

PROCEDURES FOR TRIALS (cont'd)

Objections - From time to time during the trial there will be interruptions necessitated by objections of counsel. At times the jury will be required to leave the courtroom.

Juror's Duty During Trial - You must not discuss the case with anyone. You are not to read any accounts of the trial or listen to radio or tv accounts or discuss testimony, evidence or anything else about the case with anyone. You must be attentive throughout the trial (Article 793). Jurors are permitted to take notes in civil cases.

Sequestered Jurors - You may be sequestered at the order of the judge (which means you may not return home until the completion of the trial). Room and board will be provided. All requests by jurors while sequestered must be made to the judge and approved by him only.

Closing Arguments - The prosecutor argues first; the defense follows; finally, the prosecutor may answer the argument of the defense.

Instructions of the Court - The Judge will instruct the jury in the law. It is your duty to apply the law as given and to listen carefully to the court's instructions.



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HANDBOOK FOR JURORS IN CRIMINAL & CIVIL CASES

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Clerk of Court

40th Judicial District Court
Parish of St. John the Baptist



Your name has been drawn by lot for service as a Juror in the trial of a criminal or civil case in the 40th Judicial District Court for St. John the Baptist Parish. Jury service is one of the most important functions you are called to perform as a citizen. Every jury is randomly selected by a computer program from driver's licenses and voter registration rolls.

*This hand-out is presented as a courtesy by Felicia C. Feist,
Clerk of Court for the Parish of St. John the Baptist.*

QUALIFICATIONS AND EXEMPTIONS

In order to qualify to serve as a juror, a person must:

- be a citizen of the U.S. and of this state who has resided within the parish in which he is to serve as a juror for at least (1) year immediately preceding service.
- be at least 18 years of age
- be able to read, write and speak the English language
- not be under interdiction or incapable of serving as a juror because of mental or physical infirmity
- not be under indictment for a felony
- not have been convicted of a felony for which he has not been pardoned.

If you are not qualified under the preceding provisions, you should make your disqualifications known to the Court by communication with the judge whose name is on the summons prior to the date. **THE JUDGE IS THE ONLY PERSON WITH THE AUTHORITY TO EXCUSE YOU.** If you are over the age of seventy (70) years and want to waive your right to the jury process, the court must receive a written request for excusal. This must be done each time you are called to serve.

If you are selected as a juror, you are exempt from serving on a jury for two years. If you are excused, you may be selected again.

TIME OF SERVICE

Unless you have been excused by the judge, you must appear at the time and in the place specified on your summons. Normally jurors serve for one or two days; however, if you are selected to serve on a jury which hears a case that lasts longer, your service will extend until the case is completed. Except in some capital cases jurors will normally be permitted to return home at the close of the day's sessions.

SELECTION OF THE TRIAL JURY

The Judge and Lawyers can ask certain questions of each prospective juror. This may give the appearance of prying into your affairs, but its purpose is to insure selection of a jury fair and impartial to both sides. The lawyers have a duty to ask proper questions to assist them in deciding which jurors to select. In criminal and civil cases, each side has the right to challenge a limited number of jurors without giving reasons. The Judge may excuse any prospective juror from service if for any reason doubt exists as to the juror's ability to serve impartially in that case.

If you are excused by the court, the state, or the defendant, you should not be offended. The concept of jury selection is simply that while all qualified persons are able to serve on juries, not all are suitable for every jury.

COMPENSATION

LA Revised Statute 13:31149 provides that:

A. Every person selected and summoned shall attend as a juror or talesman punctually and for the time for which he is selected. **THE DISTRICT JUDGE MAY ENFORCE THE ATTENDANCE OF ANY JUROR BY IMPOSING A FINE OF NOT MORE THAN FIFTY DOLLARS OR BY IMPRISONMENT IN THE PARISH JAIL FOR NOT MORE THAN THREE DAYS, OR BOTH AT THE JUDGE'S DISCRETION, FOR EACH VIOLATION.**

B. The jurors who attend and serve shall be entitled to demand and receive from the parish treasury, twenty-five dollars and mileage.

LA Revised Statute 23:965 reads in part: Any person who is regularly employed, upon call or subpoena to serve on a jury, be granted leave of absence; by his employer, up to one day, without loss of wages, sick, emergency or personal leave or any other benefit. Payment for your services, in most instances, will be made through the Clerk of Court's office.

PROCEDURES FOR TRIALS

Charge Against the Defendant - LA law requires that before a defendant can be brought to trial, he must be indicted by a grand jury or charged in a bill of information by the District Attorney.

District Attorney - Presents to the jury the evidence on which the state's case is based.

The Attorney for the Defense - Under the law, the defendant has the right to be represented by an attorney. If financially unable to hire an attorney, the court will appoint one.

The Judge - presides over the proceedings and rules upon the admissibility of evidence. Depending on the case, the judge can issue a judgement or verdict.

Opening Statement - After selection of jury, the prosecutor is required to make an opening statement where he outlines the evidence. The defense counsel may but is not required to make an opening statement.