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I. INTRODUCTION

This Chapter pertains to criminal jury proceedings only.

Juries must consist of six jurors in a justice court criminal trial. (NRS 175.021(3)). The court may direct that not more than six jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. (NRS 175.061(1)). The LVJC will seat one alternate juror.

II. OPENING OF COURT

Before the trial judge enters the courtroom, the Marshal will ensure all parties are ready to proceed.

The Marshal will bring the jury into the courtroom.

The judge will then take the bench.

NOTE: All bolded text is to be read aloud by the judge.

III. IMPANELLING OF JURY

This is the time and place set for the trial of Case No. _____, The State of Nevada vs. _____ (Name) _____, Defendant.

The record will reflect The State of Nevada is represented by _____ (Name) _____, District Attorney; the Defendant is present and represented by _____ (Name) _____; OR The Defendant has exercised his/her right to self-representation.

Do both parties stipulate to the presence of the jury venire panel? Are the parties ready to proceed?

Good morning ladies and gentlemen, you are in Department _____ of the Las Vegas Justice Court. My name is _____ and I am the presiding judge in this department.

You have been called forward today to serve as jurors in a criminal case. The Defendant, _____ (Name) _____, is charged with (Read middle section of Criminal Complaint only). The Defendant has answered the charge with a plea of Not Guilty.

A trial has a single purpose. It is a search for the truth. In a jury trial, the Court, which is another way to refer to the Judge, and the jury have a division of responsibilities. It is the duty of the jury to judge the facts in the case and the duty of the Court to rule on the law.

We are seeking six impartial citizens plus 1 alternate to serve as jurors in this case.

We expect to have this case completed today, so only one day of your time is required; OR We expect this case to take approximately _____ days.

Each of you has the qualifications to serve as a juror of this Court. This call upon your time does not frequently come to you, but it is part of your obligation as a citizen in this State and Country. You should not avoid fulfilling this obligation except under the most pressing circumstances. Service on a jury affords you an opportunity to be part of the judicial process by which the legal affairs and

liberties of your fellow men and women are determined and protected under our form of government. You are being asked to perform one of the highest duties of citizenship.

The demand upon your time for this call to jury duty will not be unreasonable or unduly prolonged. Every effort will be made to see that your time is not wasted. The Court realizes that your service on a jury panel is not always convenient and that there are instances where service would be much more than a mere inconvenience and would constitute a great hardship on you or your family. Under these circumstances, the Court may excuse you for good cause.

The Clerk will now call the roll of the jury panel members who have been summoned to appear at this time. Please answer “present” when your name is called.

After roll call, ask Clerk:

Are there any absent?

If all are present, say:

Jurors are all present.

If any summoned jurors are not present, ask:

Will Counsel stipulate that we may proceed in the absence of those who have failed to appear?

If counsel refuses to stipulate, recess court and send the sheriff to apprehend those failing to appear.

At the conclusion of calling the jurors, the clerk will swear the jurors, touching on their qualifications to serve.

All jurors, please stand. The Clerk will place you under oath as prospective jurors.

Two forms of oath follow. Use “non-religious” form when, for religious or other reasons, a juror refuses to take a sworn oath. See NRS 169.115, (Jones v. State, 94 Nev. 679, 585 P.2d 1340 (1978)).

Standard: Do you solemnly swear that you will well and truly answer all questions put to you touching upon your qualifications to serve as a trial juror in this case now pending before this Court, so help you God?

Non-Religious: Do you and each of you promise and affirm that you will give true answers to all questions propounded to you by the Court, or its authority, touching on your qualifications to serve as a juror, under penalties of perjury? (NRS 16.030)

Ladies and Gentlemen, please be seated.

A. QUALIFYING OF JURY

The process of qualifying jury members includes a series of questions asked by the presiding judge, followed by questions asked by both parties to determine each juror’s suitability to serve as a juror in the case. The qualification process can be expedited by asking obvious disqualification questions of the entire prospective juror group at the outset and then specific disqualification questions of selected prospective jurors. The judge may also choose to make his/her decision on a juror’s qualification after he/she has asked questions, or wait and make the decision known after the attorneys have each asked their questions of the jurors.

