IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

FILED
DATE: 09/01/10
5:00 O'Clock P.M.
JEANNE HICKS, CLERK
BY: HEATHER SMITH
Deputy

STATE OF ARIZONA,

(Plaintiff)

vs

STEVEN CARROLL DEMOCKER
(Defendant)

JURY QUESTIONS (Sealed)

Case No. : P1300CR20081339

Trial Date: SEPTEMBER 1, 2010

The attached sheets are the original jury questions asked by members of the Jury regarding the above referenced trial.

1. Question from the Jury to the Court: [redacted] (1 page w/attachment)

Case number CR

State of Arizona v.

Witness name:

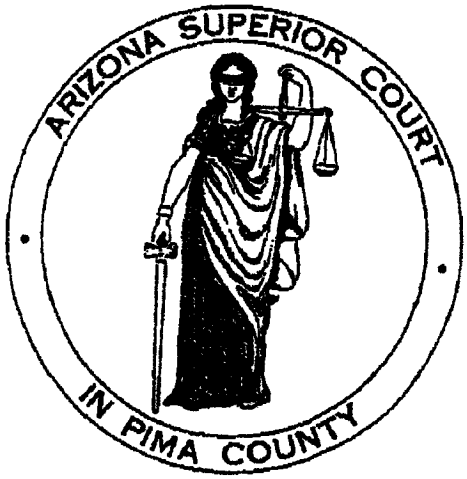
Juror question:

(1) Your Honor: Is it possible for me to get a printed jury instructions that Judge Lindberg made, and your read yesterday to use on Aug 31-2010

(2) I have aquired This hand book, but not read it, would it be an admonition if I read it & share it in the jury room Title of This is "A Handbook for Jurors" it might be an educational experience to read

Do not sign your name

A HANDBOOK FOR JURORS



ARIZONA SUPERIOR COURT IN PIMA COUNTY

WELCOME TO JURORS

Greetings and welcome. You have been called to serve as a juror in the Arizona Superior Court in Pima County. As a United States citizen you enjoy many privileges. As a juror you contribute to the preservation of these privileges by being an important part of the judicial system of our state. Your service as a juror is as critical as that of the judge and you are obligated to perform this service honestly and conscientiously. We ask that you look upon your service as both a privilege and a responsibility of citizenship.

After jury service, many people express a renewed feeling of pride and respect for our system of justice and an appreciation for the chance to be part of the judicial process. We hope that your service as a juror will be both interesting and informative. The staff of the Jury Commissioner's Office will make every effort to ensure that your jury service is a pleasant experience.

The purpose of this booklet is to help you understand the jury service procedure in the Superior Court of Arizona in Pima County and to assist you in doing your part in administering justice. IF YOU ARE SELECTED AS A TRIAL JUROR, HOWEVER, THE INFORMATION IN THIS BOOKLET DOES NOT TAKE THE PLACE OF ANY INSTRUCTIONS GIVEN BY THE JUDGE IN THE CASE.

Kathrine M. Brauer
Jury Commissioner

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QUALIFICATION OF JURORS

The Jury Commissioner's Office in Pima County provides jurors for the Arizona Superior Court in Pima County, the Pima County Consolidated Justice Courts, and the Tucson City Court. Prospective jurors are chosen randomly from the county's master jury list, which is comprised of names provided by the Arizona Department of Transportation and the Pima County Voter Registration Department. Prospective jurors are mailed a Jury Summons and Juror Affidavit Questionnaire approximately one month prior to their service date. The completed questionnaires are returned to the Jury Commissioner for review to determine each prospective juror's eligibility under Arizona law.

TERM OF JURY SERVICE

The Arizona Superior Court in Pima County operates a "One Day or One Trial" jury system. This means that jurors report for service on a specific date and are not required to be "on call" for an extended period of time as in some other courts. Prospective jurors not selected as trial jurors are dismissed at the end of the day and their jury service is complete for a minimum of one year. Prospective jurors who are selected to serve on a trial are required to serve for the duration of that trial only. When that trial is finished, so is the juror's service for at least one year. This term of service applies whether the juror performs their service in the Superior Court, the Pima County Consolidated Justice Courts, or the Tucson City Court.

