

Outline For Criminal Jury Trial For Self Represented Litigants

THIS OUTLINE IS NOT LEGAL ADVICE. IT IS SIMPLY A ROAD MAP FOR HOW THE COURT GENERALLY CONDUCTS CRIMINAL JURY TRIALS.

1. The district attorney identifies the case for the record. The judge addresses any pretrial matters: clothing order if defendant is in custody, exclusion of witnesses, number of witnesses, length of trial, scheduling issues, jury instructions, verdict form, length of jury selection, juror questions, and motions in limine.
2. Jury panel: The clerk gives the parties a list of prospective jurors, seats the prospective jurors, and swears them in. The judge reads the jurors an introductory instruction. The judge determines if any jurors should be discharged due to hardship issues or because the juror is unable to be fair and impartial.
3. Jury selection: The judge asks the jurors to answer some questions on a board in the courtroom to provide the parties with some brief biographical information about each juror. The defendant then asks jurors questions, and then the district attorney does so. The purpose is to determine if the jurors can be fair and impartial, not to argue the case.
4. Juror challenges for cause are addressed during the questioning of prospective jurors and before passing the panel for cause, and peremptory challenges are handled outside the presence of jurors after questioning of prospective jurors is complete. Each side has 3 peremptories in a misdemeanor case and 6 in a felony case. The parties alternate beginning with the defendant.
5. Once the jury is selected, the clerk swears the jury. The judge then reads a precautionary instruction describing the trial process to the jury.
6. Opening statements: Each party outlines what evidence will be presented. The State goes first, then the defendant.
7. State's case: The State has the burden to prove the defendant's guilt beyond a reasonable doubt. Evidence may include witnesses, documents, or other physical objects. Each witness takes the stand and is sworn in. The district attorney questions first (direct examination), then the defendant questions (cross examination), then the district attorney questions (redirect). The examination of a witness is not an opportunity to argue or make statements; it is an opportunity to ask questions of the witness. Objections should be simple statements based on the rules of evidence.
8. Defense case: Defendant is presumed innocent unless and until the State proves the defendant's guilt beyond a reasonable doubt, and defendant does not have any obligation to present any evidence. Defendant has a right not to testify. The decision not to testify cannot be considered by the jurors in their deliberations. If defendant chooses to present any evidence, this is the time to do so. The judge follows the same procedure as in the State's case.
9. State's rebuttal. The State may present rebuttal testimony or other evidence.
10. The court reads the instructions on the law to the jury.
11. Closing argument: Both sides argue why the facts and law support their position. The district attorney goes first, then defendant, and then the district attorney offers rebuttal argument.
12. The judge swears in the clerk, and then sends the jury to deliberate. The parties put on the record any exceptions (objections) to the jury instructions. After the jury has reached a verdict, court is reconvened. The judge reads the jury's verdict. The judge then polls the jury to ensure the verdict is legally sufficient. If so, the judge then discharges the jurors unless they are needed for a sentencing phase. If the defendant is found guilty, the judge determines when sentencing will take place.