Jurors may be dismissed from service by for-cause challenges or peremptory challenges. A for-cause challenge is made by an attorney after a juror has answered a question, which in the attorney’s view, would prevent the juror from adjudicating the facts fairly. (NRS 175036(1)). In addition to for-cause challenges, each attorney may dismiss for any reason whatsoever (peremptory) four additional prospective jurors. (NRS 175.051(2)). One additional peremptory challenge may be used for the alternate juror. (NRS 175.061(5)).

**For challenges to the jury panel, please see _____*

For Justice Court trials, voir dire will be conducted with the panel as a whole. In the (hopefully) very rare event a 6 person jury with 1 alternate cannot be seated out of the panel, your Marshal will report to Jury Services for another batch of jurors.

At this time, I ask all the prospective jurors in the courtroom to give me your attention. The Court will ask you a number of questions. Following that, the District Attorney and the Attorney for the Defendant may ask you some questions. The purpose of these questions is to determine if you are qualified to act as fair and impartial jurors in this matter. (NRS 175.031)

Ladies and Gentlemen, as a rule, prior to speaking in court, you must identify yourself by the last three numbers on your juror badge. This is necessary because everything that is said in court is reported and we need a way to identify the speaker.

Additionally, the parties and court staff are prohibited from talking to you about this case so please do not think they are being rude if they ignore you. You are also prohibited from talking to them about the case. Should you need anything as it relates to your jury service, please contact the Marshal.

The court shall conduct the initial examination of prospective jurors (NRS 175.031):

Please raise your hand if your answer is “yes” to any of the following questions.

- 1. Is there anyone who has a disability or medical issue that will impact their ability to serve as a juror in this case?**

- 2. Is there anyone here who has been convicted of a felony?**
 - a. What was the category of the felony?**
 - b. Were you placed on probation or parole? If so, when did you finish? Did you go to prison and expire your sentence? When was that?¹**

¹ **NRS 176A.850** (4) A person who has been discharged from probation: (d) Six years after the date of discharge from probation, is restored to the right to serve as a juror in a criminal action.

NRS 213.155 (1) A person who receives a discharge from parole pursuant to [NRS 213.154](#): (c) Six years after the date of his or her discharge from parole, is restored to the right to serve as a juror in a criminal action.

NRS 213.157 (1) A person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison: (d) Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

- 3. We anticipate this case is going to last 1 day. Serving on a jury is almost always a personal or financial hardship, financial hardship is not a justifiable cause to excuse you from serving as a juror. Does anyone have an extreme hardship that would not allow them to be here for the rest of the day (outside chance of _____ afternoon)?**
- 4. Are any of you acquainted with me or any of the court staff?**
- 5. Do any of you know each other?**
- 6. Are any of you acquainted with the defendant or his/her attorney?**
- 7. Are any of you acquainted with the deputy district attorneys?**
- 8. Are any of you acquainted with Steve Wolfson or any other person in the district attorney's office?**
- 9. I'm going to read a list of names of potential witnesses that may be called to testify. Please let me know if you are acquainted with any of the witnesses.**

The Court will read the list of witnesses provided by the parties beforehand.

- 10. Does anyone have any philosophical, religious or other belief that would prevent you from serving as a fair and impartial juror?**
- 11. Under our system, certain principles apply in every criminal trial. They are:**
 - a. That the charging document filed in this case is merely an accusation and is not evidence of guilt;**
 - b. That the defendant is presumed innocent; and**
 - c. The State must prove that defendant is guilty beyond a reasonable doubt.**

Does anyone not understand or believe in these concepts?

- 12. Is there anyone who would have trouble following the instructions on the law I give you, regardless of whether you agree or disagree with the law?**

A break is only necessary if a juror raises an extreme hardship and/or a juror raises a for-cause issue the parties would want to discuss.

I will now confer with the attorneys in chambers (if necessary). Please be at ease for a few moments and we will return to the courtroom shortly.

Please keep notes of discussion regarding for-cause challenges as record will need to be made at recess.

