPENT WAITING:

MUCH OF THE JURORS' TIME IS SPENT WAITING to try a case or waiting while the judge and the attorneys are taking up legal matters outside the hearing of the jury, rather than in actually hearing evidence or arguments in a trial. This may seem to be a waste of time. Actually it is not, since the consideration of such legal matters is a necessary part of orderly trial procedures and of a fair determination of the rights of the persons involved or to save time later on in the proceedings. The Jury Room offers some reading material, however, please feel free to bring a book or magazine of your own choosing.

WHAT IS EVIDENCE:

INSOFAR AS THE JURY IS CONCERNED, the evidence is whatever the judge permits the jury to hear and consider.

EVIDENCE may take the form of physical exhibits, such as documents, photographs, bullets, or a scarred face. Answers to questions asked by the attorneys or by the judge is evidence as is the sworn testimony in written form of a witness who cannot appear personally in court. These will be read by the parties or attorneys and are just as important as other evidence.

THERE ARE, HOWEVER, MANY THINGS THAT MUST NOT BE

CONSIDERED AS EVIDENCE. For instance, what an attorney says or claims to have proven is not evidence. Nor is testimony that the jury has heard but that the judge has ordered stricken from the record. The jury must treat all such testimony as though it had never been given. Similarly, matters that an attorney offers to prove, but that the judge will not allow to be presented, are not to be considered as evidence.

A JUROR IS NOT TO CONSIDER ANY INFORMATION ABOUT THE WITNESSES, PARTIES, OR ATTORNEYS OR ANYTHING CONNECTED WITH THE CASE OTHER THAN THE EVIDENCE SEEN AND HEARD IN THE COURTROOM.

OBJECTIONS TO EVIDENCE:

DURING THE COURSE OF A TRIAL, the attorneys for both sides may make objections to questions asked, or evidence offered, by the other side. A trial is carried on within set rules of procedure, and an attorney is entitled to object to questions he/she believes to be improper. For example, an attorney may ask a question of a witness in such a manner as to suggest the answer he is seeking. This is called a **LEADING QUESTION**. Such a question is not proper on direct examination but is perfectly in order when the opposing attorney cross-examines the same witness.

IF THE JUDGE CONSIDERS THE QUESTION IMPROPER OR THE EVIDENCE INADMISSIBLE, the objection will be **SUSTAINED**. Otherwise, it will be **OVERRULED**. This ruling does not indicate that the judge favors one side or one attorney over the other. The jury should not draw any such inference from this ruling. Even though the Judge decides every objection in favor of one side, it does not imply that this side is entitled to win the case. The rulings simply reflect the judge's belief as to whether the questions asked are in proper form or deal with the issues the jury must decide.

CONDUCT OF JURORS DURING TRIAL:

ALL JURORS ARE REQUIRED TO BE PROMPT. Since each juror must hear all the evidence, tardiness causes delay and inconvenience to the judge, the attorneys, the parties, the witnesses and other jurors.

WHEN A COURT SESSION BEGINS and the judge enters the room, everyone in the courtroom rises.

A JUROR MUST SIT IN THE SAME SEAT IN THE JURY BOX THROUGHOUT THE TRIAL. This enables the judge, the clerk, and the attorneys to identify him/her easily.

WHILE YOU ARE A JUROR, and before you retire to deliberate in the jury room, **YOU SHOULD NOT TALK TO ANYONE ABOUT THE CASE,** not even another juror, nor should you permit anyone to talk to you about it.

ONLY IN RARE CASES are members of the jury kept away from their homes continuously during the trial. They can go home at night, but they cannot discuss the case with anyone, not even a member of their family. You may spend the noon recess at your discretion except when you are in deliberation. It is then mandatory that you attend meals with other members of your panel, with an officer of the Court present.

IN DECIDING A CASE, jurors are expected to bring to bear all experience, common sense, and common knowledge they possess, but they are not to rely on any private source of information. It follows that a juror **SHOULD NEVER** make an independent investigation or inspect the scene of an accident or other event involved in the case. If it is proper and necessary for the jury to inspect a place involved in the case, the judge will so order.

IF A JUROR LEARNS OF SOMETHING THAT THE JUDGE SHOULD KNOW ABOUT, the juror may ask to see the judge. The juror should send a message to the judge by the bailiff in charge of the jury.

IN ADDITION TO THE JUDGE, you will notice other personnel serving in connection with the court. **THE COURT REPORTER** makes a verbatim record of everything said, which can be transcribed later if necessary. **THE BAILIFF** enforces order in the courtroom and cares for the needs of the jury. **THE CLERK OF THE COURT** keeps the records, books, and papers of all actions and of the business of the court.

