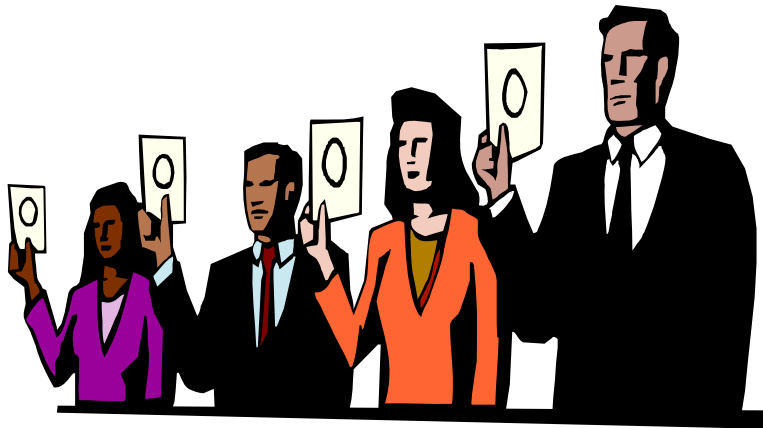


JURY DUTY



WHAT IS IT?

**The Supreme Court
Bank Lane
P.O. Box N-167
Nassau
Tel: 242-322-3315
Fax: 242-325-6895**

CIVIC DUTY

Thank you for accepting your civic duty to serve as a juror. As a juror you are a key element in the administration of justice. You are, in fact, “judges” of the facts of the case as presented in court.

Trial by a jury is one of the cornerstones of judicial administration and Article 20(2)(g) of the Constitution of the Commonwealth of The Bahamas guarantees to a person charged on information in the Supreme Court a trial by jury.

The proper and efficient functioning of the jury system requires that each juror exercise common sense, integrity, sound judgment and complete impartiality while performing his/her duty as a juror.

CONDUCT OF JURORS

Jurors should arrive at court at least fifteen (15) minutes before the case is scheduled to begin.

As judges of the facts, jurors should be alert and pay close attention to the evidence as it is presented in court. They must then apply the facts to the law applicable to a particular case.

They should remain seated throughout the proceedings in court except when requested by the bailiff or the judge to stand. If a juror is unable to hear or see the evidence as it is being presented, it is his/her duty to let the bailiff or the judge know so that the situation may be rectified.

Jurors may take notes during the trial. Note pads and pencils are provided.

Jurors may not discuss the case with anyone including family members before, during or after the trial and should not discuss the case with other jurors prior to deliberations.

WHO MAY SERVE

Any citizen age twenty-one and over and resident in a “sittings district” may be summoned for service as a juror.

EXEMPTIONS FROM SERVICE

The following persons are exempted from jury service:

1. The Governor-General and her personal staff
2. Judges of the Court of Appeal and of the Supreme Court
3. Ministers of Government
4. Members of the Senate and the House of Assembly
5. Counsel and Attorney in private practice and their clerks
6. Registered medical practitioners
7. Persons officiating as priests or ministers of their respective religions
8. Members of the Royal Bahamas Police Force, Police Volunteer Reservists and Supernumerary Police Officers
9. The following members of the Public Service:
 - (a) Magistrates
 - (b) Persons who are employed in the Office of the Attorney General and the Law Reform and Revision Commission
 - (c) Persons who are employed in the Immigration and Customs Departments
 - (d) Members of the Royal Bahamas Defence Force
 - (e) Persons who are employed in the Judicial Department
 - (f) Members of the Prison Service
 - (g) Nurses, pupil nurses and midwives; and
 - (h) Persons who are employed in the Industrial Tribunal
10. Persons under permanent physical or mental incapacity
11. The clerks and messengers of the Senate and the House of Assembly during such time as the Legislature is in session
12. Members of the Industrial Tribunal

PERSONS DISQUALIFIED FROM JURY SERVICE

1. Any person who is not a citizen of The Bahamas
2. Any person who has been convicted of treason, murder, or any indictable offence, unless he has obtained a free pardon
3. Any person certified as being of unsound mind
4. Any person who cannot read and write legibly in the English language
5. Any person who is suffering from any infectious or contagious disease

An exempted person may serve if he wishes. A disqualified person may not serve, no matter how willing he or she may be to serve.

EXCUSED FROM SERVICE

A juror selected for jury duty may only be excused from service by the judge in whose court such juror is summoned to serve.

LENGTH OF SERVICE

A person selected for jury service should expect to serve for at least three (3) months. However, if at the end of the three (3) months a juror is serving in a case which has not been completed, he must continue to serve until that case is finished.

PROCEDURES FOR APPEARING

A panel of forty-eight (48) jurors for each court hearing Criminal matters is selected four (4) times per year.

Orientation for jurors is held on the second Thursday in January and on the last Thursday in each of the months of March, June and September.

Jurors are expected to begin service on the Monday following the second Wednesday in January and the first Monday in each of the months of April, July and October. Thereafter jurors will be notified (in court or via radio announcement) when they are next to appear in court or if a case has been cancelled or adjourned.