Now each of you will answer a set of questions that are listed on the _____ . Please answer each question aloud after identifying yourself by the last 3 numbers on your juror badge: (Court should go in order of seating chart)

- 1. How long have you lived in Clark County?**
 - a. If less than 10 years, where did you live before you moved here?**

- 2. How far did you go in school?**
 - a. If you have attended college or technical school, what area did you study?**
 - b. Did you earn a degree or certificate?**

- 3. Are you employed?**
 - a. If yes, what sort of work do you do?**
 - b. If you are retired or unemployed, what sort of work have you done in the past?**

- c. Are members of your family employed in law enforcement? IF SO:
Will you treat a police officer's testimony the same as any other citizen who testifies?

- 4. Are you married or in a significant relationship?
 - a. If yes, what sort of work does your spouse/significant other do?

- 5. Do you have children?
 - a. If yes, what are their ages and genders?
 - b. If you have adult children, what sort of work do they do?

- 6. Have you ever served as a juror before?
 - a. If yes,
 - i. How many times?
 - ii. When?
 - iii. Where?
 - iv. Civil or Criminal?
 - v. Without telling us what the verdict was, was the jury able to reach a verdict?
 - vi. Were you the foreperson?

Now we will conduct the last portion of the Court's questions. These questions are not meant to pry into your personal matters or to embarrass you but rather to ensure you can be fair and impartial to each party in this case:

- 1. Have you ever been the victim of a crime, including domestic violence related crimes?
 - a. If Yes,
 - i. Was the crime reported?
 - ii. Was the person caught?
 - iii. Did the police respond?
 - iv. Did you ever have to go to court?

- v. Did the DA's Office handle the case?
 - vi. Were you satisfied with how the case was handled?
 - vii. Is there anything about that experience that would cause you not to be fair and impartial in this case?
2. Have you ever been accused of a crime, including domestic violence related crimes?
- a. If yes,
 - i. Were you charged?
 - ii. Did you go to trial?
 - iii. Were you convicted of anything? What was it?
 - iv. Did the DA's office handle the case?
 - v. Were you satisfied with how the case was handled?
 - vi. Is there anything about that experience that would cause you not to be fair and impartial in this case?
3. Has any family members or anyone closely associated with you ever been the victim of a crimes, including domestic violence?
- a. If Yes,
 - i. Was the crime reported?
 - ii. Was the person caught?
 - iii. Did the police respond?
 - iv. Did you ever have to go to court with them?
 - v. Did the DA's Office handle the case?
 - vi. Were you satisfied with how the case was handled?
 - vii. Is there anything about that experience that would cause you not to be fair and impartial in this case?
4. Has any family members or anyone closely associated with you ever been accused of a crime, including domestic violence?
- a. If yes,
 - i. Were they charged?
 - ii. Did they go to trial?

- iii. Were they convicted of anything? What was it?
- iv. Did the DA's office handle the case?
- v. Were you satisfied with how the case was handled?
- vi. Is there anything about that experience that would cause you not to be fair and impartial in this case?

5. Is there anything about the nature of this case or anything that you heard here today that would cause you to not be fair and impartial in this case?

6. Can you base your verdict solely on the evidence presented at the trial and wait to form an opinion until you've heard all the evidence?

7. Can you be fair to both sides in this case?

8. In a criminal case, the prosecutor makes the decision how to proceed with a case.

- Would anyone here hold it against the State if a victim did not want the State to prosecute a case but the State did anyway?
- Does everyone understand potential reasons why an alleged victim of domestic violence might not want to see their alleged abuser prosecuted or may not want to testify?
- There are times in which a victim of domestic violence returns to their relationship, would anyone here hold that fact against a victim or blame the victim for doing so?
- Would anyone here require more than just testimony (a sworn statement in court made under oath), such as photos, videos, or other evidence, to sustain a conviction for battery domestic violence?

9. MULTIPLE DEFENDANT CASE – Can you evaluate the State's case against each of the defendants individually?

Questioning of all prospective jurors has now been completed. You may either excuse for cause any juror whose answers to the above questions affect their suitability to serve as a juror in this case, or reserve your decision until the attorneys have asked their questions in voir dire.