SELECTION OF JURORS

The number of jurors needed each day is based upon daily requests by the various judicial divisions that expect to begin jury trials the next business day. Jurors, therefore, need to call a recording or check the Jury Commissioner's website prior to appearing for jury service to confirm that their juror group, which appears on the jury summons, is actually needed, and if so, what time to report.

Upon arrival at the courthouse, jurors report to the jury assembly room, check in, and fill out a Juror Biographical Information form. Using a computer, the Jury Commissioner's staff then randomly assigns jurors to each court division conducting a jury trial that day.

If your name is called as a prospective member of a jury panel, you will be instructed where to report and will be asked to wait in the lobby area of that floor for further instructions from your bailiff.

Once inside the courtroom, follow the instructions given to you there. Once all of the jurors are seated in the courtroom, you will be sworn to truthfully answer all questions asked of you regarding your qualifications to serve as a juror. Next, comes the "voir dire" or jury selection process during which you will be asked general questions by the judge and sometimes by the lawyers regarding your qualifications to be a juror.

Some of the questions asked may seem very personal. Be assured that the intention is not to

embarrass jurors in any way. Lawyers have a duty to their clients to ask questions designed to assist them in deciding which jurors to select.

There may be many reasons why a person on the jury panel might not be considered a wholly fair or impartial juror. For example, the person might be closely related to one of the parties in the case, have a business relationship with one of the lawyers, or have some personal knowledge of the case. At the end of the questioning, if you think you could not be a fair and impartial juror for any reason, even if it was not brought up by one of the questions asked, you should raise your hand and, upon recognition by the judge, tell the judge and the lawyers. If you would like your discussion to be private, you may ask to approach the bench to speak with the judge and the lawyers.

If any reason for disqualification is shown, a juror may be excused from the case by the judge. Such an excuse is technically known as a "challenge for cause." Also, in every case each party has a certain number of "peremptory" challenges to remove jurors without cause. If a juror is challenged or excused for any reason, it is no reflection on the juror in any way. When a prospective juror is excused it simply means that in that particular case, it is proper and lawful to excuse the juror. If you are excused by the judge, you must return to the jury assembly room and check in at the front counter. You may then be called to go to another courtroom. When the jury selection for the case is finished and the required number of jurors have been sworn, the rest of the prospective jurors are also excused to return to the jury assembly room for possible assignment to another case.

WAITING PERIODS

Sometimes prospective jurors are asked to wait in the jury assembly room, the courthouse hallways, or in jury deliberation rooms. Sometimes, the reason for delays may not be explained to you. This time is usually spent discussing and simplifying issues. Occasionally, the lawyers may speak with the judge out of the hearing or presence of the jurors so that a point of law or an objection may be argued. Sometimes a case even reaches settlement during such conferences. While this may seem to be a waste of time, a case that does not have to be tried actually saves time and tax dollars.

Sometimes cases are settled "on the courthouse steps" or during the course of the trial because the parties and their lawyers may feel that you, as jurors, might decide their dispute in a decision less favorable to them. As jurors, you are by your presence and readiness to sit in trial of a case, actively serving our system of justice. In addition, occasionally jurors report for service but are not sent to a courtroom. Because scheduled trials often are resolved at the last moment, the Jury Commissioner's Office is not always able to accurately predict the exact number of jurors needed on any given day. If you are summoned but not sent to a courtroom, please know that you still provide your community with a valuable service in that your presence and availability may have caused a civil case to settle out of court or a criminal trial to be disposed of without a trial. In either instance, justice is served.

CONFIDENTIALITY OF JUROR INFORMATION

Both prospective and empanelled jurors have the right to privacy and confidentiality. Jurors'

home and mailing addresses and telephone numbers are known only to the court. Only the judge can order the release of this information, usually to the lawyers in the case, and only for a good, legal reason. This very rarely happens. At the conclusion of the trial, if you are contacted by the lawyers in a case on which you sat as a juror, remember that you are not obligated to divulge any information concerning the deliberations, the verdict, or your opinions about anything concerning the case, unless ordered to do so by the court.

