

Activity III.

Discovering Justice Through Jury Selection

NOTES

The purpose of this activity is to enable students to understand the concept of an impartial jury of one's peers and just how complex the task of creating such a jury actually is.

- ★ This activity should take one class period.
- ★ Large, poster-sized paper or write-on transparencies; markers.
- ★ If time permits, a class discussion of the different teams' choices will help students analyze those choices and generate their own understanding of the term *impartial*.
- ★ The written response could be given as a homework assignment.
- ★ Some possible ideas that could come out of this activity are:
 - ⇒ Everyone has prejudices, but some might get in the way of a case and some might not.
 - ⇒ It might be hard for people to be on a jury because of what's going on in their personal lives, and that may make them not want to work hard to find the truth in a case.
 - ⇒ It's obvious to see why the defense lawyers want people who would be likely to sympathize with the accused.
 - ⇒ It's obvious to see why the lawyers for the prosecution want people who would appear to sympathize with the victim.
 - ⇒ It's really hard to get 12 people who would think fairly about a court case.

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DIRECTIONS

- ★ Create teams of 2 – 3 students.
 - 1/3 of the teams will be the “attorneys” for the prosecution, the Commonwealth of Massachusetts
 - 1/3 of the teams will be the “attorneys” for the defense, Sam Spring.
 - 1/3 of the teams will be judges.
- ★ Read the fact pattern for the case, Commonwealth of Massachusetts v. Sam Spring on Page 2.
- ★ Read the list of prospective jurors on Page 3.
 - Prosecution Attorneys:** Choose the 12 people whom you would prefer to sit on the jury.
 - Defense Attorneys:** Choose the 12 people whom you would prefer to sit on the jury.
 - Judges:** Choose the 12 people you think would be the most impartial jurors.
- ★ On a large sheet of paper or write-on transparency, list the jurors your team has selected and write 1 – 2 bullet points explaining why this person would be a good juror.
- ★ Share your list with the class.
- ★ Written Response: Write a paragraph in which you answer the following questions.
 - If you had to teach your class one thing about the jury selection process, what would it be and how would you prove its importance?
- ★ **Extra Credit:**
 - Where in the Constitution is the “right to remain silent,” your right to refrain from testifying against yourself?

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COMMONWEALTH v. SAM SPRING

Sam is on trial for stealing a wallet belonging to Joe Winter. Sam is short and bald. Joe is tall and has long hair. The theft allegedly took place at a bowling alley, where both Sam and Joe like to go bowling.

The witnesses for the Commonwealth are Joe and the police officer who arrested Sam. There are no witnesses for the defense. Sam is not going to testify because he is relying on his constitutional right to remain silent: “nor shall any person...be compelled in any criminal case to be a witness against himself.”

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List of Potential Jurors for Commonwealth v. Sam Spring

Juror 1	Joe's first cousin
Juror 2	Says if the defendant does not testify, he must be guilty
Juror 3	Used to love bowling in a league until a fall from the roof of his house left him paralyzed from the waist down
Juror 4	Says that theft is a serious problem in our society
Juror 5	Is married to the lawyer for Sam
Juror 6	Got a speeding ticket yesterday and feels angry about the police
Juror 7	Has an important job and is a really busy person
Juror 8	Has long hair and is tall
Juror 9	Works in a bowling alley while trying to start a music career
Juror 10	Had her wallet stolen last month and is still very upset about it.
Juror 11	A philosophy professor
Juror 12	An elementary school teacher who is concerned about a short student who gets picked on a lot
Juror 13	Would rather be at home watching his favorite soap opera on TV
Juror 14	A high school teacher whose long-haired son will begin studying at a prestigious art school in the fall
Juror 15	A stay-at-home parent whose spouse has just been diagnosed with cancer
Juror 16	Has never served on a jury before
Juror 17	Has a cousin who is a homicide detective
Juror 18	A new U.S. citizen who has lived in Boston for just two years
Juror 19	Read all about this case in the paper and feels very sorry for Sam
Juror 20	Thinks that all people accused of crimes are guilty
Juror 21	Is a firefighter