Can parties approach? (Clerk turns on white noise). **Does either party want to make a challenge for-cause?** (If so, parties go into back hallway for argument and decision. Please keep good notes so a record can be made outside the presence of the jury during the next break. If not, panel can be passed to the parties for follow-up questions.)

If a juror is to be excused for-cause, say:

You are excused from jury service today. Thank you very much for coming. Ladies and Gentlemen, thank you for your time today. You are excused. You do not need to return to jury services. You are free to leave. For those of you remaining, please listen for your seat assignment.

While the Court has the right and duty to restrict attorney-conducted voir dire to its permissible scope of obtaining an impartial jury, the Court cannot completely prohibit attorney questions. (Whitlock v. Salmon, 104 Nev. 24, 752 P.2d 210 (1988)).

Ladies and Gentlemen, I am going to turn the panel over to the parties for a brief set of follow-up questions. The District Attorney will go 1st.

Parties will ask questions of the panel. Should either party want to make a for-cause challenge based upon their questions, parties should approach and utilize the same process as for-cause challeng(es). Be sure to make a record of this decision if challenges are raised and decided during a side bar. After the District Attorney finishes their questions, they will pass the panel and the Defense will do the same.

The parties will now exercise their peremptory challenges, if any.

Each side is entitled to four peremptory challenges. (NRS 175.051(2)). The state and the defendant shall exercise their challenges alternately, in that order. Any challenge not exercised in its proper order is waived. (NRS 175.051(3)). Each side is entitled to one peremptory challenge for the alternate juror. (NRS 175.061(5)).

Parties, please approach. (White noise) Does either party have a challenge to the peremptory challenges used? (Batson and other related challenges)

See tab ____ for procedures related to Batson and other related challenges.

Ladies and Gentlemen, the clerk is going to read a list of badge numbers. If your badge number is called, please stand. (Clerk will read list of excused jurors from the peremptory strike list).

Clerk will read seat assignments aloud.

B. SWEARING OF JURORS

NOTE: In a criminal case, jeopardy attaches once the jury is sworn. So, if you are close to the lunch break, take the break, then swear in jurors AFTER lunch.

The Clerk administers the following oath to the jury and alternate.

Ladies and Gentlemen, please stand. The Clerk will administer the oath to the jury:

(Standard) Do you and each of you solemnly swear that you will well and truly try this case, now pending before this Court, and a true verdict render according to the evidence given, so help you God?

(Non-Religious) Do you and each of you promise and affirm that you will give true answers to all questions propounded to you by the Court, or its authority, touching on your qualifications to serve as a juror, under penalties of perjury?

C. INFORMING JURY OF RIGHT TO TAKE NOTES/ASK QUESTIONS (NRS 175.131)

Before we get started with opening statements and presentation of evidence, I want to advise you that you may individually take notes during the course of this trial, but I caution you not to rely upon them exclusively and to not let note taking distract you. Do not share your notes until deliberation, if at all.

The Marshal will give each of you a notebook and pencil.

Jurors may ask questions. You must write your juror number and question on a form provided by the Marshal while the witness is still in the courtroom. If it's a proper question and allowed under the rules of evidence, I'll ask it. Please reserve your questions until the attorneys have finished asking questions of the witness. Jurors must not place undue weight on the responses to their questions or draw any conclusions because a question was not asked.

The Marshal hands out notebooks and pencils at this time. Have the Marshal secure the notebooks at each recess and any overnight recess.

D. JURY ADMONITION (NRS 175.121)

Finally, I must also admonish you that:

- 1. No juror may declare to his fellow jurors any fact relating to the case as of his/her own knowledge, and**
- 2. If any juror discovers during the trial or after the jury has retired that he/she or any other juror has personal knowledge of any fact in controversy in the case, he/she shall disclose such situation to the Judge out of the presence of the other jurors, and**
- 3. When any such disclosure is made, the Judge shall examine the juror who admits such personal knowledge, under oath, in the presence of the counsel for the parties, and may allow such counsel to examine the juror.**

E. READING OF COMPLAINT

The Clerk reads all of the Complaint (unless Defendant is charged with DV 2nd in which case the Clerk will read a redacted copy); states the day it was filed, and the plea thereto.