CONDUCT IN THE JURY ROOM:

UPON RETIRING TO THE JURY ROOM TO DELIBERATE, the jury selects a **FOREPERSON,** who may be either a man or a woman juror.

IT IS THE FOREPERSON'S DUTY to act as the presiding officer, to see that the jury's deliberations are conducted in an orderly manner and to see that the issues submitted for the jury's consideration are fully and fairly discussed and that all jurors have a chance to say what they think upon every question. When ballots should be taken the foreperson should see

that this is done, and should sign any written request made of the judge.

THE FOREPERSON'S RESPONSIBILITY is to keep the discussions within the due bounds to save time and to secure efficient results.

JURORS SHOULD LISTEN CAREFULLY to the views of the other members of the jury and consider them with an open mind. **THE FINAL VOTE SHOULD, HOWEVER, REPRESENT THE JUROR'S OWN OPINION.** As a result of the discussion with fellow jurors, their opinion may have changed from that which they first held. Jurors should not hesitate to change their minds if they decide that their opinion was not right, but they should not change it unless their **REASON AND JUDGMENT ARE CHANGED.**

JURORS MUST NOT TRY TO FORCE OTHER JURORS TO AGREE WITH THEM, nor must they refuse to listen to the arguments and opinions of others. Jurors must never shirk their responsibility and must never permit any decision to be reached by chance or toss of a coin. Jurors must be courageous and must honor their responsibilities. Jurors should listen objectively to the comments of the other jurors, remain calm during deliberations, and tell other jurors what they believe and why and how they formed such beliefs.

JURORS SHALL DISCARD ALL PREJUDICES AND SYMPATHIES. They must follow the instructions of the court and render a verdict in accordance with their best judgment. A juror may not approve of or agree with the law which the judge stated in the instructions, but their feelings in that respect should have no affect on their decisions as jurors. The jury is not deciding the law, but merely **DECIDING THE FACTS.** The verdict must be based on what the juror thinks the law ought to be.

IN A CIVIL CASE AT LEAST TEN OF TWELVE JURORS OR FIVE OF SIX JURORS MUST AGREE UPON THE VERDICT. IN A CRIMINAL CASE THE VERDICT MUST BE UNANIMOUS.

YOUR DUTY AS A JUROR is to **CAREFULLY LISTEN TO THE JUDGE, WITNESSES, AND THE ATTORNEYS, TO DELIBERATE CALMLY AND FAIRLY, AND TO DECIDE INTELLIGENTLY AND JUSTLY.** All that you need to know to do this will be disclosed to you during the trial. Keep in mind at all times the oath you have taken and remember that you are discharging a vital duty to your country and to your fellow citizens.

JUROR INFORMATION:

WELCOME TO JURY DUTY! DURING THE NEXT SIX MONTHS AS A JUROR, YOU WILL SERVE AS AN OFFICER OF THE COURT, ALONG WITH THE ATTORNEYS AND THE JUDGE. AS A JUROR, YOU ARE PART OF THE JUDICIAL SYSTEM OF THE STATE OF NEW MEXICO.

LISTED BELOW IS SOME HELPFUL INFORMATION THAT MAY EASE YOUR APPREHENSION DURING JURY SERVICE.

A: SELECTION:

Random selection from Driver's License and Voter Registration Lists.

B: QUALIFICATIONS:

- 1. United States Citizen;**
- 2. 18 years or older;**
- 3. if convicted of a felon, have successfully completed all conditions of the sentence imposed for the felony, including conditions of probation or parole, and;**
- 4. Must be a resident of CIBOLA COUNTY.**

C: PARKING:

There is no designated parking area for jurors. Parking is on a first come, first serve basis all around the courthouse.

D: LOCATION:

**Cibola County Courthouse
Judicial Complex
515 West High Street
Grants, New Mexico**

E: TERM OF SERVICE:

- 1. You will be on call for jury service for a SIX MONTH period.**
- 2. Unless otherwise instructed, Court is in session Monday through Friday, 9:00 a.m. until approximately 5:00 p.m. Court closures or delays due to weather will be announced on local television stations. You may also call the Clerk's office at 505-287-8831. If jury service is during winter months when snow or other hazardous conditions exists, jurors are advised that the abbreviated school schedule for the Cibola Public School District will be followed. If, however, you have a problem in your area, please contact the court.**
- 3. BREAKS OR RECESSES are at the discretion of the Judge and are usually every hour and a half.**

4. **LUNCH BREAKS** are usually between the noon and 1:30p.m. Lunch will be provided by the Court **ONLY** when the jurors are deliberating, or sequestered during the course of a trial or when weather requires that jurors be provided with lodging. Otherwise, you are on your own for lunch. There are also several restaurants in the immediate area. Please feel free to ask the clerk's office for names and for directions.