Occasionally, reporters will ask the judge to film courtroom activities. If the judge approves, the reporters are instructed to be unobtrusive and to not film jurors. Once the trial is over, reporters may request to interview the jurors. It is your decision whether or not to consent to an interview.

LEGAL TERMS AND DEFINITIONS

The following are definitions of words and phrases commonly used in jury trials.

1. **Civil Case** - A civil case is a lawsuit between persons in their private capacity or companies.

2. **Criminal Case** - A criminal case involves a question of whether the defendant committed a crime. The plaintiff is the State of Arizona and the defendant is a private person or a company.

3. **Deposition** - A deposition is the testimony of a witness or party, given under oath before the trial, with the attorneys and/or parties present.

4. **Directed Verdict** - A directed verdict is an instruction from the judge to the jury to return a specific verdict when no issue of fact remains for the jury to determine after evidence has been presented.

5. **Exhibit** - An exhibit is a document or other material brought to, identified, and marked in court to be offered as evidence in the case. Exhibits are usually given a letter or number to identify them.

6. **Motion** - A motion is a verbal or written request by a lawyer to the judge for a ruling or direction on some issue of law or procedure.

7. **Rest** - To rest means that the lawyer has finished introducing evidence in the case.

8. **Stipulation** - A stipulation is an agreement by the lawyers regarding certain undisputed facts or issues which do not need to be proven at trial.

9. **Subpoena** - A subpoena is an official court order to appear at court at a specific time. Subpoenas are most commonly used to summon witnesses to court to testify.

10. **Voir Dire** - An old French term meaning, "to speak the truth," voir dire involves examining prospective jurors for selection of the jury.

TYPES OF COURTS

Cases not designated by the United States Constitution or the laws of Congress to fall under the federal court system, fall under the jurisdiction of the 50 separate state court systems. The Arizona court system is divided into three types of courts based on jurisdiction:

1) Courts of appellate jurisdiction, which include the Arizona Supreme Court and the Arizona Court of Appeals, have jurisdiction over appeals for review of decisions made in a lower court;

2) The Arizona Superior Court, a court of general jurisdiction, which has
   a) criminal jurisdiction over felony and high misdemeanor amounts,
   b) civil jurisdiction over cases involving amounts in controversy above $10,000,
   c) concurrent civil jurisdiction with the Justice Courts over cases involving amounts in controversy from $5,000 to $10,000,
   d) probate jurisdiction, and
   e) appellate jurisdiction over Justice and Magistrate Court decisions; and

3) Courts of limited jurisdiction and special jurisdiction, which include the Justice Courts and the Magistrate Courts. Justice of the Peace Courts have jurisdiction over
   a) misdemeanor crimes,
   b) initial appearances for felony probable cause,
   c) preliminary hearings for felonies,
   d) civil jurisdiction involving amounts in controversy of less than $5,000,
   e) traffic cases, and
   f) small claims cases involving less than $2,500.

   Magistrate Courts have jurisdiction over
   a) traffic cases,
   b) misdemeanors, and
   c) violations of city ordinances.

JURY REFORMS

Arizona is leading the nation in enacting many successful jury reform measures. Jurors in Arizona courts are allowed to ask questions, in writing, of witnesses in court, and to take notes during the trial. Jurors in civil cases are allowed to discuss the evidence during the course of the trial, before the jurors begin deliberations. Jurors are also provided with juror notebooks in lengthy or complex trials.

COURTROOM PERSONNEL

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 jury selection, the presentation of evidence, the lawyers' arguments, jury instructions, and the

rendering of the verdict. The judge must decide the propriety of the questions put to prospective jurors as to their qualifications, as well as requests to excuse jurors. The judge must also rule on objections. The judge must tell the jurors what issues of fact they must decide, the laws which apply to the case, and what the jurors' responsibilities are.

