

Welcome

You are sitting in courtroom 6330, which is the civil division of Mecklenburg County District Court. We are here today to select 12 among you to try a case involving a motor vehicle accident, which took place on Monroe Road, in Charlotte North Carolina, on or about January 3, 2017.

On behalf of myself, court personnel, parties and lawyers, we thank you for taking time out of your busy lives. We know you all have other things you could be doing right now, but all of us are entitled, by Constitution or Statute, to a trial by jury on certain legal issues; your presence here today will enable the parties in this case to exercise that right. I ask you to give the same level of attention to this case as you would want your fellow citizens to give if you were a party in this action.

I now want to introduce you to the courtroom personnel --

My name is Becky Thorne Tin; I am a District Court Judge (on bench since election in 2002); in addition to presiding in this civil courtroom, i have also presided in Family Court, Domestic Violence Civil and Domestic Violence Criminal Court, and Child Support Enforcement; in these other courtrooms, I am the judge and the jury; I rule on objections and decide the outcome of each case; but in this courtroom, I get to delegate some of my decision-making responsibilities to people like you when the parties elect to have jury trials.

Sitting to my left is my courtroom clerk, Melissa Beio, who is one of the best clerks in the courthouse. She is efficient, keeps up with exhibits, swears people in, keeps track of who is in the jury, records the proceedings and is in charge of all court files...all technical duties required to run a courtroom.

Our Sheriff's Deputy is Deputy Mcmillan, who is in charge of security, of managing you all and making sure you get to where you are supposed to be. If you have any problems, bring it to his attention and he will make sure the right people are informed.

The case that will be tried by 12 of you is captioned:

Lytonja Romona Jones, Plaintiff v Gabriela Soria, Defendant.

Plaintiff claims defendant driver was negligent in causing the accident and that the accident caused her to suffer injury.

Defendant denies that she was negligent in causing the accident and further alleges that the plaintiff was negligent and should be barred from recovery. This is why we have called you all here today to assist in resolving this dispute.

I will now introduce you to the parties, their attorneys, and name the other witnesses who are expected to testify. Please listen carefully and if you know any of the people involved in this case, be sure to let the attorneys know when you take a seat in the jury box. It may affect your ability to serve as a juror in this matter.

First, I will ask Plaintiff, Lytonja Romona Jones, to stand and face the jury pool; alongside her is her attorney, Timothy A. Sheriff. Mr. Sheriff practices with the firm of Crumley Roberts LLP, here in Charlotte.

Next, I will ask Defendant, Gabriela Soria, to stand and face the jury pool; alongside her is her counsel of record Melissa Monroe; Ms. Monroe is with the law firm of Bolster, Rogers and McKeown, also here in Charlotte.

The witnesses who may testify, other than the parties that I just introduced, include the following:

--Eric Batchatis, who is a Doctor of Chiropractic Medicine with Nova Chiropractic Center, in Charlotte, NC;

--CMPD Officer, Michael Gibbons

Again, if you know any of the parties, their attorneys or any witness who may be testifying, please tell us if you are called to the jury box. Such a relationship may impact your ability to serve in this particular case.

Voir dire

We are now getting ready to begin voir dire, a legal term, whereby 12 of you will be called to the jury box, and lawyers will ask you questions.

These questions are not meant to be intrusive; if you feel uncomfortable answering a question, feel free to voice your concern.

The purpose is to make sure each side believes they have the most objective jury as possible, given the facts and allegations in the case.

Each side is given what we call **8 peremptory challenges;** this means that each lawyer can ask up to 8 of you to be removed from the jury, without giving any reason.

Don't take offense if you are asked to leave by one of the lawyers. In another case, and given another set of facts, that same lawyer would likely want you to remain.

Some of you also may be **excused for cause...**that happens in situations where there is some fairly obvious reason why you would not be an appropriate juror for this case. For example, if you are a close friend of one of the parties.

To the others in the audience, listen up during the questioning. In the event that you are called up to the jury box to replace someone who has been removed, the lawyers may simply ask you if you have any response to the questions they have already asked in order to speed the process up.

The clerk is now going to call 12 of you up to the jury box. When your name is called, please hand your pink sheet to the deputy and fill up the seats, starting with the back row first.

Madame Clerk, please call 12 people up to the jury box.

Jury selection:

--Mr. Sheriff, you may proceed with your questions...

--Ms. Monroe, you may proceed with your questions...

Are you all satisfied with the jury? Mr. Sheriff? Ms. Monroe?

Jury selection completed.

Madame Clerk, will you please impanel the jury.

Stages of trial

I will now explain to you what will happen during this trial. Trial will begin with each party/attorney making an **opening statement** – the opening statements are summaries of what each lawyer hopes the evidence will show during trial....but the opening statements are **not** evidence.

The lawyers/parties will then proceed with their **presentation of evidence. The evidence presented during this trial is what you, the jury, should consider when you begin deliberations on your verdict, at the close of trial** – The plaintiff will present its witnesses and other evidence first; the defendant will then cross examine plaintiff's witnesses; the defendant will then present evidence, if defendant so chooses. You are only to consider the evidence when you begin deliberating upon this case.

