

Phoenix Municipal Court Juror Reference Manual



Message from the Chief Presiding Judge

Welcome Juror,

You have been summoned for jury service. Your participation as a juror is just as important as the judge's and the attorneys' in the courtroom. Your role as a juror is to get a full understanding of the facts of a criminal case, to evaluate the evidence, and to make an impartial and fair decision. The outcome of a trial by jury relies on you. Therefore, we ask you to discharge your duty with care, honesty, and good conscience. We hope your jury service will be a rewarding, interesting, and positive experience.

Our court system strives for fairness to everyone who comes before it, and the core of this fairness is Trial by Jury. In the Declaration of Independence, Thomas Jefferson listed the fact that the citizens of the Colonies had been deprived of the benefits of Trial by Jury as one of the injuries perpetrated by the King of Great Britain. As citizens of this Country, if we are accused of certain criminal acts, we have the right to a Trial by Jury. By the same token, we have the responsibility to act when called upon to serve as a juror. Like the privilege of voting, jury duty is one significant way we can participate in the democratic process. The people of the United States of America rely upon jurors for the protection of life, liberty, and the pursuit of happiness.

As a juror, you will play an important role in the American system of justice. You do not need any special skills or legal knowledge to be a juror. Potential jurors are men and women of good judgment, honesty, and objectivity. Jurors need to keep an open mind and be willing to make decisions free of personal opinions and prejudices. Your public service as a juror protects our Constitutional right to have a trial by an impartial jury. The protection of our rights and liberties is accomplished through the teamwork of judge and jury, who, working together in a mutual effort, put into practice the principals of our heritage of freedom.

I sincerely appreciate your time and service,

Roxanne K. Song Ong, Chief Presiding Judge
Phoenix Municipal Court

Jury Center Location 300 West Washington Street, 1st Floor Phoenix, AZ 85003

Hours 7:45 a.m. to 5:00 p.m. (Monday thru Friday)

Contacts Web: www.phoenix.gov/jury • Recorded Message: 602-534-9931 • E-mail: jury.duty@phoenix.gov

Courts of Arizona

If a violation is not specifically defined by the U.S. Constitution or granted to the federal court system by Laws of Congress, it will be heard in a state court. The Arizona State Court System is organized as follows:

1. Courts of Limited & Special Jurisdiction:
 - A. Justice of the Peace Courts have jurisdiction over:
 1. Criminal misdemeanor offenses
 2. Civil suits involving amounts less than \$10,000
 3. Small claims cases involving less than \$2,500
 5. Protection Orders
 - B. Municipal Courts have jurisdiction over:
 1. Criminal misdemeanor offenses
 2. City Ordinance violations
 3. Traffic offenses
 4. Petty offenses
 5. Protection Orders
2. Courts of General Jurisdiction:
 - A. The Superior Court of Arizona has jurisdiction over:
 1. Criminal felony offenses
 2. Civil cases
3. Courts of Appellate Jurisdiction:
 - A. Arizona Court of Appeals
 - B. Arizona Supreme Court

Phoenix Municipal Court

As a Municipal Court we have jurisdiction over criminal misdemeanor and traffic offenses occurring within the Phoenix City limits, such as:

- Driving while under the influence of alcohol/drugs (DUI)
- Theft & Shoplifting
- Prostitution & Indecent Exposure
- Leaving the Scene of an Accident

Waiting Serves a Purpose

The most common complaint about jury duty is the unexplained time that jurors wait in the Jury Center. What you may not realize is that your presence in the Jury Center ensures that cases are expedited. Without your presence, cases would be continued or dismissed instead of being resolved. What might appear to be poor time management is actually the opposite, as the judge and attorneys are addressing matters that must be taken care of outside the presence of jurors. The judge may be hearing arguments on last minute points of law, making rulings on pre-trial motions, discovery issues, scheduling conflicts, or whether a jury will be needed or waived. Sometimes the parties are still negotiating and may settle the matter before, or even after a jury panel has been assembled. By your presence and readiness to sit on a trial, you may compel the parties to settle the case rather than go to trial.

