

## 1.2-10 Your Conduct as Jurors

Revised to June 12, 2009

A few moments ago you took an oath that will govern your conduct as jurors between the time you took that oath and the time that you are discharged by me after you have rendered a verdict in this case. That oath and the rules of court obligate you to do certain things and to avoid other things, and I want to review your obligations for you now.

First, you must decide this case based only on the evidence presented here in court and on the law as I will explain it to you.

Second, do not make up your minds about what your verdict will be until after you have heard all the evidence, heard the closing arguments of the attorneys and my instructions on the law, and, after that, you and your fellow jurors have discussed the evidence. Keep an open mind until that time.

There are some rules that flow from these obligations, and I'll go over them now.

You may not perform any investigations or research or experiments of any kind on your own, either individually or as a group. Do not consult any dictionaries for the meaning of words or any encyclopedias for general information on the subjects of this trial. Do not look anything up on the Internet concerning information about the case or any of the people involved, including the defendant, the witnesses, the lawyers, or the judge. Do not get copies of any statutes that may be referred to in court. Do not go to the scenes where any of the events that are the subject of this trial took place or use Internet maps or Google Earth or any other program or device to search for or view any place discussed during the case.

Why? Because the parties have a right to have the case decided only on evidence they know about and that has been introduced here in court. If you do some research or investigation or experiment that we don't know about, then your verdict may be influenced by information that has not been tested by the oath to tell the truth and by cross-examination.

The same thing is true of any media reports you may come across about the case or anybody connected with the case. If you do come across any reports in the newspaper or a magazine, on TV, or any Internet site or "blog," you may not read or watch them because they may refer to information not introduced here in court or they may contain inaccurate information.

You may not discuss the case with anyone else, including anyone involved with this case until the trial is over, and you have been discharged as jurors. "Anyone else" includes members of your family, your friends, your coworkers; if you wish, you may tell them you are serving as a juror, but you may not tell them anything else about the case until it is over, and I have discharged you. You may not talk to any of the court personnel, such as marshals and clerks,

about the case. You may not ask any friends you have who are lawyers or law enforcement personnel for advice or information about any matters related to this case.

Why is that? Because they haven't heard the evidence you have heard, and in discussing the case with them, you may be influenced in your verdict by their opinions, and that would not be fair to the parties, and it may result in a verdict that is not based on the evidence and the law.

You may not communicate to anyone any information about the case. This includes communication by any means, such as text messages, email, Internet chat rooms, blogs, and social websites like Facebook, MySpace, YouTube, or Twitter.

Both the defendant and the state are entitled to a fair trial, rendered by an impartial jury, and you must conduct yourself so as to maintain the integrity of the trial process. When you have rendered a verdict and been dismissed by the court, you will be free to discuss the case with anyone you wish, though remember that you are not required to. Until then you must be focused solely on the evidence presented in the courtroom and your obligations to the fairness of the proceeding.

In addition, you may not talk to each other about the case until I tell you to do so, and that will not be until you have heard all the evidence, you have heard the closing arguments of the attorneys, and you have heard my instructions on the law that you are to apply to the facts you find to be true. Why is that? It may seem only natural that you would talk about the case as it is going on. The problem with that is, when people start discussing things, they take positions on them and express opinions which are often hard for them to change later on. So, if you were permitted to discuss the case while it's going on, you might reach conclusions or express opinions before you have heard all the evidence or heard the final arguments of counsel or heard the law that you must apply. Your verdicts in the case might then be improperly influenced by the conclusions or opinions you or your fellow jurors have reached before you knew about all of the evidence or the law that will help you put that evidence in the proper context for your verdicts.

What happens if these rules are violated by a juror? In some cases violations of the rules of juror conduct have resulted in hearings after trial at which the jurors have had to testify about their conduct. In some cases the verdict of the jury has been set aside and a new trial ordered because of jury misconduct. So, it is very important that you abide by these rules.

If someone should attempt to talk to you, please report it to the clerk immediately. If you see or hear anything of a prejudicial nature or that you think might compromise the proper conduct of this trial, please report it to the clerk immediately. I prefer that these communications be in writing. Do not discuss any such matters with your fellow jurors.