2. **Bailiff**: The bailiff is responsible for keeping order in the courtroom during the trial. The bailiff opens and closes the court each day and takes care of the jury. Jurors should comply with the bailiff's requests.

3. **Courtroom Clerk**: The courtroom clerk sits at the desk to the side of the judge. The clerk is an officer of the court and records a summary of what happens in a case, orders made by the court during the trial, and the verdict at the end of the trial. The clerk also administers the oath or affirmation to jurors and all witnesses and marks exhibits.

4. **Court Reporter**: The court reporter records on a machine <u>everything</u> that is spoken in the courtroom. These notes may be transcribed if necessary.

5. **Plaintiff**: The plaintiff is the person who starts a lawsuit; in a criminal case, this would be the State of Arizona.

6. **Defendant**: In a civil case, the defendant is the person against whom the lawsuit is brought. In a criminal case, the defendant is the person charged with a crime.

7. **Lawyer, Attorney, or Counsel**: The lawyer, attorney or counsel is the legal representative of a party in a trial.

8. **County Attorney or Attorney General**: The County Attorney or the Attorney General is the prosecuting officer who represents the State in criminal cases.

9. **Witness**: A witness is a person who gives testimony under oath concerning the case.

<u>SIX MAIN STEPS OF A JURY TRIAL</u>

1. <u>Selection of the Jury</u>.

2. <u>Judge's Preliminary Instructions to Jurors</u> - Instructions to jurors regarding their responsibilities during the trial.

3. <u>The Trial</u> - Opening statements by counsel, presentation of evidence such as witness testimony and/or documents, and closing arguments by counsel.

4. <u>Judge's Final Instructions on the Law</u> - Instructions to jurors on the law after completion of testimony and arguments.

5. <u>Jury Deliberations</u> - Selection of foreperson and weighing of evidence.

6. <u>The Verdict</u>.

CONDUCT DURING A JURY TRIAL

After you are sworn as a juror in a case, there are some rules of conduct which you should observe:

1. DO NOT BE LATE FOR COURT SESSIONS - The trial cannot begin until all sworn jurors are present so tardiness can cause delays which lengthen the trial and waste everyone's time. In addition, you may be cited for contempt of court due to your delay or absence.

2. LISTEN TO EVERY QUESTION AND ANSWER - Because you must base your verdict upon the evidence presented, you must hear every question asked and every answer given. If, for any reason, you do not hear some of the evidence, raise your hand and tell the judge. Note pads and pencils are provided for the convenience of those jurors who would like to take notes during the trial.

3. DO NOT BE AN "AMATEUR DETECTIVE" - The only evidence you can consider is that presented in court, so you are not allowed to make an independent investigation or visit any of the places involved in the case. If it is necessary for the jury to visit a site, the judge will order the visit and send the jury as a group to see it.

4. CONTROL YOUR EMOTIONS - You should not indicate by exclamation, facial expression, or any other reaction, how any evidence or any incident of the trial has affected you.

5. DISCUSSION OF THE CASE - During any trial in which you are a juror, there are certain things you must NOT do:

   a) Do not talk to anyone about the case, unless instructed by the judge that such discussion is proper;

   b) Do not talk to anyone about any person involved in the case including the parties, the witnesses, or the lawyers;

   c) Do not talk to anyone involved in the case, including the parties, the witnesses, or the lawyers;

   d) Do not read any newspaper stories about the trials and do not watch or listen to any television or radio broadcasts about the trial.

CONDUCT DURING JURY DELIBERATIONS

Upon retiring to the jury room to deliberate, the jury selects a foreperson. The foreperson acts as the presiding officer, and makes sure that the jury's deliberations are conducted in an orderly fashion, that the issues submitted for the jury's consideration are fully and fairly discussed, and that every juror has a chance to say what he/she thinks about every question. The foreperson should sign any written request made to the judge. A good foreperson can keep the discussion organized, save time, and get efficient results.

Every juror should listen carefully to the views of the other members of the jury and consider

them with an open mind.

