



**STATE OF NEW MEXICO  
LINCOLN AND OTERO COUNTY  
PETIT JUROR HANDBOOK**



**DISTRICT JUDGES OF THE  
TWELFTH JUDICIAL DISTRICT COURT**

**LINCOLN COUNTY  
300 CENTRAL  
P.O. BOX 725  
CARRIZOZO, NM 88301  
575/648-2432 EXT. 2**

**OTERO COUNTY  
1000 NEW YORK AVENUE  
ALAMOGORDO, NM 88310  
575/437-7310 EXT. 49**

**DIVISION I  
HONORABLE JERRY H. RITTER, JR.-437-3030**

**DIVISION II  
HONORABLE JAMES W. COUNTS - 434-0573**

**DIVISION III-LINCOLN COUNTY  
HONORABLE KAREN L. PARSONS - 648-2902**

**DIVISION IV  
HONORABLE FRANK K. WILSON - 439-1333**

**COURT ADMINISTRATOR  
JAN PERRY-437-7310**

**CHIEF DEPUTY CLERK/JUDICIAL MANAGER  
OTERO AND LINCOLN COUNTIES  
KAREN E. DUPREY-437-7310 EXT. 22**

**DEPUTY CLERK-LINCOLN COUNTY  
JOLENE BIGGS-648-2432 EXT. 2**

**JURY CLERK-OTERO COUNTY  
GRACIELA PALAFOX-OGAS-437-7310 EXT. 49  
JUROR MESSAGE-437-7310 Ext. 95 OR TOLL FREE 1-866-662-4330  
JUROR INFORMATION AT [WWW.12THDISTRICT.NET](http://WWW.12THDISTRICT.NET)**

**JURY CLERK - LINCOLN COUNTY  
648-2432  
JUROR MESSAGE AFTER 5 P.M. - 648-2432 EXT. 7  
TOLL FREE 1-877-640-2432**

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### Civic Duty.

**You have been summoned to render an important service as a juror. You will serve as an officer of the court, along with the lawyers and judges.**

**Trial by jury has long been one of the cornerstones of our judicial system. The right has survived through the centuries as a vigorous and necessary force in the lives of free men and women.**

**The decisions of the jury affect the property rights, and even the life and the liberty of those whose cases come before it. You should take pride in performing this most important duty to your country and to your fellow men.**

**The proper and efficient functioning of the jury system requires that each of you exercise knowledge, honor, sound judgment and complete fairness in performing your duty.**

**When you give the best combined efforts of your mind, heart and conscience, you will feel that you are making an important contribution to the stability and continuation of our great system of government.**

### Right to a Jury Trial.

**The Constitutions of the United States and the State of New Mexico guarantee the right of trial by jury. Juries consist of six or twelve members depending on the court and type of case.**

### Who May Serve.

**Any citizen living within the county who meets specific requirements and who is either a registered voter or licensed driver is eligible to sit for jury service.**

### Summons of Jurors.

**The Motor Vehicle Department and the Secretary of State supply this information to the Information Systems Division in Santa Fe where a computer randomly selects a specific number of names and prints the summonses. The Administrative Office of the Courts, also located in Santa Fe, mails the summonses to the chosen jurors. The court has no control over who is chosen or what names are in the data base, nor can we remove any names.**

### Excusal from Service.

The following persons may be excused from jury service:

- Persons not capable of serving because of physical or mental illness or ailment;
- Persons excused from jury service at the discretion of the District Court,
- Persons who have served as members of a petit jury panel or a grand jury in either the courts of the United States or the State of New Mexico, within the last thirty-six (36) months may be excused from service. However, the juror may serve if desired; and,
- Persons excused from jury duty by the judge upon presenting satisfactory evidence. The person requesting to be excused need not be present in court when making the request.

The Clerk of the Court will provide you with a form which you must fill out in order to ask for an excusal from jury service because of physical or mental illness, infirmity or for any other reason.

### Length of Service.

You are not required to remain a member of a petit jury panel longer than six (6) months.

### Obligation of Employers.

Employers who deprive their employees of employment or threaten or coerce them with respect to jury duty, upon conviction, are guilty of a petty misdemeanor.

### Emergency.

If illness or other emergency requires that you be delayed or absent, telephone 575/437-7310 Ext. 49 or toll free 1-866-662-4330 for Otero County or 575/648-2439 Ext. 2 or toll free 1-877-640-2432 for Lincoln County promptly.

