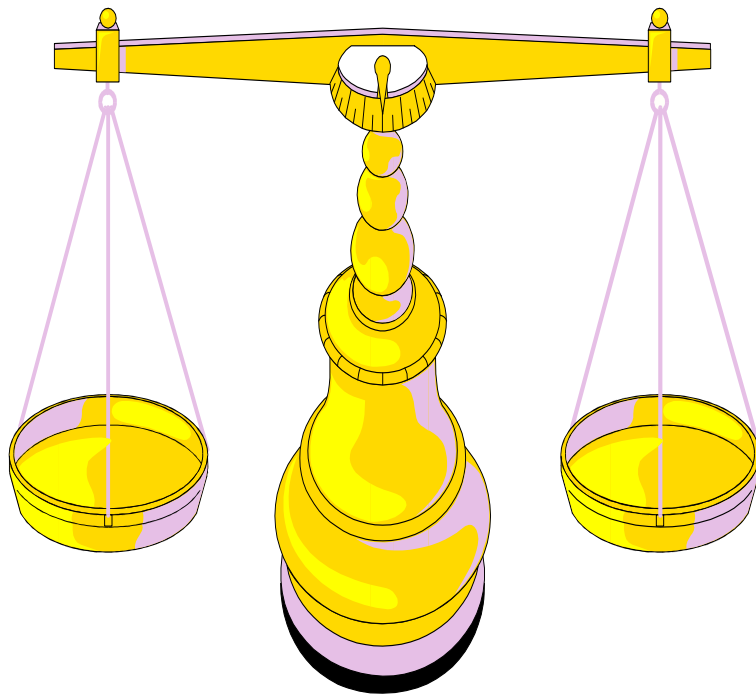


CITY OF LAKEWOOD

MUNICIPAL COURT

JUROR NOTEBOOK





Lakewood Municipal Court

445 South Allison Parkway
Lakewood, Colorado 80226
303-987-7400 Voice
303-987-7447 Fax
303-987-7057 TDD
courts@lakewoodco.org Email

Trial Jurors:

You have been chosen as a juror for trial in the Lakewood Municipal Court. As such, you are involved in performing a civic responsibility intended to help ensure that our system of justice remains one of integrity, equality, and fairness.

The trial judge in this case will provide you with specific information and instructions regarding your service as a juror in this case. The materials in this notebook are intended to provide you with general information about jury service in the Lakewood Municipal Court and to make your experience as satisfactory as possible. If, during the course of your jury service, you require any additional information or assistance please contact the bailiff or the clerk of the court. They are here to help you in any way they can.

I know that each one of you, whatever your individual circumstances, has made a sacrifice to be here. Please be assured that the judges and court staff of the Lakewood Municipal Court thank you for your willingness to be part of the judicial process. You are doing your part to preserve your rights and to fulfill your responsibility as a citizen.

Sincerely,

NICOLE D. BOZARTH
Presiding Judge
Lakewood Municipal Court

ORIENTATION

Introduction to Jury Service

This section is designed to provide you with some information describing jury service in Colorado. Please review the information contained in this notebook. If you have any additional questions, contact the bailiff or clerk of the court.

Jury service represents one of the most important civic responsibilities that we have as citizens. When you fulfill your obligation for jury service, you are helping to protect our liberties and to enhance our system of justice. The Colorado Supreme Court, in acknowledging the importance of the jury to our system of justice, has enacted various reforms. The Supreme Court Committee on the Effective and Efficient Use of Juries recommended specific reforms intended to reduce the burden of jury service on citizens, increase the respect and consideration afforded to jurors, and provide for an improved decision making process for all juries.

Some of the significant reforms include:

- ❖ Providing this notebook.
- ❖ Permitting jurors to take notes during the trial.
- ❖ Respecting the use of jurors' time.
- ❖ Reducing the burden of jury service.
- ❖ Expanding the composition of the jury pool.
- ❖ Communicating with jurors in plain English.
- ❖ Permitting jurors to ask questions. The procedure for asking questions is described later in this book.

We appreciate your service as a juror and thank you for fulfilling your civic responsibility.

Municipal Judges

The following list includes the judges of the Lakewood Municipal Court. Occasionally, a part-time associate judge conducts the trial or other hearings.

Presiding Judge Nicole D. Bozarth

Municipal Judge Kellie M. Eastin

Municipal Judge Corin M. Flannigan

Associate Judges

Scott Baroway

Carrie Clein

David Cooke

Melanie Gilbert

Steven Munsinger

Tina Olsen

Mark Pautler

Daniel Ramsey

Mark Solomon

Charles Tingle

INSTRUCTIONS

The following instructions have been provided for your review during the trial. The following instructions are not all the instructions that will be provided to guide you in your deliberations. A complete set of jury instructions, including instructions on the elements of the charge will be read to you after the close of the evidence and you will be allowed to take those instructions with you to the jury rooms during your deliberations.

Outline of Instructions

1. Juror Notebooks
2. Note Taking
3. Juror Questions
4. Cell Phones
5. Juror Conduct During Trial - Admonitions
6. Presumption of Innocence
7. Credibility
8. Direct and Circumstantial Evidence

1. Juror Notebooks

To assist you in understanding these proceedings, you have been provided with a juror notebook. These notebooks may only be used in the courtroom or jury room. You may take these notebooks from the courtroom to the jury room and from the jury room to the courtroom, however, these notebooks may not be taken anywhere else.