The Clerk will now read to the jury the Complaint filed by the State of Nevada in this case and state to the jury the plea thereto entered by the Defendant, _____ (Name)_____.

F. READING OF THE PRELIMINARY INSTRUCTIONS

I'm going to read some preliminary instructions and then we will get to the case.

What I say now is intended to serve as an introduction to the trial of this case. These instructions and those I will give you later during the course of this trial are not evidence, but aim to assist you in doing your duty as judges of the facts in this case. These instructions are intended to explain the general procedure we use, the order in which the case will be presented, and provide an explanation of your responsibilities while hearing the case.

The trial will proceed in the following order:

First, the parties have the opportunity to make opening statements. The District Attorney will make an opening statement outlining the State's case. Counsel for the Defendant, _____ (Name)_____, may make an opening statement then or reserve his opening statement until the conclusion of the State's case. Opening statements are not evidence. They serve as an introduction to the evidence which the party making the statement intends to prove. (NRS 175.141)

Second, the State will introduce evidence in support of the charge contained in the Complaint.

Third, after the State has presented its evidence, the defendant, _____ (Name)_____, may present evidence, but is not required to do so. Also, the

defense may present evidence to refute (rebut) any evidence previously given, but is not required to do so.

Fourth, this is a criminal case. The Defendant is entitled to a presumption of innocence. This presumption remains with the defendant unless and until the presumption is overcome by competent evidence. The burden is always on the State to prove every element of the offense charged beyond a reasonable doubt. The law never imposes the burden of calling any witnesses or introducing any evidence in a criminal case on the Defendant.

Fifth, during the trial, it may be necessary for me to consult with the attorneys from time to time concerning questions of law or procedure. I may do this at the bench, out in the hallway, or I may excuse you from the courtroom while I consult with the attorneys. Please remember this case is important and to please be patient during any of these interruptions.

Sixth, at the conclusion of the evidence I will instruct you in the law and the parties will have the opportunity to present closing arguments. The closing arguments are not evidence, but are intended to help you understand the evidence and apply the law.

Seventh, you will then retire to the jury room to consider the case. You will select a foreman, deliberate, and arrive at a verdict which must be unanimous.

Eighth, the law as given by the Court in this and other instructions constitutes the only law you may rely upon for your guidance and it is your duty to accept and follow it.

Ninth, your purpose as jurors is to judge the facts from the evidence and the reasonable inferences arising from such evidence, and in so doing, you must not indulge in guesswork or speculation.

Tenth, the evidence which you are to consider consists of the testimony of witnesses and the exhibits admitted in evidence. The term “testimony of witness” means what you hear from anyone who testifies, including the parties. The term “exhibit” means any evidence that is represented by something you can see, e.g., a written document, a picture, a drawing. The admission of

evidence in court is governed by rules of law and evidence. From time to time, it may be the duty of the attorneys to make objections and my duty as Judge to rule on those objections and decide whether you can consider certain evidence. You must not concern yourself with the objections or the Court's reasons for these rulings. You must not consider testimony or exhibits to which an objection was sustained or which has been ordered stricken.

You must not be influenced in any degree by any personal feeling or sympathy for or prejudice against any party to this action, for each party is entitled to the same fair and impartial consideration.

What I say during the course of the trial is not to indicate my opinion as to what the facts are. You are to determine the facts. In this determination, you alone must decide upon the believability of the evidence and its weight and value. In considering the weight and value of the testimony of any witness you may take into consideration the appearance, attitude and behavior of the witness, the interest of the witness in the outcome of the trial, the relation of the witnesses to any parties to the trial, the inclination of the witness to speak truthfully or not, the probability or improbability of the witnesses' statements, and all other facts and circumstances in evidence. Thus, you may give the testimony of any witness just such weight and value as you may believe the testimony of such witness is entitled to receive.

H. ADMONITION (NRS 175.401)

NOTE: The substance of this admonition prohibiting discussion or receiving outside information is to be repeated by the Judge at each adjournment/recess.

