



INTRODUCTION

Our justice system is based on principles of fairness and it is important that everyone who participates in it understands the nature of judicial proceedings. This handbook is designed to provide a detailed explanation of the jury process, from the time you receive notification until a verdict is reached; however, this handbook is intended only as an introduction to jury service and not as a substitute for instructions from the trial judge. In the event of a conflict, the judge's instructions will prevail.

Please take the time to read this handbook in its entirety. By doing so, you will become more familiar with basic aspects of our legal system and will better appreciate the critical role you play in our justice system. You may also want to share this handbook and accompanying information with anyone who may be affected by your jury service, such as a family member or your employer.



Clerk, Municipart

Amanda Pitcock

Clerk of Court

1. YOU HAVE BEEN SUMMONED FOR JURY SERVICE

1.1 WHAT A JURY DOES

Juries are used in criminal and traffic trials in Summerville Municipal Court. The task of a jury in a jury trial is to decide whether the accused person is guilty. The jury makes its decision, or verdict, on the basis of the evidence it hears or sees in court. The jury does not give reasons for its verdict (see Section 4, The Jury for more discussion on what a jury does).

1.2 JURY SUMMONS

The Jury Summons is enclosed in the envelope you receive in the mail. Please complete the entire juror information section of the Juror Response Form and return the complete form to the court.

1.3 HOW LONG YOU'LL BE NEEDED

Jury trials are scheduled on Fridays of the designated jury trial week. However, the number of days you will be needed usually depends on whether you are impaneled (selected) as a juror on a trial and the length of the trial.



1.4 DISQUALIFICATIONS AND EXEMPTIONS

If you believe that you should be disqualified, exempted, or excused from jury duty, this should be reflected on your Juror Response Form. The Municipal Court judge makes the decisions as to who does and does not qualify based state law. You may also present your request to the judge in person on the first day you are scheduled to appear.

You may be disqualified as a juror if you: are not a U.S. citizen; are not a resident of the Town of Summerville; are not able to read, write, speak, or understand English; have less than a 6th grade education; have a mental/physical condition that prevents you from serving; are a convicted felon; working a court capacity or have served on a Summerville Municipal Court jury within the same calendar year.

You may be exempted as a juror if you: are age 65 or older and wish to be excused; are the primary caregiver of a disabled person age 65 years or older who cannot care for him or herself or you have legal custody and duty of care of a child under the age of seven.

1.5 POSTPONEMENT OF JURY SERVICE

If you have a conflict during the week for which you have been summoned for jury duty, you may qualify for a one-time transfer to another week during the calendar year. If you would like to request this transfer to another term of court, this should be reflected on the Juror Response Form. You will be notified by the Clerk of Court if your request is granted along with the new date for appearance.

1.6 POSTPONEMENT OF JURY SERVICE

The trial will usually begin on the same day you are impaneled. Most trials are completed in one day. However, occasionally, a trial may take longer.

1.7 EMPLOYERS

It is important that you notify your employer when you receive your summons for jury service, and if you are selected for a jury, you should let your employer know as soon as possible. Your employer CANNOT prevent you from serving as a juror; however, by law, your employer does not have to pay you while you are serving as a juror. Your employer may ask that you request that your jury service be postponed to a more convenient time or that you apply to be excused from jury service, which you may do if you chose.

1.8 PAYMENT FOR JURY SERVICE

Municipal Courts are not required to pay jurors for service. The Summerville Municipal Court does compensate for jury service but does provide a statement for your employer as to your time spent at the court.



1.9 WHAT HAPPENS IF YOU DON'T REPORT FOR JURY SERVICE?

You are required to appear in court on the day and at the time specified on the jury summons unless you are disqualified, exempted or have been notified by the Clerk of Court that you have been excused by the judge. If you are summoned for jury service, but do not attend, you are subject to being held in contempt of court, which is punishable by a fine of \$500.00 and/or 30 days in jail.

