

2010

Alpena County

Version 1.0



JURY DUTY HANDBOOK

Jury trials have been an important part of the American legal system for over two centuries. They are an integral part of the laws which protect the fundamental rights of all citizens. Jury duty is an important and rewarding service, which you are summoned to provide by the court for your county. Through your service, the people of Alpena County participate directly in the administration of justice.

26th Circuit Court-Alpena



The 26th Circuit Court is the court of original jurisdiction for all civil actions, claims and remedies arising within the County, except for matters to be handled by the courts of limited jurisdiction (District and Probate Courts). The Chief Judge oversees other departments, which serve as extensions of the Court including Friend of the Court, Jury Commission and appointment of attorneys for indigent defendants.

The law does not permit this court to give legal advice or to assist in the preparation of legal papers. (MSA SEC.27.3178(9))

As constitutional clerk of the 26th judicial Circuit Court, the clerk's office performs a variety of functions and responsibilities. The clerk's office files all cases and maintains the official record of

all cases that come before the Alpena County Circuit Court. The office also provides support services for the courts and notifies jurors to appear for jury duty. As the official record of the court, the judiciary and the public utilize the records. The clerk's office also processes felony criminal cases bound over from the 88th District Court

Civil Cases

The Circuit Court has exclusive jurisdiction over cases claiming money damages over \$25,000. District Court handles cases with disputes of \$25,000 or less. Civil cases include all appeals from district court and removal from District Court, civil damage suits which include personal injury, auto negligence, medical malpractice and other damage suits, other civil matters which include business claims, contract and general civil suits.

Appeals

The Circuit Court is an appeals court for other agencies. Appeals come from administrative agencies such as worker compensation decisions, Secretary of State-driver's license restoration cases, MESC and other state agencies. All District Court appeals are taken to Circuit Court as well as some Probate Court appeals. Decisions by municipalities are also taken to the Circuit Court, such as Zoning Board of Appeals, Gun Board decisions and other Municipalities decisions.

Family Division

In 1998 the Michigan Legislature mandated that all Circuit Courts develop a plan for a Family Division. The law moved the Juvenile Division of the Probate Court to the Family Division of the Circuit Court. The idea was to assure that a family involved in both the Probate and Circuit Court litigation (such as a divorce and a neglect and abuse petition) had a single judge handling

all matters. Family Division matters include divorces, paternity, non-support, child custody and parenting time disputes, neglect and abuse petitions, adoptions, juvenile delinquencies, name changes, emancipation of minors, personal protection order and any other general family matters.

Criminal Felonies

Circuit Courts have exclusive jurisdiction of all felonies. Felonies are initiated with a complaint and warrant in the District Court. A defendant may have a preliminary examination here to determine if there is probable cause to be tried in Circuit Court, or the exam may be waived. The defendant is then arraigned on felony information in Circuit Court, where the defendant may plead guilty or have a trial. Before the sentencing of a defendant the Department of Corrections is required to provide a written pre-sentence report to the court.. Additional information on Michigan Courts including other courts of the State, court forms, court rules, and case code types can be seen at www.courts.michigan.gov

The Juror's Handbook

The Importance of Jury Service

Jury trials have been an important part of the American legal system for over two centuries. They are an integral part of the laws which protect the fundamental rights of all citizens. Jury duty is an important and rewarding service, which you are summoned to provide by the court for your county. Through your service, the people of Alpena County participate directly in the administration of justice.

Participants in a Trial

A jury trial involves many people. Those individuals who are direct participants in the courtroom proceedings include the following:

- Judge – will preside over the trial, instruct the jury, make rulings on points of law, and have general charge over the proceedings of the trial and its participants;
- Parties – in a civil trial are the plaintiff and defendant; in a criminal trial they are the prosecutor (representing the people of the state or local political subdivision), and the defendant (the person charged with a crime);
- Attorneys – participate in trials as advocates for the parties in controversy by presenting their client's case;
- Witnesses – present testimony under oath concerning what they have seen or know about the facts of the case;
- Prosecuting Attorney – is the official representing the State or a local city or township in a criminal case or certain civil cases;
- Court Recorder – records and logs all trial proceedings and will be responsible for preparing a typewritten transcript of the trial if requested by either party;