### Failure to Appear.

**Willful failure to appear as a juror is a crime (petty misdemeanor) punishable up to six (6) months incarceration and/or a \$500.00 fine.**

### **Compensation.**

**You may be reimbursed for mileage for traveling to and from your home to the court at a rate set by statute.**

**State public employees who either live or work within 15 miles of the courthouse will not be paid for mileage.**

**The amount paid to you for mileage or travel may not be kept by an employer.**

**In addition, you may receive compensation for each hour you are in attendance as provided by statute.**

### **Meals and Refreshments.**

**The court provides beverages to jurors who have been chosen to serve. Meals will be provided only to those of you who are in deliberation or sequestered. You are not required to eat with other jurors except when you are in deliberation or otherwise restricted by the Judge.**

### **Juror Attire.**

**You should dress comfortably and conservatively in order to avoid distracting others. It is not appropriate to wear shorts, tank tops or sweatsuits for jury service.**

### **Cellular Phones.**

**Some districts do not allow you to bring cellular phones into the courthouse. If allowed, you will be required to keep cell phones turned off at all times while in the courthouse.**

### **Jury Reporting Notices.**

**While the length of jury service varies by district, you will receive a notice showing your scheduled reporting dates. This will let you know in advance when you are scheduled to report for jury duty, so you can make the necessary arrangements to appear for your juror service. It is very important that your notice is kept where you can be reminded of your pending juror service dates. You need to call your District**

**Court Clerk's office for current jury information on the evening before the scheduled reporting date. If, however, the trial is set for a Monday, the recording will be available for the entire weekend. Please listen to the entire recording before hanging up.**

### **Function of Jurors.**

**As a juror, you will be asked to judge the facts in both criminal and civil cases. In a criminal case, you will determine the guilt or innocence of a person accused of committing a crime. In a civil case, you will determine disputes involving money, property and other things of value.**

### **Juror Responsibilities.**

**You must not have personal knowledge about the facts of the particular case which might influence your decision. The judge or attorneys will question you concerning your family relationship with or your personal knowledge of the parties or the attorneys and your personal knowledge of the facts of the case. This is called the "Voir Dire" meaning "to tell the truth"(properly translated "see/speak"). If your relationship or knowledge would tend to influence your decision in the case, you will not be allowed to serve on the case.**

### **Selection of Jurors.**

**The selection of jurors is one of the most important parts of any trial. Giving honest answers to the questions of the judge and attorneys is very important. You may be selected or rejected for any number of reasons. You should not take it as a personal offense if you are not selected to serve. In the event the questions asked by the judge or attorneys become uncomfortable or sensitive to you, you may ask to meet with the court and attorneys in a more private setting.**

### **Juror Oath.**

**Once a jury has been selected, you must take an oath or affirmation that you will return a verdict according to the law and evidence as presented in court.**

### **Types of Cases.**

**You are called upon to hear both criminal and civil cases. Criminal cases are brought by the State of New Mexico, or in some cases, by a city or county, against an individual charged with a crime. That individual is called a defendant. The defendant is not guilty until all of you agree that the person is guilty.**

**Civil cases vary somewhat from criminal cases in that the dispute is between individuals, business organizations or governmental entities, such as the state, a county or a municipality. Ordinarily, one party, called the plaintiff, will be making a claim for damages against another party called the defendant. In some instances, the defendant will also make a claim for damages against the plaintiff, called a counterclaim. A third party, called a third party defendant, may also be a party in the action and damages or other relief may be requested from this party. In civil cases, you will be asked to determine the amount of money or other damages to be awarded.**

**In both civil and criminal cases after the evidence has been presented, the law will be explained and other instructions will be given to you by the Judge. This is usually followed by closing arguments or statements by the lawyers. You will then be asked to deliberate the case and reach a decision (verdict).**

### **Evidence.**

**Evidence is given to you by question and answer. The attorneys or a party will question the witnesses and the answers become the evidence which you will consider.**

**The lawyers may object to certain evidence and the judge will decide if the evidence may be presented to you. At times the judge may not allow a witness to answer certain questions. Do not be concerned if the judge doesn't allow the witness to answer. There is a reason the judge has decided that it would not be proper.**

**In listening to testimony, you should consider whether or not a witness is being truthful. It is important that your decision or verdict not be based upon false evidence.**

**Other evidence may be admitted by the court and given to you as documents, photographs or objects. These forms of evidence are to be considered equally with the testimony of witnesses. You may also be asked to consider evidence in the form of depositions, which are statements made by witnesses before the trial. These will be read by the parties or attorneys and are just as important as other evidence.**

### **Juror Conduct.**

**During the trial you should remain seated except when asked by the court to stand. Your attitude and conduct throughout the trial is as important as that of the**

judge, parties, attorneys and witnesses. Because you have the important duty of deciding the true facts and applying those facts to the law as read to you by the court, it is important that you understand the facts and apply the law in order to reach a proper result.