2. ARRIVING FOR JURY SERVICE

2.1 ORIENTATION

Follow any instructions on your summons about calling beforehand and where to go. You must bring some form of government-issued personal identification (i.e., driver's license, state ID card, passport, etc.) when you report for jury service.

2.1.1 ORIENTATION

Summerville Municipal Court is located at 200 S Main Street, at the corner of S Main Street (Hwy 17 Alt) and W Richardson Ave.

2.1.2 PARKING

Jurors should park in the parking garage located off W Richardson Ave by turning onto Short Central Ave. It is a free parking garage.

Summerville Municipal Court is committed to providing accommodations pursuant to the Americans with Disabilities Act (ADA). If you have any special needs or accommodations, please contact the Municipal Court at (843) 875-2010, prior to the date you are summoned to appear.

2.1.3 HOURS OF ATTENDANCE

You should arrive at the court by 9:45 am, unless instructed to do so differently. Roll call will be held at 10:00 am to record your presence. You will stay until released.

2.1.4 WHILE YOU WAIT

Jury selection can occur at different times during the day, so you will wait in the courtroom until you are called on to be considered for a jury. You may bring items such as books, paperwork, etc., to occupy yourself while you are waiting.

2.1.5 USE OF CELL PHONES

Cell phones and other communication devices are strictly prohibited in the courtroom. You should leave them in your vehicle prior to entering the court.



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2.2 HOW A JURY IS SELECTED

2.2.1 ROLL CALL AND QUALIFICATION

The juror's roll call is held in the courtroom. When the clerk calls your name, you should be prepared to stand and state your name and occupation. At that time, the judge may ask questions to determine your qualifications to serve.

2.2.2 SELECTION OF THE JURY IN THE COURTROOM

The jury is chosen by random selection to ensure that the process is fair and the jury cannot be tampered with.

Once a trial is ready for a jury, the judge will explain what the trial is about and will ask whether any of the prospective jurors knows any of the participants in the trial (this includes the defendant, the lawyers, the judge, or anyone else connected with the trial). Tell the judge if you recognize anyone, as this may be a reason for you to be excused from the jury.

The clerk will draw a juror's name via the juror's wheel from the Case Management System. If your name is called, stand up, and wait to be addressed. If you hear "Excuse the juror," "Challenge," or "Stand aside," sit back in your seat. If you hear "Present the juror" or "Swear the juror," take a seat in the jury box. The clerk will continue to call names until six jurors and an alternate have taken their seats in the jury box without being challenged or stood aside. Even if you are not called at this point, you may be called later in the day for another trial.

2.2.3 EXCUSE APPLICATIONS

It is your duty to disclose anything that you think may affect your ability to be objective and impartial, such as first-hand knowledge of the events related to the trial or knowing someone involved in the trial. The judge will deal with excuse applications from prospective jurors before selection of the jury begins, so listen carefully for directions about this.

You can only be excused for a good reason. Each person who wants to be excused will usually have to go into the witness box, take an oath or make an affirmation to tell the truth and then tell the judge their reason for being excused. If it is very personal, you can ask the judge whether you can put your excuse in writing. It is up to the judge whether you can be excused. Once the excuse applications have been dealt with, selection of the jury can commence.

2.2.4 CHALLENGES

The parties involved in the trial have the right to challenge prospective jurors. There is no need to feel embarrassed or offended if you are challenged. Sometimes challenges are made simply on the basis of a prospective juror's age, gender, or occupation. For example,



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a prospective juror who is a bank teller may be challenged if the defendant is charged with bank robbery.

2.2.5 TAKING AN OATH OR AFFIRMATION

The selected jurors must take an oath or make an affirmation to carry out their task faithfully and impartially and decide on a verdict according to the evidence. An oath or affirmation must be taken seriously. Tell the court staff if you want to make an affirmation instead of an oath.

2.2.6 IF YOU ARE NOT SELECTED

If you are not selected for a jury or if you are excused from a particular trial, the judge or the clerk will inform you if you are free to leave. If so, you may stop by the cashier's window to get your excuse for work or school prior to leaving. If you are informed you are not free to leave, you will be instructed to have a seat back in the courtroom.