- Court Bailiff – opens court and is responsible for maintaining order and security in the courtroom and protecting the jury from outside interference when they are deliberating;
- Court Clerk – draws jurors, logs and labels exhibits, swears in witnesses and assists the judge by providing the papers and files;

A Jury Chosen

Your name has been drawn at random from a list of licensed drivers and Michigan ID in Alpena County. From this list of individuals, jurors will be selected to comprise the jury panel. Such persons, however, must be a U.S. citizen and be able to read, hear and speak the English language. When you arrive at the courthouse, you will assemble in the courtroom and roll will be taken.

Before the selection of a jury begins, you will be asked to swear or affirm that you will truthfully answer the questions concerning your fairness and ability to sit as a juror on a particular case. As a prospective juror the judge and/or trial attorneys will question you. This process, referred to as Voir Dire, is conducted to determine whether you have opinions or attitudes which would bias you in favor or disfavor of either side. While some questions are personal in nature, they are not intended to embarrass you even if that becomes the result. They are asked to determine if there is a reason you should not sit on the case.

Jurors may be excused for reasons such as a personal or financial relationship with a party, which would impair their ability to be fair. In addition, each side may excuse a limited number of jurors by peremptory challenge without any reason. Jurors who are excused from one case may be eligible to sit on another.

Once selected as a juror, you will need to listen to the judge, witnesses and attorneys, consider the evidence presented, make an intelligent and just decision based on the evidence presented to you following the instructions provided by the court.

Conduct of a Trial

The trial will begin with opening statements by the attorneys for both sides. The attorneys will explain their client's position and what they expect to prove. These statements are not considered evidence but are an introduction to claims, which must be proven by the presentment of evidence.

The examination of witnesses and presentation of evidence will begin after opening statements. The witnesses will first be examined by the attorney who called them, then cross-examined by the other attorney. This process can proceed further by redirect and re-cross

examinations.

Attorneys may make objections during the trial in an effort to limit the testimony being presented. Objections are a legal and proper part of the trial process. If the judge sustains the objection the evidence or testimony is not proper, and if he overrules the objections, the line of questioning may continue.

Occasionally during a trial the jurors are excused so that arguments may be presented to the court concerning an objection or other legal issues. This is done outside the presence of the jurors to avoid possible prejudice. These activities and the judge's ruling on objections should not cause you to give either side more favorable consideration.

In final arguments, both attorneys will have an opportunity to summarize their positions and review the facts of the case. At the conclusion of the final arguments, the judge will issue instructions to the jury concerning the law and its application to the particular case. The jurors will then proceed to the jury room to begin deliberation. The jurors must select a foreperson that presides over these deliberations. You will discuss the evidence and attempt to arrive at a fair and impartial verdict based on the facts presented during the trial and the law as given by the judge's instructions. When deliberations are complete, you will return to the courtroom for the presentation of your verdict.

Juror's Responsibilities

- Jurors must be prompt in arriving at the court. A trial cannot begin unless all jurors are present.
- Jurors must give their undivided attention to the witnesses, attorneys, and proceedings. Remember that the outcome of the case is very important to those concerned.
- Jurors must not let radio, T.V., newspaper articles, or other publicity concerning a case affects their decision. A verdict must be based on the evidence presented at the trial.
- Jurors must not discuss the case with friends, relatives, or trial participants. If you are approached about the case, report the incident to the court bailiff immediately.
- Jurors must not become involved in independent investigations about the case. When it becomes necessary to inspect a scene the jury will do so as a group under the court's supervision only.
- Jurors must be impartial and avoid comments or expressions during the trial, which convey feelings about the case.

- Jurors will be compensated for their time and mileage at the end of their term.

Final Note

The jury is a critical element in our system of justice. You should be proud of your service as a juror. Your presence is necessary, regardless of whether you are selected to serve on a case. The court and the litigants appreciate your service.

Office hours are Monday-Friday 8:30 am – 4:30 pm. closed all legal holidays.
For more information call the Alpena County Clerk's office at (989) 354-9520.