

VOIR DIRE

- French: To see, to speak
- CCP §§ 190 et seq
- Recent changes promising

CCP § 223

Voir Dire in Criminal Cases

- 2001 – 2017: Court shall conduct an initial examination of prospective jurors. The court may submit to prospective jurors additional questions requested by the parties as it deems proper. The court may limit the oral...questioning by counsel. Examination of prospective jurors shall be conducted only in aid of the exercise of challenges for cause.

CCP § 223

Voir Dire in Criminal Cases

- January 1, 2018: changes open up scope & time
- (b)(1): ...During any examination by counsel, the trial judge shall permit *liberal and probing examination* calculated to discover bias or prejudice with regard to the circumstances of the case or parties before the court. The fact that a topic has been included in the trial judge's examination shall not preclude appropriate followup questioning in the same area by counsel. [no prior written submissions required]
- (b)(2) The trial judge shall not impose specific *unreasonable or arbitrary time limits* or establish an inflexible time limit policy for voir dire. As VD proceeds, the TJ shall permit supplemental time for questioning based on individual responses or conduct of jurors that may evince attitudes inconsistent with suitability to serve as a fair and impartial juror in the particular case.

CCP § 223

Voir Dire in Criminal Cases

- (c) In exercising the judge's sound discretion, the trial judge shall consider all of the following:
 - (1) The amount of time requested by trial counsel.
 - (2) Any unique or complex legal or factual elements in the case.
 - (3) The length of the trial.
 - (4) The number of parties.
 - (5) The number of witnesses

VOIR DIRE IS CRITICAL

- Defense wants at least 1 BAD juror, you need 12+ GOOD jurors (plus alternates)
 - Only chance to weed out jurors with issues
- First Impressions Important
- Only opportunity to educate jurors
- Voir dire poorly done
 - By judges
 - By defense attorneys
 - By many prosecutors

WHEN TO START THINKING ABOUT VOIR DIRE

- When you first get the case
 - What are the factual issues?
 - What are the legal issues?
 - What kind of person would be good/bad juror based on the issues?
- Keep list of potential questions & add/delete as trial approaches
 - In the file or trial notebook

BEFORE TRIAL - INFORM YOURSELF ABOUT JURORS

- How?
 - Jury list
- When?
- What to do with list?
 - Disseminate to fellow prosecutors
 - Disseminate to arresting agency
 - Run local criminal history (Support staff)



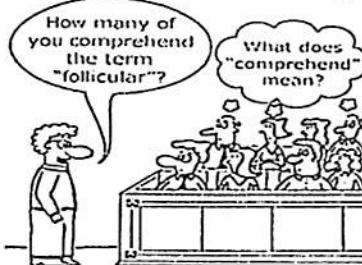
FIRST IMPRESSIONS

- Dress good, look good —
- Observe jury as they enter vs. sitting straight ahead
- Jurors are watching you too!
- Be relaxed (or fake it)
- Act professional with Δ attorney
- No legal speak...



Talk Normal!!

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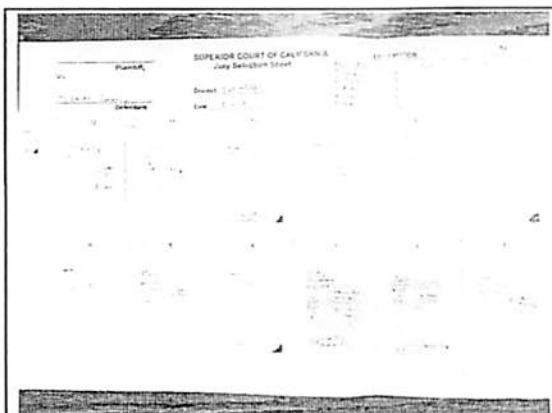


FIRST IMPRESSIONS

- No legal speak
- Stand when addressing court / jurors
- Be yourself
- Eye contact
- Don't argue with prospective jurors
 - If they're not saying what you want to hear don't spend a lot of time with them

JUROR INFORMATION

- What information to keep track of...
- Why keep track?
 - So you won't forget
 - To note answers that require additional questioning
 - Avoiding & winning Wheeler challenges
- How to keep track?
 - Post Its™
 - Easy to move around
 - Save all Post Its, even for excused jurors
 - Abbreviations



Johnson ret'd C.O. W: social worker 14 26 30 31 1: other/rzpc 2: son-unfur 3: self cr.m-hms PJ cr.m 242	NAME occupation spouse occup: kids Observations here: moody, poor hygiene, etc. prior jury	or * Δ Δ V- LED: other
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JUDICIAL VOIR DIRE

- Standards of Judicial Administration § 8.5
- Judges usually do minimum questioning
 - Charge related
 - "Can you be fair and impartial?"
 - General background
 - Note # of children, spouses, occupations, prior jury service
 - Law enforcement background
 - Victim of crime, accused of crime