You should know that we are constantly looking for ways to improve processes without depriving parties of the rights afforded under the law. What may seem like an inconvenience oftentimes develops into a rewarding and educational experience.

Attire

Business casual is appropriate for jurors and you may find a sweater or jacket useful, as temperatures vary throughout the Courthouse. Shorts, tank tops and hats are not appropriate attire.

Parking

Free parking is available at the 305 West Washington Street parking garage which is directly south of the Courthouse. Please bring your parking stub to the Jury Center for validation. If your vehicle height is greater than 6' 11", or you ride a motorcycle, please call 602-495-6777 the last business day before your jury duty for special parking instructions.

Your Employer

State Law (ARS 21-236) prohibits an employer from discharging, harassing, or discriminating against an employee for being absent from work to serve as a juror, provided the employee gives reasonable notice of their scheduled jury duty. Employers are not required to pay employees while on jury duty, however many employers elect to provide compensation. You will receive documentation of your jury duty as proof of service.

Juror Badge

At juror orientation you will be provided with a juror badge. We ask that you wear this badge at all times until your jury duty has ended, even while at lunch in the downtown area. This badge identifies you as a juror to other people in the Court, and should prevent them from discussing Municipal Court cases while in your presence.

Biographical Information

At juror orientation you will be asked to complete a short biographical information form. This form serves several purposes. The form is used by the attorneys during jury selection and is also verification of your jury duty. Additionally the bailiff may ask you to provide a telephone number to be used in the event of scheduling changes, or to determine your whereabouts if you are not present as scheduled. This information will not be used beyond the above stated purposes.

Selection

When you report to the Jury Center your attendance is confirmed by the Jury Center staff. When a courtroom needs a jury panel, a randomly selected group of jurors is called and sent to the courtroom. From this group a jury will be selected which is normally comprised of six people with one or more alternates. Those not selected for the trial return to the Jury Center to be placed on another panel.

Term of Service

Phoenix Municipal Court operates a One Day/One Trial jury system. If selected to serve, most trials last one to three days. Prospective jurors selected to serve on a jury are required to serve for the duration of the trial. When the trial is finished, so is the juror's jury duty. Unless the Jury Center staff or judge tells you otherwise, those not selected as trial jurors are dismissed at the end of the day and have completed their term of service.

Conduct in Court

When your name is called as a member of a jury panel, you will be escorted to the courtroom by the bailiff. Please turn off all pagers and cellular phones and do not enter the courtroom until instructed to do so. The court may be conducting a preliminary proceeding about the trial to which you are assigned. Once inside the courtroom, follow the instructions given there. Unless

specifically told otherwise, return to the Jury Center if not selected to serve on the trial jury. If you have an emergency while serving as a juror, notify the judge. If you need to contact your family or employer, the bailiff will assist you.

Questioning of Jurors (Voir Dire)

When called into the courtroom by the bailiff, remain seated on the benches in the back until your name is called to sit in the jury box, or until the judge excuses you. You will be asked to truthfully answer all questions about your qualifications to serve as a juror. This may take place while sitting in the back of the courtroom or while seated in the jury box. Once sworn, the judge will ask general questions about your qualifications to serve as a juror. Please pay close attention to these questions even if you are not seated in the jury box. When the judge finishes questioning you, the attorneys may also ask you questions. This process is called a "voir dire" examination. Voir Dire is a French term which means "to speak the truth". Some questions may seem very personal. It is not intended that any question embarrass you. Attorneys have a duty to their clients to assist them in jury selection. There are many reasons why you may not be considered as a fair and impartial juror in a case. You might be closely related to one of the parties in the case, have a business relationship with one of the attorneys, or have some personal knowledge of the case or a personal experience similar to the facts of the case. If you think you should be disqualified for any reason, (even if not brought out by questions directly asked) please raise your hand. When called on by the judge, tell the judge and the attorneys about it. If you are excused by the judge you will be instructed to return to the Jury Center where you may be sent to another courtroom for jury selection in another trial. In every case each side has a certain number of "peremptory challenges". Attorneys may use all, part, or none of their peremptory challenges to remove jurors without any cause being stated. If you are excused it is not a reflection on you in any way. It simply means that in the case before the Court it is proper to excuse you. When the voir dire examination concludes, and the required number of jurors are seated, the jurors are sworn to try the case.

