

January 28, 2015

FROM THE OFFICE OF
ROSA LAVENDER
KERR COUNTY VICTIM'S
RIGHTS COORDINATOR
700 MAIN ST.
KERRVILLE, TX 78028

County Eye Newsletter

Jury service can be both rewarding and challenging. Over the past three weeks there have been three jury trials in Kerr and Bandera counties when victims needed representation and support. In attending those three trials, and working with the victims, it reminded me of how important the jury system is to our democratic society. Not only is it important to protect the rights of the accused, but the rights of victims must also be protected in our judicial process.

Twelve regular citizens plus one alternate give up anywhere from three to four days to listen to evidence that can determine the future of an accused in felony trials. Luckily, in our area we rarely see criminal trials that last longer...but sometimes they can. We rarely see high profile trials that require sequestration of a jury for weeks and weeks on dockets in our rural counties either.

Committing to jury service is one of the most important responsibilities a citizen can make in a free society. In Kerr County the process begins when a card arrives in the mail from the District Clerk's office with a series of questions to be answered and then returned. From those cards a potential jury list is created and then, when jurors are needed, official summons are mailed to the prospective jurors stating the date and time to report. That system is used for juries in district, county and justice of the peace courts. Depending on the kind of trial it will be determines the number of jurors summoned. The more complex the trial, the more people are summoned for the jury panel.

Both the prosecutor representing the State of Texas (the District Attorney or County Attorney, depending on which court) and the Defense Attorney spend a great deal of time preparing for a trial and want the best possible jury to hear their side. The rights of a defendant must be protected throughout the process.

Initially jurors are given the opportunity to ask the judge to be excused for reason. Illness in the family, children who would be without supervision if chosen and a variety of personal reasons can lead to being excused from that particular trial but the person is subject to recall for another jury if needed in the future.

The process of selecting the jury begins with the voir dire process when each side talks to the jury panel about the general circumstances of the case. The voir dire is designed to expose the jury to enough of the details to help determine who would be the best jurors for that particular case. Nothing the attorneys say is ever considered evidence. Only witnesses and exhibits presented in the trial can be considered evidence. During the voir dire process the attorneys can ask general questions of the entire jury panel and then can also call individual potential jurors to the bench to ask more specific questions. Some jurors are excused based on their answers to the general and more specific questions. This process can take several hours but is vital to being sure the rights of the accused are protected as well as guaranteeing the constitutional right to a trial by a jury of peers who are unbiased.

Once both sides are satisfied with the remaining jury panel members then each side is allowed to use their strikes to excuse jurors. The final step is when the judge and court clerk get the lists from both sides and determine the 6, 12, or 13 jurors (depending on the court) who were not marked off. Those people then become the jurors.

The rest of the jury panel called is excused. Sometimes those excused jurors remain and observe the trial because they are interested in what will happen.

After the jury is selected the judge administers an oath to the jury panel. They promise not to discuss the trial with anyone until they hear all the evidence and are excused to deliberate on the verdict. Felony trials sometimes take multiple days so the jurors are instructed not to talk to family or friends about the case in the off hours.

They are also instructed not to read anything printed in the media or listen to anything on TV or radio about the case and not to try to research the case themselves. At the end of a trial the jurors are released and, if they want, can talk to anyone about the case.

The next County Eye will continue the explanation of what happens during the trial. Hopefully explaining the process will encourage more people to be willing to serve and will take some of the mystery away from the jury and trial process.