Your final vote should represent your own opinion. As a result of the discussion with fellow jurors, your opinion may change during the course of the deliberation. When differences of opinion arise, you should say what you think and why you think it. Do not try to force another juror to agree with you and do not refuse to listen to the arguments and opinions of the others. You must never shirk your responsibility and must never permit any decision to be reached by chance or the toss of a coin.

If there is any disagreement or confusion as to the judge's instructions, the jury, through its foreperson, can ask the bailiff for further instructions or assistance from the judge.

INTEGRITY OF JURORS

In performing their sworn duty, jurors must conduct themselves in such a way that no one can question their integrity. Any judicial officer whose actions destroy public confidence in the judicial system becomes unfit to perform his or her duty. Jurors should be watchful of their conduct and should not act in such a way as to arouse anyone's distrust. They should not accept gifts or favors, no matter how insignificant or trivial, either directly or indirectly from parties in the case or their lawyers. A juror should avoid all familiarity with everyone interested in the decision of the jury. A juror should tell the bailiff or judge if anyone tries to influence or contact them about the trial before a verdict is reached.

Both parties in a case have spent considerable time preparing for the trial. They will present evidence and argument to prove their side of the case. Jurors must be careful not to form hasty conclusions or opinions until they have heard all of the evidence and arguments and received the judge's instructions.

Justice will be done if jurors base their verdicts solely upon the evidence and upon the judge's instructions as to the law, rather than upon their own notion of what the law is or ought to be.

If you have any questions regarding juror conduct or the trial, ask the bailiff to consult the judge. The judge is always in charge during the course of a trial and is always ready and available to answer all questions relating to the case.

PARKING/TRANSPORTATION

Jurors who drive are responsible for finding parking and for payment of parking fees. A reduced parking fee is available at the Public Works Parking Garage, located on the northeast corner of Church and Alameda Streets. The reduced fee for jurors is provided only with proper validation. Jurors can receive proper validation by bringing their parking ticket to the jury assembly room or to the Jury Commissioner's office, between 7:00 a.m. and 5:30 p.m., to be stamped.

As an alternative to driving, the Superior Court encourages jurors to use the bus when traveling to the court for jury service. Bus schedules are available in the jury assembly room.

JUROR DRESS CODE

Because jurors are officers of the court, we request that you dress appropriately. Shorts, miniskirts, skorts, culottes, tank tops, halters, rubber sandals and other informal attire are not considered appropriate in the courtroom setting. If you appear wearing these or other items deemed unsuitable for attending court, you may be required to return home at your own expense to change to more suitable attire or you may be given another date to report for service.

When you come to jury service, wear comfortable shoes and dress appropriately for the weather, because you may be sent to a different courthouse.

JUROR BADGES

Please wear your juror badge in plain view each day that you are at jury service, even when you are at lunch or out of the assembly room or courtroom. The badge identifies you as a juror to others and may protect you from overhearing conversations pertaining to your case.

WORK VERIFICATION

Many employers require proof that you attended jury service. The upper portion of your Juror Biographical Information form, when signed and dated by a member of the Jury Commissioner's staff on your first day of service and thereafter by your bailiff, will serve as verification of your jury service.

PAYMENT OF JURORS

All prospective jurors are eligible to be paid a round-trip mileage allowance based upon the juror's residential zip code. Jurors whose mileage allowance totals $5.00 or more will be paid automatically. Because of the high cost of preparing checks for small dollar amounts, jurors whose mileage allowance totals less than $5.00 must fill out and submit a Mileage Request form if they want to receive their mileage allowance. These forms are available to jurors once they report for their service at the courthouse. Jurors who are selected to serve on a case will automatically receive their jury fee and mileage allowance, no matter what the amount.

Jury fee and mileage checks are mailed to jurors. You should receive your check approximately three to four weeks after your service is complete.

RESTAURANTS

A local map and sample list of restaurants is posted in the jury assembly room. The list is presented as a convenience to the jurors, but is not an endorsement of any restaurant by the court.