During the Trial

1. Always be on time. If delay is unavoidable, call the Court at 602-534-9931, option 6. You could be cited for Contempt of Court if you needlessly delay the Court proceedings.
2. Be attentive and listen. If you cannot hear some of the testimony, raise your hand and inform the judge.
3. Taking notes. You will be provided with a notepad for taking notes and may use your notes during deliberation.

Questions by Jurors

If you have a question for any witness, write the question on a full sheet of notepad paper, fold it in half and place it in the file pocket at the end of the jury box. The judge will review your question and determine if it is legally permissible. If so, the judge will direct the question(s) to the witness. Do not talk to anyone about the case including another juror unless the judge has instructed you to begin deliberations. If someone tries to talk to you about the case on which you are serving, do the following:

1. Tell the person it is improper for a juror to discuss the case or receive information except in the courtroom.

2. Refuse to listen.
3. Immediately report the incident to the judge, bailiff, or Jury Center staff.

Integrity of Jurors

Jurors must conduct themselves so that no one questions their integrity. Jurors should be aware of their conduct and avoid arousing anyone's distrust. Avoid all familiarity with anyone interested in a decision of the jury. Do not form hasty opinions or draw conclusions until you hear all evidence and arguments, and have received the final instructions from the judge. Do not form or express any opinion of the case until you are in the Jury Deliberation Room. There you have the opportunity to impartially discuss the evidence with your fellow jurors. Jurors must base their verdicts solely upon the facts and the judge's instructions on the law. The verdict must not be based upon your notion of what the law is or ought to be. If you have any questions regarding juror conduct or the trial, consult the judge. The judge is always in charge during the course of the trial.

Steps of a Jury Trial

1. Selection of a Jury.
 - A. Voir Dire (questioning of the prospective jurors)
 - B. Challenges
 1. Cause (excused by the judge)
 2. Peremptory (excused by an attorney)
 - C. Selection of jurors.
 - D. Oath administered to jurors.
2. Judge's preliminary instruction to jurors.
3. Opening statements by attorneys. These statements outline what the attorney thinks the evidence will be, and are offered to help jurors understand and follow the evidence during the trial.
 - A. The attorney for the State makes an opening statement. These attorneys are from the City Prosecutor's Office.
 - B. The defendant's attorney may make an opening statement at this time, or at the close of the State's evidence.
4. Evidence is presented. (usually takes 1-3 hours)
 - A. The state offers evidence to prove its case.
 - B. The defendant has the option of presenting evidence to disprove the state's case and establish their own case.
 - C. The state may then offer evidence to rebut any new material presented by the defendant.
 1. Witness testimony. Before testifying, each witness is sworn to tell the truth. Attorneys ask questions on direct examination and cross-examination. The judge may also ask questions. The jury may submit questions for a witness, by writing them down and putting them in the file pocket provided in the jury box. The judge will review all questions to determine if they can legally be asked.
 2. Exhibits. (physical evidence, e.g., photographs, reports, etc.). Sometimes attorneys for one side object to a question or an exhibit offered by the other side. Attorneys may object to introduction of any evidence they believe is improper. At times the

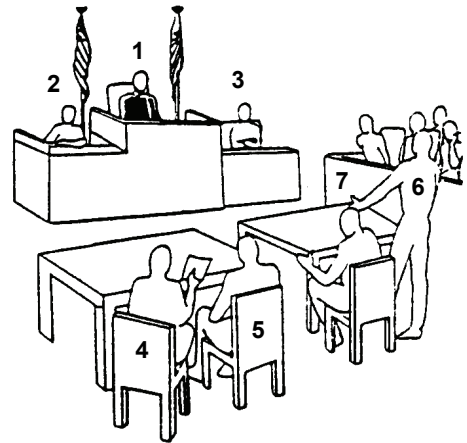
judge will hear arguments on these objections away from the jury. If the judge thinks the evidence objected to is not proper, they will "sustain" the objection and not allow the evidence. If the judge thinks the evidence is proper they will "overrule" the objection and allow the evidence to be presented. The matter is a legal question which the judge alone must decide. Objections by the attorneys, or the judge's ruling, should not cause the jury to favor one side or the other.