Evidence includes

- Sworn witness testimony on the stand
- ***evidence can also include a video tape or transcript of sworn witness testimony, taken prior to trial, in what is called a deposition
- evidence may also include answers given by a party, under oath, prior to trial, in what is called interrogatories or requests for admission
- evidence may also include tangible things such as
 - Charts,
 - written documents
 - Pictures
 - contracts

- emails
- medical records
- letters and other such documents

Evidence does not include the questions asked by lawyers during trial **or objections** made by lawyers.

I want to talk a bit more about **objections**: The lawyers in this case may object to allowing a witness to answer a particular question or they may object to allowing an exhibit to be introduced during this trial.

Once an objection is made, I will determine whether to sustain or overrule the objection, based upon NC Law and Rules of Evidence.

If I sustain the objection, that means the witness will not answer the question...or... the document will not be entered into evidence, for your consideration. **Do not speculate** as to what the answer may have been or what the document may have been. Put it out of your mind.

If I overrule the objection, that means the witness will answer the question or the document will be entered into evidence. The shorthand version is:

sustain = ignore and do not speculate as to what answer or exhibit is being excluded

overrule = pay attention to the answer or exhibit.

Do not hold objections against the attorneys either way...they are simply doing their jobs for their clients.

Side bar...or jury break...if I need to discuss objections with the lawyers, we may take a **side bar**; if discussion is very lengthy, we may ask for you all to take a break, so that we can take care of the issues out of your presence.

Closing arguments

At the close of evidence...the lawyers will each present a closing argument. Like the opening arguments, closings are not evidence...it is each

side's contention of what they hope you will find that the evidence has shown.

It is **your decision only**, not the lawyers, as to what the facts are in this case and what the outcome should be.

Instructions

Following the closing arguments, I will then instruct you, regarding the issues you are being asked to address, based upon the evidence you have heard. I will instruct you as to the law to apply in answering these issues.

You will then recess to the jury room, select a foreperson, and for the **first time** begin deliberating amongst yourselves about the case, until you reach a unanimous verdict.

My work on the computer is related to this trial; I do not want you to think my attention is elsewhere...it is not...most of the time, I am working on jury instructions...

Recess instruction–

We are going to let you go to lunch, but before you go I will read you an instruction on recesses...listen very carefully; these instructions are orders of the court and if you violate these orders, you could be held in contempt, up to 30 days in jail.

During this recess and any other recess, it is your duty to carefully observe these rules:

-- you should not talk with each other about the case;

-- you should not talk with anyone else about the case or allow anyone to talk about the case in your presence.

-- Do not talk to any attorney, party or witness in this case. If anyone should try to communicate with you about the case or if any witness, party or attorney tries to communicate with you about anything, let the deputy know and I will take care of it.

-- You may talk about the case with each other only at the end of the trial, after I've given you the instructions and you've gone back to the jury room and selected your foreperson with the verdict sheet. At that time, you shall begin discussing the case.

-- Do not form or express an opinion about the outcome of the case until you retire and you begin your deliberations.

-- Do not talk with anyone about this case other than your fellow jurors and only after you have formally begun deliberations. This prohibition on talking about the case extends to your family members. --

-- You are also prohibited from conducting any independent research about this case; you are not to investigate the scene of the accident or look on the internet to conduct your own research; things of that sort.

Begin trial:

After evidence has been presented, give these instructions to jury immediately preceding closing arguments

All of the evidence is in and it is now time for the lawyers to make their closing arguments to you;

Listen carefully to the closing arguments of the lawyers, but render your verdict solely upon your memory of the evidence presented to you.

These closing arguments are important summaries of what the lawyers for each side believe the evidence has shown; but you are to depend upon your recollection of the evidence presented, and not what the lawyers say about the evidence, in rendering your verdict.

At the conclusion of the closing statements, I will instruct you about each claim and defense that you are to consider, and I will provide you with detailed instructions about the relevant North Carolina Laws to guide you in considering the evidence. I will then hand out a verdict sheet, that consists of several questions or issues for you to answer. Your answers, which must be unanimous, will represent the verdict in this case.

After closing argument conclude, the judge should read the charge to the jury (charge is separate from this jury script).

When jury comes in with the verdict:

Bring the jury in and ask:

Who is the foreperson? Would you please stand?

Has the jury reached a verdict?

Have you signed and dated the verdict sheet?

Would you hand the verdict sheet to the bailiff?

(judge to review and see if complete and accurate?)

Hand verdict sheet to clerk and say: Madame Clerk, please take the verdict.

Ladies and gentlemen please stand. The jury has answered the issues as follows:

Issue 1

Issue 2

I want each of you to raise your right hand if the reading by the clerk represents your verdict?

Anything from the plaintiff or the defendant? (if they ask for jury to be polled...then)

Madame clerk, please poll the jury.

Judge to address jury at close of case.

I want to thank you all for your service in this case. I will meet with you briefly in the jury room to answer any questions that you may have. It is possible that one side or both will contact you to ask you questions about the verdict or your deliberations. Please feel free to decline to answer questions or to answer questions; it is your choice.