ATTORNEY INQUIRY

- Time limits
 - Court can control time (CCP § 223)
 - Must be equal
 - Use "court's clock"
- Who goes first?
 - CCP: silent
 - Δ attorney should go first
 - Our burden
 - Allows prosecutor to react to defense questions

ATTORNEY INQUIRY - GOALS

- Determine bias or prejudice
- To follow up on judicial VD to uncover juror attitudes inconsistent with suitability to serve in your case
- Educate jurors as to case/legal issues
- Desensitize jurors
 - Gory photos
 - Offensive language
 - Sexual content
 - Unsympathetic victim/witnesses, sideways V in D.V.
- Weed out fruitcakes



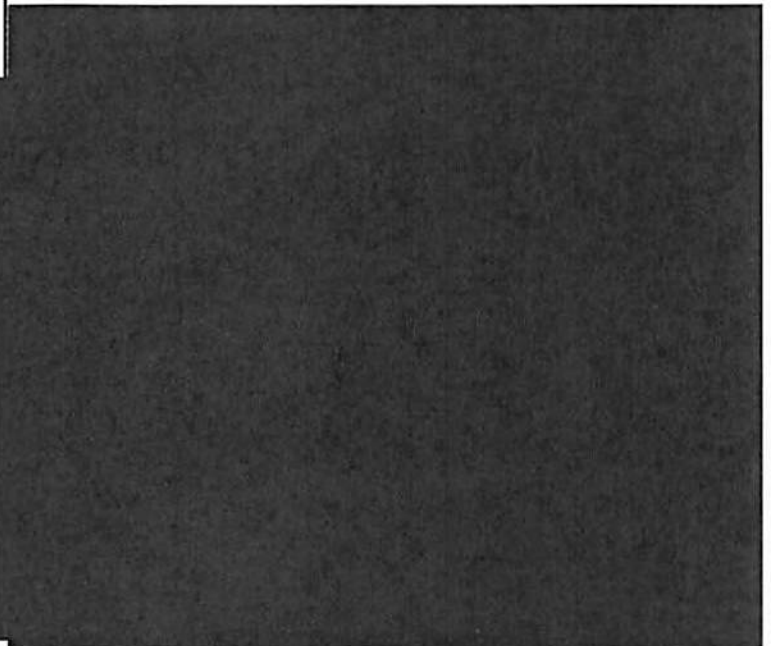
OPEN-ENDED QUESTIONS

- What is? Why better than yes/no?
- Good for opinions & attitudes
- Here's how:
 - Choose prospective juror
 - Ask open-ended question
 - Follow up until response clear
 - Choose another juror and compare/contrast
 - Get balance to agree
- Examples:



AREAS TO ADDRESS

- Case issues (examples)
 - Unsympathetic/recanting/hostile victims
 - Crimes with no human victims (commercial theft)
 - Defenses (e.g. vol tox., necessity)
 - 192 victim = friend
- Defendant-related issues
 - Young, female, elderly, veteran, sympathetic
- Juror-specific issues
 - Based on their previous answers
 - Feel free NOT to question bad jurors (don't let the police do the work)



FOLLOW UP QUESTIONS

- Don't be afraid to use prospective jurors to educate/influence other jurors
 - Even if you plan on excusing
 - Examples:
 - Jurors familiar with the case
 - Jurors who have been in court before
 - Jurors who know the law or late-reporting (e.g. rapes)
- Get them to share information

In-Camera inquiries

- Juror wants to address some issue outside presence of other jurors
- Some judges try to gloss over to avoid
 - E.g. "will the issue you are thinking of affect your ability to be fair & impartial"
 - Doesn't tell you what the issue is, your duty is to inquire (or excuse)
- Make sure judge doesn't forget to bring juror into chambers later

"NEWBIES"

- A prospective juror who wasn't on panel during initial questioning
- Judge will usually ask if any issues arose...very general questioning
- Tendency to spend less time with them
 - Not you! Question as thoroughly
- Big mistake to gloss over just because court did
 - Court may put pressure to speed up process

CHALLENGES

- Time to get rid of bad jurors!
- To the entire panel for cause (CCP § 225(a))
 - Rarely done
 - Done in writing, before jury sworn
- Individual juror challenge for cause (order = CCP § 227)
 - General disqualification (CCP § 228) or competency (CCP § 203)
 - Not a citizen, age, residency, hearing issues, fetors, language issues
 - some other incapacity
 - Implied bias (CCP § 229)
 - Actual bias
- Peremptory challenges (CCP § 231)

CAUSE - IMPLIED BIAS

- Implied Bias CCP § 225(b)(1)(B)
 - When the existence of facts as ascertained, in judgment of law disqualifies the juror
 - Examples (CCP § 229):
 - Relationship/connection to case, parties
 - Having unqualified opinion of case merits
 - Having an interest in party or outcome
 - Having a pending action in same court which is set for trial
 - Prior juror (retrial, juror on first trial)
 - It happens