2.2.7 EARLY TERMINATION OF A TRIAL

In some instances, after the jury has been selected and the case partially tried, the defendant may plead guilty. In other cases, the judge may hand down a "directed verdict," which means that the judge has determined that it is unnecessary to submit the case to the jury. In the event that a jury is unable to reach a verdict as required by law, the judge may declare a mistrial, and the case will then have to be tried at another time before another jury.

3. WHO'S WHO IN THE COURTROOM

3.1 JUDGE

The judge, who is addressed as "Your Honor," presides over the court and deals with any legal issues that arise during the trial. The judge informs the jurors about their role and instructs them about what the law is, so they can apply the law to the facts of the case. The jury should not assume anything about the judge's own view of the evidence from the judge's comments or attitude to the parties during the trial.

3.2 COURTROOM CLERK

The courtroom clerk is the judge's assistant during trials. He or she draws the names for the jury selection, swears in the jury, keeps a list of trial exhibits and documents, records the verdict of the jury at the end of the trial and provides administrative assistance to the judge.

3.3 LAWYERS

The parties are usually represented by lawyers. There are two types of lawyers involved in a trial: prosecutors and defense attorneys.



3.4 CRIMINAL TRIAL – THE PARTIES

There are two parties in a criminal trial:

- Prosecution/Town of Summerville – brings the evidence against the accused person. The prosecuting attorney/officer represents the Town and is called the City Prosecutor/Prosecuting Officer.
- Defense – the person who has been charged with an offense is called the accused/defendant. He or she may be represented by a defense attorney or may represent himself or herself.

3.5 OTHER PEOPLE IN THE COURTROOM

In a criminal trial there will often be police or security officers in the courtroom. Also, since courts are normally open to the public, there may be other people observing.

4. THE JURY

4.1 WHAT A JURY HAS TO DECIDE

It is a basic presumption in our legal system that an accused person is innocent until proven guilty. A criminal charge is only a formal accusation. The accused does not have to prove his or her innocence. It is up to the prosecution to prove that the accused is guilty “beyond reasonable doubt.” This means that if the jury has a reasonable doubt about whether the person is guilty, then the verdict must be “not guilty.” If the jury decides the person is guilty, the judge will decide what the sentence, or punishment, should be. The jury is not involved in the sentencing.

4.2 CONDUCT OF THE JURY

Being a juror does not require any special skills, expertise, or education. One of the values of the jury system is that it brings together people from different backgrounds so that a variety of attitudes, values, and experience is brought to bear in reaching a verdict. It is important that each juror contributes to the discussion before reaching a verdict. Below are some key tips for jurors:

- Listen carefully to the evidence
- Keep an open mind, without prejudice or bias
- Be fair and impartial
- Be objective
- Use your common sense
- Listen to all the evidence before you make up your mind
- Do not talk about the case except to other jury members in the privacy of the jury room



4.2.1 CHOOSING A FOREPERSON

Before the trial begins, the judge chooses someone to be the jury foreperson. Any juror can be chosen. The foreperson's role is to:

- Speak or ask questions on behalf of the jury during the trial
- Chair jury discussion and make sure that each juror has an opportunity to express his or her point of view
- Keep deliberations focused on the evidence and the law
- Arrange with the court staff to take a break if any juror requests one
- Ask the court to deal with any question raised by any juror
- Ask the court to adjourn if the jury wishes to finish its deliberations for the day
- Give the jury's verdict at the end of the trial

The opinion of the foreperson has no greater weight than that of any other juror. If for any reason a foreperson is not able or willing to continue in the role, the jury can choose someone else to take his or her place after notifying the judge of the situation.

4.2.2 JUDGE'S INSTRUCTIONS

The judge will give the jury full instructions about its role and duties before and during the trial. The judge's instructions must be followed.

