

Practical Application Techniques for:

VOIR DIRE

1. Decide the theory of your case.
2. Make your case look great, if that can't be done, make it look acceptable.
3. Make your weak points into strong points if possible.
4. Use examples that make your case seem strong in comparison.
5. Remember--you are in control in voir dire.
6. You are interviewing people for the possible job of juror.
7. ALWAYS, ALWAYS--TRUST YOUR INSTINCTS.
8. Pick a group that you like.
9. Pick a group that can work together.

EXAMINATION OF PROSPECTIVE

JURORS

I. Conduction the Exam:CCP Section 223:

- A. Court conducts initial exam,
- B. Counsel for each party shall have the right to examine, by oral and direct questioning any or all of the prospective jurors
- C. Court may limit amount of time for direct and oral questioning of jurors
- D. Examination of prospective jurors: sole purpose of aiding in the exercise of a challenge for cause

II. Challenges:

- A. All challenges for cause are exercised first: CCP Section 226
- B. Challenges must be made before the jury is sworn: CCP Section 226
- C. Number of peremptory challenges:
 - 1. In criminal case--punishment death or life in prison: 20 for prosecution and 20 for the defense.
CCP Section 231
 - 2. In any other criminal case--10 for prosecution, 10 for defense
CCP Section 231
 - 3. If there are 2 or more defendants--their challenges are exercised jointly, but each is entitled to 5 additional challenges which may be exercised separately
The People are entitled to additional challenges equal to the number of all the separate challenges allowed the defendants
CCP Section 231

4. In criminal case--punishment with a maximum term of 90 days or less,
The defense is entitled to 6 challenges and the People are entitled to 6.
CCP Section 231

Witnesses

JT

BRD

Gun

Attorneys

T.V.

Elements

Window

Common Knowledge vs. Special Knowledge

Circ. Evid.

Direct Evid.

Hung Jury/Duty to reach verdict

Look in face--Guilty

Can you Judge

Kids lie

adults lie

lie on witness stand?

Crystal ball