



Jury and Grand Jury

Hotline: (212) 343-1122 • www.LIFTonline.org

What is a jury?

A **jury** is the group of people who decide if a **defendant** is guilty or not guilty of a crime. A person who is arrested and goes before a judge is called a defendant. People on a jury are called **jurors**.



In the United States, every defendant has the right to have a trial by a jury of their **peers**. Peers are people who are like them.

How many jurors are on a jury?

A jury in a **felony** case has 12 people. A felony is a crime that is punishable by more than one year in jail or prison.

A jury in a **misdemeanor** (miss-de-MEEN-or) case has six people. A misdemeanor is a crime that is punishable by less than one year in jail.

How does a jury decide if the defendant is guilty or innocent?

Guilty means the defendant is responsible for a crime. **Innocent** means is not responsible for a crime, or not guilty. The jury for a criminal trial listens to all of the **evidence**. Evidence is the information presented in the case. Then the jurors **deliberate**. Deliberate means look at the evidence and talk about the case. The jury then issues the **verdict**. A verdict is a decision that someone is guilty or not guilty.

How does a jury know what to do?

The judge gives the jury instructions about what to do.



How many jurors must agree if a defendant is guilty?

All of them. This is called a **unanimous decision**.

What if the jurors do not agree?

When jurors cannot agree on a verdict it is called having a **hung jury**. A judge who has a hung jury declares a **mistrial**. This means that the trial is over with no verdict. The **prosecutor** can ask for a new trial with a new jury. The prosecutor is the person who makes the government's case against the defendant. The prosecutor is called an **ADA**, which stands for **Assistant District Attorney**.

Who can be a juror?

In order to sit on a jury, a person must be:

- A citizen of the United States
- Living in the county where the court is. In other words, a juror deciding a case in the Bronx has to live in the Bronx.
- Older than 18 years of age
- Someone who has never been convicted of a felony
- Able to speak English

How are citizens picked to be on a jury?



Citizens get a jury duty letter in the mail about once every four years saying it is time for them to serve on a jury. It tells them the date they have to go and where to go. All of the people who arrive on that day are called a **jury pool**.

The defendant has a lawyer called a **defense attorney**. The defense attorney and the ADA pick the jurors for the case from the jury pool.

The process of picking a jury from a jury pool is called a **voir dire** (VWA deer). The lawyers ask the members of the jury pool a lot of questions. They want to find 12 jurors who will be good for the case.

Do all cases have to be tried by a jury?

No. In some cases the defendant enters a **plea** of “guilty.” Defendants can also **waive** the right to a trial by jury. Waive means give up your right to something – in this case, the right to a trial by jury.

What is a grand jury?

A grand jury is a group of between 16 and 23 people. They hear and go over evidence presented by the ADA in a felony case. Then they decide if the court should issue an **indictment** (in-DIKT-mint). In felony cases, an indictment has to be issued before the case can go to trial. Grand juries are not used in misdemeanor cases. During **arraignment** (a-RAIN-ment), the ADA will say if the case will go to a grand jury.

What is an indictment?

An indictment is a decision reached by a grand jury that:

- Probably there was a crime
- The defendant probably is guilty of the crime
- The defendant should have a trial

The indictment will list the felony charges the ADA is going to bring against the defendant at trial.

This document should not take the place of a consultation with a lawyer. LIFT encourages all individuals involved with the Criminal and Family Court systems to consult with a lawyer.