Jurors who do not remember when they are to return to court, should call 322-3315 or 356-9101 to find out from the Judge's Clerk or the Bailiff.

FAILURE TO APPEAR

A juror who, after having been summoned to serve, fails to attend or refuses to serve or who leaves the precincts of the court during its sitting without permission of the judge and without a reasonable excuse, is liable to a fine of not more than \$500.00.

EMERGENCY

If illness or other emergency requires a juror to be delayed or absent, such juror should telephone the Bailiff Unit at 356-9101 or the Clerk of the Judge (322-3315) as soon as possible and explain the situation. Leaving a message with the receptionist the evening before or the morning of a jury trial indicating that you have a doctor's appointment or that you have made travel arrangements, is not acceptable.

TRAVEL DURING SERVICE

A juror should obtain permission to be excused from service by the judge prior to making travel arrangements. Once a juror is excused and travel arrangements have been made, the juror should provide the Judge's Clerk with evidence of travel, i.e. a copy of the ticket.

ACCOMMODATION AND MEALS

Jurors are entitled to reasonable accommodations and meals when sequestered and/or when they are in deliberation. Jurors are not required to eat lunch together except when they are in deliberation or otherwise instructed by the judge.

ATTIRE

Jurors are representatives of the court and should dress comfortably and conservatively in order to avoid distracting others by their attire. Shorts, tank tops or cutoffs are not considered appropriate attire for a courtroom. Work-related uniforms and bright colors should not be worn.

CELLULAR PHONES, ETC.

Cellular phones, pagers, tape recorders, cameras, foods or drinks (including water bottles), weapons or reading materials will not be allowed into the courtroom or jury room.

CERTIFICATE OF ATTENDANCE

Upon request by an employer, a juror may be given a letter certifying the days on which the juror attended court for duty.

COMPENSATION

Every juror summoned to serve is entitled to a fee of \$15.00 per day for each day or part of a day he is required to attend court – whether or not he serves on a case.

SELECTION PROCESS

A list of forty-eight (48) jurors for each Criminal Court is published showing the names of the jurors numbered 1 through 48. Balls with corresponding numbers are placed in and drawn from a box until twelve (12) jurors (acceptable to both sides) are chosen.

CHALLENGES

(a) Peremptory Challenges

Both the Prosecutor and the accused may challenge at least ten (10) jurors without cause i.e. without giving any reason

(b) Challenges for Cause

The prosecutor and the accused are entitled to any number of challenges on any of the following grounds:

- (1) that any juror's name does not appear on the jury list
- (2) that any juror is not indifferent between the parties
- (3) that any juror has been convicted of any offence for which he was sentenced to death or to a term of imprisonment with hard labour exceeding one year
- (4) that any juror is disqualified as an alien
- (5) that any juror cannot speak, read or write English
- (6) that any juror was returned to serve as juror out of turn
- (7) that any juror is not, for any other reason appearing sufficient to the judge, a fit and proper person to serve as a juror in the proceedings

It is important for jurors to be honest when responding to the questions of the judge, the prosecutor and the accused or his counsel, as failure to do so may result in unnecessary delays.

All challenges must be done before the Bailiff begins administering the Oath.

JUROR'S OATH

Once a jury has been selected, the jurors are required to take two oaths (or affirmations): (1) that he/she will return a verdict based on the law and evidence presented in the case in court; and (2) not to discuss the case with others and to return to court after each adjournment.

ELECTION OF FOREMAN

After the jury has been sworn, they shall elect one of their number to be their foreman.

TYPES OF CASES

Jurors may be called to hear both civil and criminal cases.

Criminal cases in the Supreme Court are brought by the Crown. The accused is considered innocent until the jury determines otherwise.

After the evidence has been presented, and the lawyers have made their closing statements, an explanation of the law applicable to the case and other instructions to the jury are given by the presiding judge. The jury is then asked to deliberate and reach a verdict in the manner directed by the court.

DELIBERATION OF JURORS

The jury's duty is to listen to the judge, the witnesses and the lawyers, to deliberate fairly, and to decide justly. The foreman chairs the deliberations, but he/she has only one vote – just as every other juror.

VERDICT OF JURY

Whenever the penalty for an offence is death, a verdict of "guilty" by the jury must be unanimous. In all other cases, the valid verdict is at least a 2/3 majority (e.g. 8/4; 9/3; 10/2; 11/1) whether it is a "guilty" or "not guilty" verdict. Any other vote will result in a mistrial or a hung jury. However, in each case the judge will give directions regarding the verdict.

DISCHARGE OF THE JURY

Once the Jury has rendered its verdict, the jurors are discharged by the judge. If it is the last case of the "session" the jurors' service will come to an end. If it is not the close of the "session" the jurors' numbers will be placed back in the box and the same jurors may be selected for another case.

THANK YOU

Thanks again for your invaluable contribution to the administration of justice. It is our hope that your time with us will be as fruitful and beneficial to you as it no doubt will be for us.



You shall well and truly try...and a true verdict give according to the evidence.