It is important that you arrive on time as directed by the court. You must remain awake and alert throughout the trial.

**IF YOU ARE UNABLE TO HEAR OR SEE THE EVIDENCE PRESENTED, IT IS YOUR DUTY TO MAKE THIS KNOWN TO THE JUDGE SO THAT ARRANGEMENTS CAN BE MADE.**

**Discussions concerning the evidence, witnesses or any aspect of the case with family members, friends or anyone else is prohibited.**

You must avoid news accounts of the trial, whether they be on radio or television or in the newspaper or other written publications.

You may not visit the scene where the incident took place, unless instructed by the court. This is important because the place where the incident took place may be entirely changed from what it was at the time of the occurrence.

Only in rare cases will you be kept away from your home continuously during the trial. Otherwise, you can leave to go home at night, but you cannot discuss the case with anyone, not even a member of your family.

You will be allowed to take notes during a trial. However, if you choose to take notes, be sure that your note taking does not interfere with your ability to listen and consider all of the evidence. It is difficult to take notes and at the same time pay attention to what a witness is saying. There is also the risk that you might tend to rely more heavily on written notes than your own memory of the evidence. You will not be allowed to take your notes with you at the end of the day. The Judge will instruct you regarding your notes during the trial and at the end of all evidence. Once deliberations are complete and a verdict is issued, your notes will be collected and destroyed by the bailiff. No one will be permitted to read your notes.

#### **Deliberations of Jury.**

After the judge provided you with the law that applies to the case, it is your sworn duty to follow that law and apply it to the facts presented in court.

The manner in which you deliberate in the jury room is completely within your control. You should first select a foreperson. Once a foreperson is selected, it is advisable that the foreperson act as chairperson for the procedural guidance during your deliberations. The foreperson has only one vote and should not be permitted to influence the other jurors any more than any other juror.

**Your vote should reflect your opinion. No one should be pressured or pushed into a decision. Each of you should carefully consider the opinions and reasons of other jurors.**

**You may not agree with the law as explained by the judge in the instructions. Any disagreement as to the law should not effect your decision. You are not deciding the law. You are deciding what you believe to be the true facts. Your duty is to carefully listen to the judge, witnesses and lawyers, to deliberate calmly and fairly, and to decide intelligently and justly.**

### Verdict of Jurors.

In criminal cases, you all must agree, unanimously, in order to reach a verdict.

In civil cases, if the jury consists of twelve persons, ten or more must agree on a verdict. If the jury consists of six persons, five or more must agree on a verdict.

After you reach a verdict, the foreperson should let the bailiff know that you are ready to report to the judge.

### Questions During Deliberation.

Any questions that cannot be resolved among yourselves may be submitted by a note to the judge setting forth the question. The note should be folded so that it cannot be seen by anyone. It should be given to the bailiff for delivery to the judge. You should make every effort possible to resolve all questions among yourselves in order to avoid any outside influence from anyone, including the judge.

### Time Spent Waiting.

You may be required to sit and wait for periods of time prior to and during a trial. This is a normal activity of jury selection but can be tedious. This time is usually spent by the judge and attorneys considering legal matters necessary for a fair determination of the rights of the persons involved or to save time later in the proceedings. Oftentimes, however, the judge may be called upon to consider emergency matters.

Conflicts in schedules may sometimes develop which result in delays. The courts are always searching for new ways to eliminate or avoid delays.

The court will appreciate any suggestions you may have on how the process may be improved.

### Juror Interviews.

Occasionally, after you have served as a juror, an attorney or other person may ask you questions regarding the trial process. You do not have to discuss with anyone what you have decided, or how you reached your decision. You may, however, if you wish, discuss these matters with anyone after the trial has ended.

