

# Jury Duty

In Jamaica, persons accused of certain criminal acts, are judged by a jury of their peers. This was inherited from the British jurisprudence.



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# What is a Jury?

A jury is a group of persons drawn from civil society and who brings their commonsense, experience and wisdom into the matter of determining the guilt or innocence of a fellow citizen.

## Who is disqualified from Jury Duty?

**1** Persons under 18 years of age or over the age of 70

**2** A person who is not a Commonwealth citizen

**3** A person awaiting trial in the Resident Magistrate or Circuit Court for an indictable offence i.e. serious offences such as murder, shooting with intent and unlawful wounding, but not offences such as traffic violations

**4** Persons serving or who have served a sentence of imprisonment of more than six months



It is believed that jurors understand the nuances and idiosyncrasies of their society and bring to bear on a trial their collective experiences.

## Excuses from Jury Service

Jurors can be excused from attendance at Court on the ground of illness, or for any other good reason

# Important Facts to Know



1. When you are a juror nobody should approach you out of court to discuss the case with you. If anyone attempts to do this, you should inform the Judge or someone in authority.
2. Nobody should in any way seek to influence you as to what verdict you should arrive at. No relative or friend of the person being tried should approach you to say anything.
3. Nobody has a right to ask you what was said in the jury room by anyone when you have already considered the verdict.
4. Nobody should threaten you or intimidate you in any way when you are a juror. If anyone does, he/she could go to prison for a long time. You are also protected from threats or violence after the case. The State has an obligation to protect every person who serves as a juror.

## Jury Role in Coroner's Court

There are times when persons may be summoned to serve as a juror in Coroner's Inquests. This is an inquiry into the circumstances under which a particular person died and the cause of death.

This inquiry is presided over by a Resident Magistrate in his/her capacity as a Coroner and is normally held at the Resident Magistrate's Court designated at that time as the Coroner's Court.

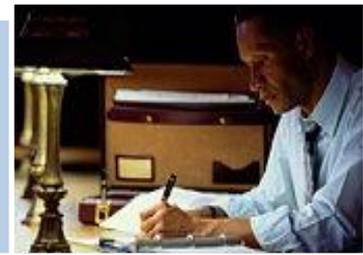
At the hearing of a Coroner's Inquest there is no one charged with an offence so the jurors will not see an accused in the dock. Evidence is presented to determine the cause of death of the person. The Coroner will then review the facts, explain the applicable law and then direct the jury on their duty which is to determine the cause of death of the person. Based on the evidence, if the jurors are of the view that someone is criminally liable for the death of the deceased then they should say so.

If the person the jurors believe to be criminally responsible is known then they are required to name that person. The consequence of naming the person is that the person named may be charged with the relevant criminal offence.



*Jurors are required to sign the Inquisition certifying their verdict.*

## Compiling the Jury List



The Director of Elections periodically sends an updated Voters List for each of the parishes to the Superintendent of Police in charge of each parish

The Superintendent then sends a copy of the list to the Resident Magistrate for the parish who is the Chief Judicial Officer in the parish

The Resident Magistrate gives notice of a special sitting of the Court in Petty Sessions to be held on the third Thursday in the month of May when the Voters List is examined by him/her, along with two or more Justices of the Peace nominated by the Custos. At the public hearing anyone may object to the inclusion of a person on the list of jurors that is being compiled. For example, the Police Superintendent may inform the Court that a person on the Voters List has died or is incarcerated in prison for a long period of time. That name would be excluded from the Jury List.

On the third Thursday in August, the Final Settlement is held to finalize the Jury List. This list will be the one used.

Finally, this Jury List is sent to the Registrar of the Supreme Court and a copy is kept by the court for the parish. The law prohibits alteration of the Jury List

# Jury Panel Selection



## Circuit Court

Each term before the Circuit Court commences in a parish, the Registrar of the Supreme Court prepares panels of jurors for all Circuit Courts from the jury list. The Registrar then issues to the Commissioner of Police a writ requesting him to serve the persons named in the writ, a summons to attend and serve as a juror at the Circuit Court.

The Commissioner is required to issue the summonses and have them served at least 21 days before the commencement of the Circuit Court. The writ is then returned to the Registrar of the Supreme Court who will transmit the panels of jurors to the Clerks of the Courts for the parish. The Clerk of the Courts is the person who acts as the Registrar to the Circuit Court in the respective parishes.

The jurors in a trial are randomly chosen from the panels. During the selection of the jury, the Prosecution and the Defence have the right to challenge any juror. In cases of murder and treason, there are seven (7) challenges for each accused without stating a reason on either side. In other cases each side has five (5) challenges. If a juror is to be challenged, thereafter, the person challenging must state a specific reason.

Jurors who have been challenged would be asked to stand down for that trial but may be used in other trials.

# Jurors' role in Criminal/ Circuit Court



Jurors having been selected to try a case are required to swear and in the event that they object to taking an oath on religious grounds or otherwise they may affirm to return a true verdict in accordance with the evidence presented.

In cases of murder and treason, the panel will consist of 12 jurors. In all other cases 7 jurors will be required.

In criminal trials before the Circuit Court, witnesses will give evidence which the jurors are required to consider. After the testimonies of the witnesses have been concluded, the attorneys-at-law for each side will address the jurors. The Defence attorney will emphasize the weaknesses in the Crown's case and will point out all the reasons why his/her client should be acquitted. The attorney for the Crown will highlight the strength of the Crown's case and try to persuade the jury to return a verdict of guilty as charged.

Thereafter the Judge will sum up the case to the jurors directing them on the law which is applicable to the case, and reminding them of the salient facts. The jurors will then retire to consider their verdict.

Jurors are expected to listen carefully to all aspects of the case in order to return a just and true verdict.