

INTRODUCTORY REMARKS
and
INITIAL VOIR DIRE

(CRIMINAL)

(JUDGE O. H. EATON, JR.)

Good morning ladies and gentlemen. Welcome to the criminal division of the Circuit Court. The Circuit Court considers criminal cases that are classified as felonies. Felonies are crimes which are punishable by death or imprisonment in the state prison. Misdemeanors are crimes which are punishable by imprisonment in the County Jail. Misdemeanors are tried in the County Court unless they are joined in the Circuit Court with a felony charge.

In a few minutes the jury selection process will begin for the case(s) set for trial this week. Before we begin, I want to give you some information about the nature of criminal trials so you will have a better understanding of what is expected of you.

First, I want you to relax and try to consider your jury service to be an educational experience as well as service to your community.

The Rules of Criminal Procedure and the Rules of Evidence govern the conduct of a criminal trial. These rules have historical foundation and have undergone revision almost constantly in order to adapt to new and different situations. Some of the rules require jurors to adjust traditional notions of fairness, especially the natural tendency to want to hear both sides of a dispute. A criminal trial does not follow the familiar form of a high school debate. Evidentiary rules and constitutional considerations often preclude presentation of information which jurors may feel would be helpful in deciding issues on trial.

One example of such an evidentiary rule is so basic to our system that it is contained in the Constitution itself. The Fifth Amendment provides that a person accused of a crime has the absolute right to remain silent and to require the state to prove its case without any assistance from the accused. When a defendant invokes this right, a jury is not permitted to be influenced in any way about that decision.

The hearsay rule is another example of a rule of evidence which