4.2.3 ASSESSING THE EVIDENCE

Because you are required to decide all questions of fact arising in the case, it is important that you do not form or express an opinion until you have heard all the evidence. Trials can take place months or sometimes years after the events in question, so some witnesses will remember more than others. Some witnesses may appear calm, while others may appear difficult or nervous. Try to remain fair and objective when considering the evidence given by a witness. It is important to listen carefully to all evidence. Let the judge know if you have not heard or understood something, or if you need a break. You must not act as an amateur detective by performing your own independent investigation. You must not visit the scene of the alleged crime or any events mentioned in the case, conduct any experiments, or consult any books or other sources (including other people) for additional information. If the judge thinks the jury should visit a place connected with the trial, he or she will arrange to have this happen. Sometimes you will have read or heard something about the case through newspapers, radio, or television, but you must decide the case solely on what you see or hear in the courtroom, not from anything you read or hear in the media. It is particularly important that you do not allow anything you might have seen in films or on television about court cases to play any role in your decision-making.



4.2.4 NOTE TAKING

Note taking will usually be allowed and you will be provided with writing materials. It is important, however, to concentrate on listening to the evidence. Do not rely on notes taken by another juror, which may conflict with your memory of the evidence or may not be an accurate summary.

4.2.5 TALKING TO OTHER PEOPLE

You must not discuss the case with anyone except your fellow jurors in the privacy of the jury room. Even after the trial has finished there are strict limits on what you can discuss. The requirement not to talk about the case applies equally to court staff with whom you may come in contact. Please assist them by not talking about the case either during the trial or after it is finished. This includes the staff in the courtroom in which you are acting as a juror. It is preferable not to bring friends or relatives to court to watch as you may be drawn into a discussion of the case when you leave court.

YOU MUST REMAIN IMPARTIAL. If anything occurs during the trial that makes you think it is improper for you to continue, tell the judge immediately by giving a note to the court staff. An example would be hearing something confidential about the trial, being contacted by someone, or becoming aware that you know one of the witnesses. Under no circumstances should a juror discuss any approach to him or her or any other irregularity with anyone (including other jurors) except the court staff, the clerk, or the judge.

4.2.6 PRIVACY

The privacy of the jury members is protected at all times. Jurors cannot be filmed, photographed, or interviewed by the media and their names cannot be published. No information about them can be given to the accused, the parties involved in the case, or their lawyers.

4.3 ATTENDANCE IS COMPULSORY

4.3.1 UNFORESEEN ABSENCES

You must attend on time during the trial. If you become ill or something happens that delays you or prevents you from attending, contact the court as soon as possible so that the judge can be informed or follow any directions given to you by the judge, such as contacting the courtroom clerk. If something more serious happens that may prevent you continuing on the jury, you must inform the judge as soon as possible. This can be done by writing a note to the judge and giving it to the court staff to pass on. The judge will decide what needs to be done.



4.3.2 BEING CONTACTED IN EMERGENCIES

In a genuine emergency, your family or friends are permitted to contact you by leaving a message with the court staff at (843) 875-2010. The message will be given to you as soon as possible.

4.3.3 DAYS WHEN YOU HAVE BEEN DISMISSED OR EXCUSED

If your presence is not required on any day during the jury trial session, you can go to work; however, you must be careful not to discuss anything about any of the cases with people at work.

5. THE JURY

5.1 WHAT HAPPENS IN THE TRIAL?

5.1.1 JUDGE'S DIRECTIONS

A fair trial depends on the combined efforts of the jurors as the deciders of the facts and the judge as the final authority on the law. The jury must apply the law (as stated by the judge) to the facts as it finds them to be. If the judge gives you any instruction that seems to conflict with anything contained in this handbook, you must accept what the judge tells you as being correct and guided only by the judge.

5.1.2 OPENING STATEMENTS

At the start of a criminal trial, the Town Prosecutor will make an opening statement telling the jury what the alleged offense is and what the evidence is expected to show. The accused person's lawyer may also make an opening statement. These statements are not part of the evidence. Their purpose is to give you the framework of the case, the points of conflict, and the issues to be decided.