5. Closing arguments by attorneys. After all evidence has been presented, the attorneys are allowed to make their final arguments to the jury. In the final argument, the attorney for each party discusses the facts as they relate to the law to be applied by the jury. The attorney presents the reasons and arguments favoring their position. These arguments give the jurors an opportunity to better understand the case and help them arrive at a fair verdict. The state is entitled to rebut the defendant's closing argument. What the attorneys say in their closing argument is not evidence.
6. Judge's instructions on the law. The judge will instruct the jury on the law of the case prior to the jury deliberation. You will be given a copy, or a recording, of the instructions to use in deliberation.
7. A bailiff will escort the jury panel from the courtroom to the Jury Deliberation Room.
8. Deliberation. When the jury goes to deliberate, they will select a foreperson. It is the foreperson's duty to:
 - A. Act as a Chairperson.
 - B. Ensure that the jury's deliberations are conducted in an orderly fashion.
 - C. Ensure that all issues are fully and fairly discussed.
 - D. Assist the jury in reaching a unanimous verdict based upon the law and evidence.
 - E. Sign the appropriate forms of verdict based on the unanimous decision of the jury.
 - F. Ensure that every juror has an opportunity to speak on every question.
 - G. Presides over the balloting.

Every juror should listen carefully to the views of the other members of the jury and consider them with an open mind. The final vote represents your own opinion. After discussions with your fellow jurors, your opinion may change. Do not hesitate to change your mind if you are convinced it is appropriate to do so. When differences of opinion arise, voice your opinion and explain it. Do not force another juror to agree with you. Do not refuse to listen to the arguments and opinions of others. You must never permit a decision to be reached by chance or toss of a coin. If there is disagreement or confusion about the judge's instructions or their meaning, ask the judge for further instructions or assistance.
9. The verdict. After the verdict is reached the jurors will be escorted back into the courtroom by the bailiff. The judge will ask the foreperson for the verdict slips. The verdict will be read aloud. In some cases each juror will be asked if he/she agrees with the verdict. This is called "polling the jury".

Courtroom Layout & Personnel

Most courtrooms are physically arranged in the following manner:



The following are key participants in a courtroom proceeding:

1. **Judge:** The judge has many duties in connection with a trial. The Judge must see that the trial is conducted in an orderly manner according to prescribed rules and laws covering: selection of the jury; the presentation of evidence; the arguments of the attorneys; the instructions to the jury; and the rendering of the verdict. The Judge must decide if questions asked of prospective jurors about their qualifications are proper. The Judge also decides on requests to excuse jurors and rules on objections made during the trial. The Judge must inform jurors as to the issues of fact they must decide, the laws which apply to the case, and their responsibilities as jurors.
2. **Bailiff:** The bailiff is in charge of the jury during the trial and deliberations. The bailiff also keeps order in the courtroom, operates a court recorder, opens and closes the courtroom, and assists the Judge.
3. **Witness:** A person who gives testimony concerning the issue being tried.
4. **Defendant:** The person charged with an offense.
5. **Defense Attorney:** The legal representative of the defendant.
6. **Prosecuting Attorney:** The legal representative of the State.
7. **Jury Box:** Where jurors are seated.

Exit Questionnaire

At the conclusion of your jury duty you will be asked to complete a questionnaire. Please give this your full attention as all answers are tallied and evaluated to improve our operations.