Please do not write in these notebooks because other jurors will use them. You will be provided with note pads to take notes.

2. Note Taking by Jurors

You have received note pads and you may use them to take notes during the trial, however, you are not required to do so.

If you take notes, you should not allow the note taking to detract from your close attention to the testimony and demeanor of each witness and all other evidence received during the trial.

Take notes sparingly. Do not try to summarize all testimony. For example, notes can be particularly helpful when dealing with measurements, time, distance, identities, and relationships.

Whether you take notes or not, you should rely on your memory as much as possible and not upon your notes or the notes of other jurors. Any notes you take are to refresh your own individual memory.

These note pads may only be used in the courtroom or jury room. You may take these note pads from the courtroom to the jury room and from the jury room to the courtroom, however, these note pads may not be taken anywhere else.

Please write your name on your notepad. Be assured that no one else will read your notes. At the end of the case, your notes will be returned to the court to be shredded and recycled.

3. Juror Questions During Trial

Rules governing jury trials do not allow jurors to ask questions directly of a witness. However, if you do have a question you would like to ask a witness during the trial, write your question down, but do not sign it. Hand the question to the bailiff when the judge asks for questions from the jury. If you have a question for a witness who is about to leave the witness stand, signal the bailiff or judge before the witness leaves the stand.

The judge may discuss the question with the attorneys. If the judge decides the question is proper, it will be asked when appropriate. Keep in mind, however, that the rules of evidence or other rules of law may prevent some questions from being asked. The judge will apply the same legal standards to your questions as to those questions asked by the attorneys.

If a particular question is not asked, do not guess why or what the answer might have been. The failure to ask a question is not a reflection on the person asking it and you should not attach any significance to the failure to ask a question proposed by a juror.

You have the right to submit questions but remember to be patient. Cases often take time to develop. No one witness tells the entire story. Give the attorneys a chance to present the case. Your job is not to actively try the case, but to determine what the facts are from the evidence presented. In order to help you do that, you may submit questions if something is confusing to you.

Please remember that once a witness is excused, he or she may leave the court. Therefore, if you have a question based upon the testimony of any witness, submit the question before the witness is excused.

4. Cell Phones

During the course of this trial you should turn your cell phone off or set it on a silent or vibrate mode. If you have a known personal situation that could result in an emergency call, please notify the judge at your earliest opportunity before being selected to serve. If an unanticipated emergency arises concerning a juror and the court staff is notified, the staff will forward the message as the situation warrants.

After the evidence is presented during jury deliberation, do not use your cell phone unless the judge determines on an individual basis it is necessary to use when dealing with an emergency.

5. Jurors Conduct During Trial - Admonitions

It is important that you obey the following instructions with reference to the recesses of the court:

First, do not discuss the case either amongst yourselves or with anyone else during the course of the trial. In fairness to the parties in this case, you should keep an open mind throughout the trial and you should reach your decision only during your final deliberations.

Second, do not permit any third person to discuss the case in your presence. If anyone attempts to do so, report that information to the court immediately.

Third, during the course of the trial, do not talk with any witness, defendant, or attorney in the case.

Fourth, do not attempt to gather any information on your own. Do not engage in any outside reading on this case. Do not attempt to visit any places mentioned in the case. Finally, do not in any other way try to learn about the case outside the courtroom.

Fifth, do not read about the case in the newspapers, or listen to radio or television broadcasts about the trial. You must base your verdict solely on the evidence presented during the trial.

6. Presumption of Innocence - Burden of Proof

Generally - Reasonable Doubt

The charge against the defendant is not evidence.

Every person charged with a crime is presumed innocent. This presumption of innocence remains with the defendant throughout the trial and should be given effect by you unless, after considering all the evidence, you are then convinced that the defendant is guilty beyond a reasonable doubt.

The burden of proof is upon the prosecution to prove to the satisfaction of the jury beyond a reasonable doubt the existence of all the elements necessary to constitute the crime charged.

Reasonable doubt means a doubt based upon reason and common sense, which arises from a fair and rational consideration of all the evidence, or the lack of evidence, in the case. It is a doubt which is not a vague, speculative, or imaginary doubt, but such a doubt as would cause reasonable people to hesitate to act in matters of importance to themselves.

7. Credibility of Witnesses

You may have to decide what testimony to believe. You should carefully consider all the testimony given and the circumstances under which each witness has testified.

Consider each witness' knowledge, motive, state of mind, demeanor, and manner while on the stand. Consider the witness' means of knowledge, ability to observe, and strength of memory. Consider also any relationship each witness may have to either side of the case; the manner in which each witness might be affected by the verdict; and the extent to which, if at all, each witness is either supported or contradicted by other evidence in the case. You should consider all facts and circumstances shown by the evidence which affects the credibility of the witness' testimony.

You may believe all the testimony of a witness, or part of it, or none of it.

8. Direct and Circumstantial Evidence - No Distinction

Evidence may be either direct or circumstantial. Circumstantial evidence is the proof of facts or circumstances from which the existence or nonexistence of other facts may reasonably be inferred. All other evidence is direct evidence. The law makes no distinction between the effect of direct evidence and circumstantial evidence.