5.1.3 PROSECUTION CASE

After the opening statements, the presentation of evidence to the jury begins. When a witness is called to the witness box by the prosecution and sworn to tell the truth, he or she is questioned and "examined" by the Town Prosecutor. Then he or she may be questioned or "cross-examined" by the defense attorney. The purpose of cross-examination is to test the accuracy of the evidence or emphasize certain parts of it. Sometimes the prosecutor "re-examines" the witness to clarify something that has come up in cross-examination. This process of questioning witnesses may be lengthy, but it is important to listen attentively to all of the evidence and to examine any documents, photographs, etc. that are put before the jury.



5.1.4 DEFENSE CASE

When the prosecution has finished, the defense can call witnesses or present other evidence if they choose to. Remember, in a criminal trial, the accused is presumed innocent so it is up to the prosecution to prove guilt. The same process of examination, cross-examination, and re-examination will occur with any witnesses called by the defense.

5.1.5 EVIDENCE

The evidence consists of oral evidence given by witnesses and physical objects such as photographs, documents, firearms, exhibits, etc. The jury's verdict must be based solely on the evidence presented during the trial. Because evidence is so important, there are strict rules about what evidence can be given in a court and the types of questions asked of witnesses or to other evidence. The judge then makes a ruling on whether the evidence is admissible, based on the law. Sometimes jurors are asked to leave the court while legal points are discussed by the judge and the lawyers. This may seem time-consuming, but it is important that the rights of all parties are protected and that questions of law are properly decided by the judge as they arise. The jury should not feel resentful at being excluded. The judge will ensure that the jury is properly informed of everything it needs to know about the law or facts in order to reach a verdict.

5.1.6 FINAL OR CLOSING ARGUMENTS

After all the evidence has been given, both sides will have the opportunity to present their final submission to the jury. As with the opening statement, this is not part of the evidence. You should listen to these submissions and consider them thoughtfully, but you must form your own opinion of the facts.

5.1.7 JUDGE'S CHARGE TO THE JURY

After closing arguments, the judge will summarize the case and give instructions to the jury. It is vitally important that each juror listens to all these instructions and understands them because the judge will define the issues to be decided in the case and set out the relevant law.

5.2 JURY RETIRES TO CONSIDER VERDICT

After all the evidence has been given and summed up in court, the judge will ask the jury to retire to the jury room to consider its verdict. During this time, you must not talk to anyone about the case except other jury members. All discussions must take place in the privacy of the jury room and when all other jurors are present.

5.2.1 HOURS

Once a jury retires to consider its verdict jurors will have to stay together at lunchtime, so lunch will be provided. Towards the end of the trial, the judge will give you more details



about arrangements during the jury deliberation period. If the jury wants to finish its deliberations early the next day, the judge will deal with such a request.

5.2.2 JURY DECISION-MAKING

Provided you always follow the judge's instructions about the law, you are free to deliberate in any way you wish. The discussion in the jury room is chaired by the foreperson. He or she should ensure that discussions are carried out in a free, unhurried and orderly way, focusing on the issues to be decided and letting each juror have a chance to participate in discussion. During the deliberations, jurors should keep an open mind, listen carefully to everyone, and be prepared to tell others on the jury what they think and why. Be prepared to change your mind when there is good reason for doing so. At the same time, try not to be overly influenced by other people's ideas and recollections. Even if someone has taken notes, this does not necessarily mean that his or her notes are more accurate than what you remember of the evidence. If the jury requires assistance as to what any evidence was, the judge can provide such assistance. Do not hesitate to ask. When the jury is arriving at a verdict, every juror's opinion counts. It is important to respect the opinions of other jurors and value the different viewpoints that each juror brings to the case. This will help the jury to reach a fair verdict. Let your fellow jurors have a chance to say what they think and why. Do not intimidate anyone else. Equally, do not be afraid to speak up and express your views.

5.2.3 HOW LONG WILL IT TAKE?

The jury must reach a unanimous verdict unless the judge tells it otherwise. Do not rush your decision. The court will give you as much time as you need. The people involved in the case deserve your complete attention and your thoughtful deliberations. It is important to consider all the evidence carefully. All jurors should feel comfortable with the verdict. No juror should feel pressured to change their mind, just because everyone else has reached a different conclusion or because it is taking a long time to decide. Remember, your decision will have a significant effect on the lives of other people.