Common Terminology

Deposition: The testimony of a witness or party to a suit, given before trial, under oath, and typed in question and answer form, just as if it was given in court.

Exhibit: A document or material produced and identified in court for the purpose of introducing it as evidence.

Motion: An application made to the judge by the attorney for one of the parties (or by an unrepresented defendant). The motions

may be oral or written, and are made to obtain an order in favor of the applicant.

Rest: In legal terms, this means that the attorney has concluded the evidence he wants to introduce at that stage of the trial.

Stipulation: An agreement by the attorneys to certain undisputed facts or issues which need not be proven during the course of the trial.

Subpoena: An official order to attend court at a stated time. The most common use of the subpoena is to bring witnesses to court to testify.

Voir Dire: French for "to speak the truth". The examination of the prospective juror for selection of the jury to try the case through use of challenges for cause and/or peremptory challenges.

Frequently Asked Questions

Q. What time should I report?

A. The Courthouse opens at 7:30 a.m., which is when juror check-in starts and continues until 8:00 a.m. If you arrive after 8:00 a.m. you may be rescheduled for another day. Returning jurors need to report as instructed by the bailiff and should stop by the Jury Center for parking validation and a new Juror Badge.

Q. What should I bring?

A. Please feel free to bring a snack and/or lunch to keep you energized, as well as a good book, laptop computer or other items to pass the time when you're not in a courtroom. You can also bring a cup of coffee or bottled beverage into the Jury Center. Just let Security staff know you're a Juror.

We provide the following :

- Wi-Fi Service
- Refrigerator (for your food items)
- Microwave & Toaster Oven
- Vending Machines
- Purified Water
- Automated Teller & Change Machine
- Newspapers, Magazines, Puzzles & Movies
- Lockers (for your personal belongings)
- Fax Machine
- Complementary morning coffee, pastries and fruit

Q. How did you get my name?

A. The Superior Court Jury Commissioner develops a list of potential jurors which is drawn from the County Voter Registration List and Department of Transportation records. A computer then randomly selects jurors from all individuals with a Phoenix residence. The Jury Commissioner of Maricopa County Superior Court provides jurors for the Superior Court, the Justice Courts, and several Municipal Courts, including Phoenix Municipal Court. You must be a resident of the City of Phoenix to serve as a juror in Phoenix Municipal Court.

Q. How often can I be summoned for jury duty?

A. If you are not selected to serve on a jury panel, you will not be called again for at least eighteen months. If you are selected on a jury, you do not have to serve again for two years. If you should receive a summons within that time, you may request to be excused.

Q. How long will I be here?

A. If you are not selected today to serve on a jury, in most cases, you will be excused by the jury office by the end of the day. If you are selected, you will serve for the duration of that trial. The average jury trial runs one to three days.

Q. Does the court provide child care?

A. No. It is your responsibility to arrange for child care before you report for jury duty.

Q. Can I bring someone to keep me company?

A. No. Only jurors are allowed into the Jury Center.

Q. How can my family reach me in an emergency?

A. Have them call the Jury Center at 602-534-9931, option 6, and we will promptly relay the emergency message.

Q. Do I get reimbursed for travel expenses?

A. You will receive a mileage reimbursement check, unless you use public transportation and choose to receive one bus pass instead. The rate for mileage reimbursement is set by law and the roundtrip distance is based on the mileage from the center of your zip code to the Courthouse. If you are selected to serve on a jury, you will be paid \$12 per day, which is set by law. Checks for jury service are mailed to your home address and typically arrive within four weeks. Questions regarding jury checks should be directed to the Office of the Jury Commissioner at Maricopa County Superior Court at 602-372-5879. Obviously we must have your current address to mail your payment. If you have moved, or changed your name, you must complete a change of address/name form while in the Jury Center.

Q. What if I need a special accommodation?

A. We will make every attempt to accommodate your needs. Just call us at 602-534-9931, option 6, at least 3 business days in advance of your scheduled jury duty.

To request this document in an alternative format, please call
602-262-1625 or 602-495-0733 TTY
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