## **SOME TERMS YOU WILL HEAR IN COURT AND THEIR MEANING**

### **Action, Case, Suit, Lawsuit:**

**These words mean the same thing. They all refer to a legal dispute brought into court for trial.**

### **Answer:**

**The document in which the defendant answers the claims of the plaintiff.**

### **Bailiff:**

**The bailiff is an officer of the court who waits upon the court and the jury and maintains order in the court.**

### **Civil Case:**

**A lawsuit is called a "civil case" when it is between persons in their private capacities or relations, or when the government, whether federal, state or local, or some department thereof, sues an individual under the law, as distinguished from prosecuting a criminal charge. It results generally in a verdict for the plaintiff or the defendant and, in many cases, involves the giving or denying of damages.**

### **Complaint:**

**The document or legal pleading in which the person who brings the lawsuit sets forth allegations, accusations or charges against another person.**

### **Court Monitor:**

**The court monitor records the record of the case. The record is made should an appeal require it.**

### **Court Reporter:**

**The court reporter takes down in shorthand, or on a machine everything that transpires which constitutes the stenographic record in the case. The notes so made are subject to transcription later, should occasion, such as an appeal, require it.**

### **Criminal Case:**

**A lawsuit is called a "criminal case" when it is between the state on one side, as plaintiff, and a person on the other side, as defendant, charging the defendant with committing a crime, the verdict usually being "guilty" or "not guilty".**

**Cross Examination:**

The questions asked by a lawyer to the opposing party or witnesses of the opposing party.

**Damages:**

The amount of money a plaintiff and/or defendant is to receive due to the injury he/she has experienced, whether it be bodily harm, loss of money, damage to personal property or other harm.

**Defendant:**

In a civil case, the defendant is the person against whom the lawsuit is brought. In a criminal case, the defendant is the person charged with an offense.

**Deposition:**

Testimony taken under oath in the same manner as during a trial. This is ordinarily done because of illness or absence of a party, or to determine prior to trial how a witness will testify at trial.

**Examination, Direct Examination:**

The questions which the lawyer asks the lawyer's client or the client's own witnesses.

**Exhibits:**

Objects including pictures, books, letters and documents which are produced as evidence in a case. These are called "exhibits".

**Instructions or "Charge" to Jury:**

The outline of the rules of law which the jury must follow in their deliberations in deciding the factual issues submitted to them.

**Issue:**

A disputed question of fact is referred to as an "issue". It is sometimes spoken of as one of the "questions" which the jury must answer in order to reach a verdict.

**Jury Panel:**

The whole number of prospective jurors from which the trial jury is chosen.

**Objection:**

A reason or argument by a lawyer that a question asked or statement made was not proper or in accordance with the law.

**Objection Overruled:**

This term means that, in the judge's opinion, the lawyer's objection is not proper or correct under the rules of law. The judge's ruling, so far as a juror is concerned, is final and may not be questioned.

**Objection Sustained:**

When a lawyer objects to a question or the form of a question, the judge may say "objection sustained". This means that the judge agrees that under the rules of the law, the lawyer's objection to a statement or a question is proper. This ruling likewise is not subject to question by the jurors.

**Opening Statement:**

Before introducing any evidence for their side of the case, lawyers are permitted to tell the jury what the case is about and with what evidence they intend to prove their side of the case. This is called the "opening statement".

**Parties:**

The plaintiff and defendant in the case. They are also sometimes called the "litigants".

**Plaintiff:**

The person who starts a lawsuit.

**Pleadings:**

The parties in a lawsuit must file papers in court stating their claims against each other. In a civil case, these usually consist of a complaint filed by the plaintiff, an answer filed by the defendant and, oftentimes, a reply filed by the plaintiff. These are called the "pleadings".

**Record:**

This refers to the pleadings, the exhibits and the word-for-word record made by the court of all the proceedings at the trial.

**Rests:**

This is a legal phrase which means that the party has concluded the evidence he wants to introduce in that stage of the trial.

**Striking Testimony:**

On some occasions, after a witness has testified, the judge will order certain evidence deleted from the record and will direct the jury to disregard it. When this is done, the jury will treat this evidence as though it had never been given and will wholly disregard it.

**Subpoena:**

The document which is issued for service upon a witness to compel the witness to appear in court.

**Verdict:**

The finding made by the jurors on the issues submitted to them is the "verdict".

**“JURY SERVICE IS ONE OF THE HIGHEST DUTIES OF CITIZENSHIP, FOR BY IT THE CITIZEN PARTICIPATES IN THE ADMINISTRATION OF JUSTICE BETWEEN MAN AND MAN, AND BETWEEN GOVERNMENT AND INDIVIDUAL.”**

**Harlan F. Stone  
Late Chief Justice of the United States Supreme Court**