5.2.4 TAKING BREAKS

If you are tired and need to take a break, let the foreperson know. If you need to send a message to your family or friends that you are still on jury service, the court staff can organize this for you.

5.2.5 GETTING STARTED

There are no set rules about how to conduct your deliberations. However, it is useful at the beginning to decide how you want to proceed and to decide on general guidelines. The following suggestions may assist:

- Have each person discuss their initial feelings and what they think about the case



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- At certain points in the discussion go around the table, one by one, and talk about the case. This will help get opinions from people who are less likely to speak up.
- Have jurors speak up at any time when they have something to say – provided they do not interrupt other jurors
- Try to get everyone to talk by saying something like: “Does anyone else have anything to add?”
- Ask someone to take notes during your deliberations so that you do not forget the important points
- Write down key points so everyone can see them

5.2.6 DISCUSSING THE EVIDENCE AND THE LAW

The deliberations of the jury are secret and there is no set procedure that jurors are bound to follow in reaching their decision; however, if you would like guidance as to a procedure that you might adopt, you should ask the judge.

5.2.7 GETTING ASSISTANCE FROM THE COURT

If at any time a member of the jury has a question or needs clarification about anything, the jury can ask the judge for assistance. Each member of the jury must understand the judge’s instructions on the law in order to do the job properly. A jury can get assistance from the judge if any juror does not understand something in the judge’s instructions, such as a legal principle or a definition. If there is any confusion about the law or some of the evidence, any juror can ask:

- For clarification (i.e. that further definition or explanation of a word or principle be provided)
- To examine exhibits
- To be reminded of evidence (i.e. that all or part of a witness’ testimony be provided)

This is done by sending a written request to the judge through the court staff. Make sure you don’t discuss anything about the case with the staff member. The court will need to reassemble to deal with your request. Put your question or request in writing and make two copies. Keep one to read out in court. The foreperson should ask the court staff to give the other copy to the judge.

5.2.8 THE VERDICT

You should spend a reasonable amount of time considering the evidence and the law and listening to each other’s opinions, so that you feel more confident and satisfied with your eventual verdict. You might vote by raising your hands, by a written ballot or by a voice ballot. Eventually, a final vote in the jury room will have to be taken, with each of you expressing your verdict openly to the other jurors. The jury foreperson should let the court



staff know that the jury has reached a verdict (but not what the verdict is). The judge will then call everyone, including the jury, back into the courtroom.

5.2.9 JURY GIVING VERDICT

The judge will ask the foreperson if the jury has agreed on a verdict and will ask him or her to pass the verdict form to the clerk. The clerk will read the verdict verbatim. Once the verdict has been read, the judge will then discharge the jury.

5.3 SENTENCING

In a criminal trial, if the jury finds an accused person guilty, it is then up to the judge to decide what the sentence should be. This can include a fine, a suspended sentence, a good behavior bond, a community-based order or imprisonment.

5.4 AFTER THE TRIAL

Once the trial is complete, the judge will thank you for your time and service. You will receive further information about excuses for work/school, etc. from the courtroom clerk before you leave.

5.4.1 DON'T TALK ABOUT THE TRIAL

Even after the trial is over, it is still important that you do not discuss your jury service in such a way that you disclose the identity of another juror, details of the jury discussions or the particular case. Once the judge has discharged you from the trial, you have completed your role. You cannot be asked to explain how you reached your verdict. You cannot reveal anything that was discussed during your deliberations. If anyone approaches you to talk about the trial, you should report this to the court. Sometimes there will be an appeal, or there may be other matters to be dealt with related to the trial you have been involved in, and it is important that justice not be compromised by a juror discussing the trial.

5.4.2 IF YOU HAVE ANY QUESTIONS LATER

If you have any questions or any concerns about the trial or your experience as a jury member, please feel free to talk to court staff.