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Voir Dire: Just When You Think You've Heard It All

Judge Charles Stone*

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Abstract

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Judge Charles Stone*

A number of years ago I was conducting a voir dire. There was a woman sitting in the front row of the jury box who seemed particularly enthusiastic about her potential future as a juror. As I proceeded methodically through the litany of questions I had grown familiar with over the years, she eagerly responded ensuring me of her unwavering ability to be impartial. When I reached the question of whether she had ever been a juror before, she bobbed her head up and down vigorously.

"Oh yes your Honor. It was a robbery trial in the courtroom down the hall about seven years ago. In fact, the prosecutor was the same gentleman that is trying this case. I had an open mind your Honor, I really did. But, the man was just guilty. The camera at the convenience store took a photograph of him, and his fingerprints were everywhere. He obviously wasn't too bright because he still had the money and the gun when he was arrested. Anyway your Honor, I'm sure that experience wouldn't affect my decision here today one bit."

I thanked the woman and continued questioning the other members of the jury pool. The last gentleman in the back row seemed very uncomfortable when it was his turn to respond. His voice was barely audible and he was slouched low in his chair. When I reached the question about whether he knew anyone else on the jury, his face flushed and he sat motionless for several moments. Finally, he held up his head and cleared his throat.

"Your Honor, I was the defendant in the trial down the hall seven years ago."