Until this case is submitted to you for your deliberation, you must not discuss this case with anyone or remain within hearing of anyone discussing it. After this case has been submitted to you, you must discuss this case only in the jury room when all members of the jury are present. You are to keep an open mind and you shall not decide any issue in this case until the case is submitted to you for your deliberation under the instructions of the Court.

IV. COMMENCEMENT OF TRIAL

Opening Statement:

Are the parties ready to proceed?

A. EXCLUSION OF WITNESSES

If both sides announce that they are ready for trial, make the following statement (only if necessary by the presence of trial witnesses in the courtroom):

You have the right to have all witnesses excluded from the courtroom during the trial of this case, if you so desire.

If witnesses are to be excluded, determine if all witnesses are in the courtroom and give the following order:

All witnesses in this case are ordered excluded from the courtroom except while testifying. You are further ordered to wait _____ (Location) _____ and are further ordered not to discuss your testimony between yourselves or with anyone except the attorney who subpoenaed you as a witness in this case. Thank you.

B. PROCEEDINGS

The District Attorney, _____ (Name) _____, may now proceed.

After the District Attorney concludes:

_____ (Defense Attorney) _____, would you like to make an opening statement?

Defense attorney states he/she wants to make the opening statement and does – or states he/she wants to reserve his/her opening statement.

The State may now call its first witness.

The Court should inquire whether the jury has any questions for each witness before the witness is excused. Please make sure to make a record of any argument and ruling regarding juror questions outside the presence of the jury.

(After the State's witnesses)

State, do you rest?

Defense, you may now proceed.

If Defense decides not to present evidence, canvass Defendant regarding right to testify outside the presence of the jury.

If the District Attorney indicates an intention to present rebuttal evidence, say:

The District Attorney now has the opportunity to present evidence in rebuttal.

C. INSTRUCTIONS TO JURY (NRS 175.161)

At the conclusion of the trial, you will address the members of the jury regarding a break before closing arguments only if necessary. The jury instructions will be settled prior to the date of trial. Any objections to the jury instructions may be raised during this break. The Court is advised not to take argument as the jury instructions have previously been decided by the DV Courts.

Take a short recess if necessary.

Ladies and Gentlemen of the jury, you have now heard all the evidence. Before the case may be argued by the attorneys and submitted to you for deliberation, we will take a short recess (only if necessary).

The Clerk will now read you the admonition.

Outside the presence of the jury or during a side bar, make a record if done during a side bar.

Counsel, you may note your objection to any of the jury instructions. However, I will not take argument at this time. Please note, your objection will preserve the issue on appeal.

Court is back in session.

Ladies and Gentlemen of the Jury, I am about to instruct you upon the law, as it applies to this case. I must read these instructions to you, as they are of such importance that almost every word is of some significance. These instructions are relatively long, and some are quite complicated. If they are not especially clear when I read them to you, please bear in mind that, when you go to the jury room, you will be able to take these written instructions with you, so that you can read them there and consider them carefully.

(Jury Instructions are read to the Jury)

D. CLOSING ARGUMENT (NRS 175.141(5))

 District Attorney , you may now make your closing argument.

 Defense Attorney , you may now make your closing argument.

E. PREPARING THE JURY TO RETIRE (NRS 175.421)

You are now ready to retire to the jury room for deliberation. You may take your notebook and pencil with you. Copies of the instructions I just gave you will also be provided.

The Clerk will now swear the Marshal to take charge of the jury.

(Clerk swears in the jurors' Marshal)

Do you solemnly swear that you will conduct this jury to some private and convenient place for their deliberation; there keep them together; that you will suffer no person in any manner to speak to or communicate with them, nor do so yourself, except to ask them if they have agreed upon a verdict, and when they have agreed, that you will conduct them into court, unless otherwise ordered by the court, so help you God?

Juror, #7, you are the alternate. Please remain while the jurors are escorted to the jury deliberation room.

(Once jurors are excused, get cell number for alternate and ask him/her to stay within the vicinity in case his/her services are requested).