F. AVAILABLE FACILITIES:

1. **RESTROOMS** are located within the jury room and outside the large courtroom.

2. **COFFEE AND JUICES** are provided as a courtesy service by the District court.

3. **SMOKING IS PROHIBITED IN THE COURTHOUSE AND THE COURTHOUSE PREMISES.**

4. **EMERGENCY MESSAGES** may be left at 505-287-8831 and are given to jurors immediately.

JURY MESSAGES/CODE A PHONE/WEBSITE:

ALL JURORS who have been summoned for jury service should continue to verify that the case or cases have not settled or plead.

ONCE SUMMONED you can verify attendance by calling the **DISTRICT COURT CLERK'S OFFICE** at 505-287-8831 between 8:00 a.m. and 5:00 p.m. After 5:30 p.m. and before 8:00 a.m., you will get a recorded message about attendance. (Recorded message number is **505-287-8831, ext. 1**). You may also get the same information on the internet by logging on to www.13districtcourt.gov, click on jury duty. The judge may also give you instructions at the end of each day while you are serving as a trial jury member.

COMPENSATION:

A. WAGE PER HOUR

1. The Court is authorized by statute to pay you at the prevailing state minimum rate of \$7.50 per hour.

2. Public Employees: Local Government (city, county, state) or other public political subdivision employees (district school employees, etc.) are not personally compensated for hours attended but you will receive a certificate of attendance upon request, for your employers indicating the number of days and hours served. If the governmental employer requires juror compensation to be paid, the payment shall go directly to the governmental employer. The request for compensation reimbursement must be in writing.

3. Pursuant to Federal Regulations, federal employees shall be paid for Jury Service. It is the Juror's responsibility to tender payment to his/her employer.

B. MILEAGE PAYMENT:

1. As of July 1, 2006, payment for travel is set at the State of New Mexico mileage rate. If you wish to be compensated for your mileage, please note your ROUND TRIP mileage from your home to the judicial complex on the qualification form. If you do not wish to be compensated for mileage, indicate so on the qualification form.

2. Public Employees shall not be paid for mileage if the judicial complex is located within 15 miles from the Juror's home (30 miles round trip).

C. ROUND TRIP MILEAGE:

Please specify ROUND TRIP MILEAGE, NOT ONE-WAY!

D. COMPENSATION QUESTIONS:

1. The Court will pay for the orientation, impanelment and selection of jurors. However, the court will not pay for the appearance in court of any person who is excused from jury duty at his own request before or during orientation.

2. The lunch hour is included when calculating juror hours.

3. Hourly and Mileage Pay are included in one check.

4. Verification of Service including breakdown of days, hours and mileage will be issued ON REQUEST ONLY.

5. Certificate of Attendance will be issued ON REQUEST ONLY. Please request the certificate DAILY.

6. Checks are mailed to your home address approximately 4 to 8 weeks after a completed Jury Trial.

7. Any questions or Problems with Jury Compensation shall be directed to Jury Clerk at 505-287-8831.

E. EMPLOYER'S POLICY ON JURY DUTY:

1. Please check with your individual employer as to their policy regarding Jury Duty for employees.

2. If you have a problem with your employer, please talk to the Jury Clerk.

ABSENCES:

A: VACATIONS, COMMITMENTS OR APPOINTMENTS:

Please let us know IN ADVANCE of any vacations, previous commitments, or appointments as we will try to work around your schedule.

B. ILLNESS OR EMERGENCY

If an illness or an emergency prevents your attendance, **AS SOON AS POSSIBLE** please call 505-287-8831, ext. 3112.

CONCLUSIONS

REMEMBER THESE IMPORTANT NUMBERS:

JURY CLERK 505-287-8831 (before 5:00pm)

JURY MESSAGES (CODE-A-PHONE)505-287-8831, ext. 1 (after 5:30pm)

ILLNESS OR EMERGENCY NUMBER

505-287-8831

COMPENSATION PROBLEMS

505-287-8831

WEBSITE

www.13districtcourt.gov

***** PLEASE REMEMBER TO CALL THE CODE-A-PHONE THE NIGHT BEFORE YOU ARE SCHEDULED TO REPORT IN FOR JURY DUTY, OR, LOG ON TO THE COURT'S WEBSITE *****

(505) 287-8831, ext. 1 www.13districtcourt.gov

SOME TERMS YOU WILL HEAR IN COURT AND THEIR MEANINGS:

ACTION, CASE, SUIT, LAWSUIT:

These words mean the same thing. They all refer to a legal dispute brought into court for a trial.

ANSWER:

The paper in which the defendant answers the claims of the plaintiff.

