

Would You Be Chosen to Serve on a Jury?

from <http://deathpenaltyinfo.msu.edu/>

A death penalty statute has been enacted in your state. You have been summoned for jury duty in a death penalty case. In order to determine whether you are qualified to serve on the jury, the judge will ask you about your views regarding the death penalty.

Q: If the defendant is found guilty of capital murder, which makes him or her eligible for a death sentence, what would you do?

Please read the five possible answers carefully before choosing one. Click on the box to indicate which of the following views is closest to your own.

- I would **always** vote for a death sentence.
- I would consider a sentence of life without possibility of parole, a sentence of life with possibility of parole after 30 years, or a sentence of death, but it would be **very hard** for me to vote for a sentence **other than death**.
- I would be **open** to consider voting for death, **or** for life without possibility of parole, **or** for life with possibility of parole after 30 years.
- I would be willing to consider a sentence of death, but it would be **very hard** for me to vote **for death**.
- I would **never** be able to vote for a sentence of death.

Please turn the page to read whether you would be qualified to serve on a jury for a death penalty case.

If you answered:

I would **always** vote for a death sentence.

you would not be permitted to serve on a jury.

Although there is nothing wrong with your reply that you would always vote for the death penalty, the law requires that a jury in a death penalty case be made up of people who are open to giving a sentence other than death in at least some cases.

If you answered:

I would consider a sentence of life without possibility of parole, a sentence of life with possibility of parole after 30 years, or a sentence of death, but it would be **very hard** for me to vote for a sentence **other than death**.

you might not be permitted to serve on a real jury.

Although there is nothing wrong with your reply that you are uncertain of whether you could impose a life sentence, the defense attorney would probably argue that since you lean towards the death penalty in all cases, you would not make a decision on the facts but upon your personal belief in the death penalty and you should be excluded from the jury by the judge. On the other hand, the prosecutor in the case would likely argue that you would be able to decide the sentence by listening to both sides since you have not finally made up your mind. The prosecutor would probably want you included on the jury. Both the prosecutor and the defense attorney would probably ask you further questions to see how deep your reservations about a life sentence go.

If you answered:

I would be **open** to consider voting for death, **or** for life without possibility of parole, **or** for life with possibility of parole after 30 years.

you would have a good chance at serving on a jury.

Your answer indicates that you would likely be a person who would consider all the factors regarding the severity of the crime and the responsibility of the defendant before deciding on whether a death sentence is appropriate. This does not mean that your position is the "correct" one, but only that you could serve as a juror in this special kind of case.

If you answered:

I would be willing to consider a sentence of death, but it would be **very hard** for me to vote **for death**.

you might not be permitted to serve on a real jury.

Although there is nothing wrong with your reply that you are uncertain of whether you could impose a death sentence, the prosecutor in the case would likely argue that you would not be able to decide on the sentence by listening to both sides, but instead would be making your decision based on your doubts about the death penalty. The prosecutor would probably want you excluded from the jury by the judge. On the other hand, the defense attorney would probably argue that since you are not necessarily opposed to the death penalty in all cases, you could impose it in some cases, and you should be allowed to serve on the jury. Both the prosecutor and the defense attorney would probably ask you further questions to see how deep your reservations about the death penalty go.

If you answered:

I would **never** be able to vote for a sentence of death.

you would not be permitted to serve on a real jury.

Although there is nothing wrong with your reply that you would never vote for the death penalty, the law requires that a jury in a death penalty case be made up of people who are open to giving a death sentence in at least some cases.