F. JURY REQUESTS DURING DELIBERATION (NRS 175.451)

In the event the jury seeks further information or instructions, the Marshal should notify the Judge of the jury's wish, but the Marshal is not to inquire as to the substance of their request. Before the jury is given any information, notice is to be given to the District Attorney and Defendant or Defense Counsel who have a right to be present when the Court makes its response. The record must reflect both the inquiry and the response made.

If the jury indicates to the Marshal they are "deadlocked" the Court should inquire from the foreperson of the jury the numerical division of the jurors without indicating which was the jurors are leaning (from chambers).

The Court may then decide whether or not to give the jury an Allen instruction.² should bring the jury out for an Allen instruction. The approved version of the Allen instruction reads as follows:

"The verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agree thereto. Your verdict must be unanimous."

"It is your duty, as jurors, to consult with one another and to deliberate with a view to reaching an agreement, if you can do so without violence to individual judgment. Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to reexamine your own views and change your opinion if convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict."

² Allen v. United States, 164 U.S. 492 (1896).

G. RETURN OF THE JURY (NRS 175.481)

The Clerk will now call the roll of the jury. Please answer “Present”.

(Clerk calls the roll of the Jury)

Ladies and Gentlemen of the Jury, which of you has been selected as Foreman?

(Foreman announces his/her name)

 Foreman’s Name , **has the jury reached a verdict?**

(Foreman stands and answers yes or no)

If the Foreman answers “Yes”, say:

The Jury Foreman will please hand the verdict to the Marshal.

The Marshall will then hand the verdict to the Court.

The Judge will review and read the verdict to her/himself, and hand it to the Clerk.

The Clerk will now read the verdict aloud.

If the Foreman has answered “No”, say:

 Foreman’s Name , **do you think if given more time the jury might reach a verdict, it being your duty to do so if possible?**

If the answer is “Yes”, excuse the jury for further deliberations.

If the answer is “No”, address the courtroom audience and say:

Ladies and Gentlemen, the jury has failed to reach a verdict. It being apparent that the jury is unable to reach a verdict, this Court has no alternative but to declare a hung jury and mistrial of this case. Ladies and Gentlemen of the Jury, thank you very much for your service.

V. POLL (NRS 175.531)

When a verdict is returned and before it is recorded, ask the State's attorney and the defense counsel:

Does either party request that the jury be polled?

If the request is made, the Clerk calls the roll and asks each juror if this is his or her verdict. If any juror answers "No", the jury must be sent out for further deliberation.

The Clerk will now record the verdict of the jury in the minutes of this case.

VI. DISMISSAL OF JURY

Ladies and Gentlemen of the Jury, I thank you for your service in this case. You are now excused. You are now free to discuss this case.

Jury leaves; does not need to check out. Your Marshal or JEA should provide checks to the jurors.

If the verdict is "Not Guilty":

The jury having found the Defendant _____ (Name) _____, "Not Guilty", the Court now enters upon the minutes a Judgment of Acquittal.

If the Defendant is in-custody: **The Defendant _____ (Name) _____, is ordered released from custody and any bail posted exonerated.**

If the verdict is "Guilty":

The Jury having found the Defendant _____ (Name) _____, "Guilty" of the offense of _____, a judgment of guilt will be entered and the Defendant will be sentenced at this time.

VII. SENTENCING

At the time of sentencing, if you have not previously done so, enter a judgment of “guilty” on the basis of the jury verdict. Inquire from the District Attorney/Victim Witness Advocate whether a victim is present and if so, whether the victim would like to address the Court. The victim has a statutory right to speak last at sentencing. NRS 176.015.

 (NAME) , District Attorney, have you any recommendation in this matter:

 (NAME) , Attorney for the Defendant, do you wish to speak on behalf of (Defendant) , in regard to sentencing?

 (DEFENDANT) , is there anything you wish to say in your own behalf before I impose sentence?

See tab for statutory mandatory minimums on DVs.

VIII. APPEAL

After sentence is imposed, address the Defendant:

If you choose to appeal this matter, you have ten days to file a notice of appeal with the clerk of this court. The bond on appeal is . You are required to post said bond and to pay for the transcript of proceedings on appeal.