ARGUMENT:

The presentation of the review of the evidence and summations by the attorneys at the end of the case, after all the evidence is in and both parties have rested.

BAILIFF:

The bailiff is an officer of the court, who serves the court and the jury and is in charge of maintaining order in the court.

CIVIL CASE:

A lawsuit is called a "civil case" when it involves persons in their private capacities or relationships, or when the government, whether federal, state or local or some department thereof, sues an individual under the law, as distinguished from prosecuting a criminal charge. It results generally in a verdict for the plaintiff or the defendant and, in many cases, involves the giving or denying of damages.

CLERK OF THE COURT:

The Clerk is an officer of the court and keeps a record of papers filed. The Clerk has custody of the pleadings and records of the trial of the case, orders made by the court during the trial and the verdict at the end of the trial.

CLOSING STATEMENT:

The final statements by the attorneys to the jury summarizing the evidence that they think they have established and the evidence that they think the other side has failed to establish.

COMPLAINT:

The document or legal pleading in which the person who files the lawsuit states his or her allegations, accusations or charges against another person.

COURT MONITOR:

The court monitor makes an audio record of everything that transpires in the case. The audio tapes are subject to duplication later, for example, if one of the parties appeals the juries' verdict. The court monitor will type a log or history of the trial.

COURT REPORTER:

The court reporter takes down in machine shorthand on a stenographic writer everything that transpires in the case. The notes are subject to transcription later, for example, if one of the parties appeals the juries' verdict. The court reporter will type a transcript of the trial.

CRIMINAL CASE:

A lawsuit is called a "criminal case" when it is between the state on one side as plaintiff, and a person on the other side, as defendant, charging the defendant with committing a crime, the verdict usually being "guilty" or "not guilty".

CROSS EXAMINATION:

The questions which a lawyer puts to the opposing party and his/her witnesses.

DEFENDANT:

In a civil case, the defendant is the person against whom the lawsuit is brought. In a criminal case, the defendant is the person charged with an offense.

DEPOSITION:

Testimony taken under oath in the same manner as during a trial. This is ordinarily done because of illness or absence of a party, or to determine prior to trial how a witness will testify at trial.

DIRECT EXAMINATION:

The questions which the attorney's asks his/her client or his/her own witnesses are often referred to as "examination", or "examination in chief".

EXHIBITS:

Objects including pictures, books, letters and documents which are

produced as evidence in a case.

EVIDENCE:

Testimony, writing, or material objects offered in proof of an alleged fact or proposition.

INSTRUCTIONS OR "CHARGE" TO JURY:

The outline of the rules of law which the jury must follow in their deliberations in deciding the factual issues submitted to them is called either the judge's "charge" or "instructions" to the jury.

ISSUE:

A disputed question of fact is referred to as an "issue". It is sometimes spoken of as one of the "questions" which the jury must answer in order to reach a verdict.

JURY PANEL:

The whole number of prospective jurors from which the trial jury is chosen.

LITIGANT:

A party to a lawsuit, one engaged in litigation.

OBJECTION:

A reason or argument by an attorney that a question asked or statement made was not proper or in accordance with law.

OBJECTION OVERRULED:

This term means that, in the judge's opinion, the attorney's objection is not proper or correct under the rules of law. The judge's ruling, so far as a juror is concerned, is final and may not be questioned.

OBJECTION SUSTAINED:

When a attorney objects to a question or the form of a question, the judge may say "objection sustained". This means that the judge agrees that under the rules of the law, the attorney's objection to a statement or a question is proper. This ruling likewise is not subject to question by the jurors.

OPENING STATEMENT:

Before introducing any evidence for their side of the case, attorneys are permitted to tell the jury what the case is about and with what evidence they intend to prove their side of the case.

PARTIES:

The plaintiff and the defendant in the case. They are also sometimes called the "litigants".

PLAINTIFF:

The person who starts a lawsuit.

PLEADINGS:

The parties in a lawsuit must file in court papers stating their claims against each other. In a civil case, these usually consist of a complaint filed by the plaintiff, an answer filed by the defendant and , oftentimes, a reply filed by the plaintiff. These are called the "pleadings".

RECORD:

This refers to the pleadings, the exhibits and the word-for-word record made by the court of all the proceedings at the trial.

RESTS:

This is a legal phrase which means that the party has concluded the evidence he/she wants to introduce in that stage of the trial.

STRIKING TESTIMONY:

On some occasions, after a witness has testified, the judge will order certain evidence deleted from the record and will direct the jury to disregard it. When this is done, the jury will treat this evidence as though it had never been given and will wholly disregard it.

SUBPOENA:

The document which is issued for service upon a witness to compel his/her appearance in court.

VERDICT:

The finding made by the jurors on the issues submitted to them is the "verdict".