CAUSE - ACTUAL BIAS

- Actual Bias CCP § 225(b)(1)(C)
 - The existence of a state of mind on the part of the juror in reference to the case, or to any of the parties, which will prevent the juror from acting with entire impartiality, and without prejudice to the substantial rights of any party.
 - Examples:
 - Opinion as to Δ's guilt (Police only arrest guilty people)
 - Bias based on nature of the charge
 - Under no circumstances would believe a police officer

CHALLENGES FOR CAUSE

- Handled by the court at conclusion of questioning, at side bar
- Set up your argument for bias thru detailed questioning
- Don't just lay down on defense challenges for cause
 - Ask court to rehabilitate
 - Argue points showing lack of bias

PEREMPTORY CHALLENGES

- Each side gets 6 (misdemeanors)
 - Until January 2021, then back to 10
- General felonies: 10 + 5 per extra Δ
- Joint defendants: challenges + 2 additional (10 total for 2 Δs)
- People go first, Δ second, alternate (CCP § 231(d))
- **Cannot** use a peremptory challenge on juror presuming bias b/c of race, national origin, ethnic group, religion, age, sex, color or disability
 - Prohibited by CCP § 231.5
 - **It's totally wrong and against our principles!**
 - It will subject you to a Wheeler challenge

BYE BYE – WHAT TO SAY

- "The People would like to thank and excuse Juror #5, Mrs. Smith"
- Eye contact & smile
- Don't make replacements move in to the box for no reason!
 - I'd like to save Mr. Johnson the walk and thank and excuse him...
- The Good Guy vs. the good juror
 - You have a great juror, but has some commitment that jury service will wreck...excuse?

Presumption

- Presumption: the People use peremptory challenges in constitutional manner (People v. Wheeler (1978) 22 Cal.3d 258; (People v. Wheeler) 5) 24 Cal.4th 243)

WHEELER CHALLENGES

- People v. Wheeler (1978) 22 Cal.3d 258
 - The use of peremptory challenges to remove prospective juror on sole basis of group bias violates CA Constitution Article I, § 16 (right to jury drawn from representative cross-section of the community)
 - CCP § 231.5
- Batson: federal version of Wheeler
 - Violation of Equal Protection
- 3 prong test

WHEELER

- 1ST PRONG: Challenge & prima facie showing by proponent
- 2ND PRONG: Successful showing shifts burden, People must satisfy court that challenge(s) proper
- 3RD PRONG: Court decides if challenge(s) proper, denies or grants motion

WHEELER: PROCEDURE

First Prong

- Proponent makes challenge via appropriate objection
- Proponent makes prima facie case
 - producing evidence sufficient to permit a trial judge to draw an *Inference of discrimination* on a member of a "cognizable group"

COGNIZABLE GROUPS

- Classifications of people that are constitutionally protected from challenge based solely on group membership
 - Must be "an identifiable group distinguished on racial, religious, ethnic or similar grounds" (Wheeler)
- Cognizable group must have 2 characteristics:
 - 1) members share a *common perspective* arising from life experience in the group, and
 - 2) *no other members of the community* are capable of adequately representing the group perspective

COGNIZABLE GROUPS

- Religious groups
- African-Americans (male & female)
- Hispanics
- Women
- Hispanic-surnamed women
- Men
- Gays & lesbians
- Spanish-speaking Hispanics (11 v. Gonzales (2008) 165 Cal.App.4th 620)
- Ever changing

NON-COGNIZABLE GROUPS

- Poor people
- People of color
- Less-educated people
- Blue-collar people
- Battered women
- Young adults
- People over 70
- Naturalized citizens
- Retired correctional officers

WHEELER: PROCEDURE First Prong

- Showing (outside presence of jury)
 - Juror is member of cognizable group
(defendant need not be member)
 - Majority/all jurors of a cognizable group removed via use of disproportionate # of peremptory challenges
 - Showing that the totality of facts give rise to an inference of discriminatory purpose

WHEELER: PROCEDURE Second Prong

- Successful showing shifts burden
 - Burden = to show that peremptory challenges were NOT on grounds of group bias but on grounds reasonably relevant to particular case or it's parties/witnesses

NOTE: that is why you keep good notes during voir dire so you can pull out facts or issues or observations re: excused jurors

WHEELER PROCEDURE

Third Prong

- If race neutral (non-discriminatory) explanation tendered, trial court must then decide whether the opponent of the strike has proved purposeful racial discrimination (*Johnson v. California* (2005) 125 S.Ct. 2410)

WHEELER: PROCEDURE

- Make Δ attorney set forth facts
- Inquire of court if burden has been met (prima facie case)
- You want judge to state for record that prima facie case not met (no explanation from you needed)
 - Beware of remands
- Court should expressly rule on sufficiency of evidence
 - Failure invites error
 - Allowing challenged party to respond w/o ruling tantamount to shifting burden
- Error = prejudicial per se

THE WHEELER TRAP

- Scenario:
 - Wheeler challenge made by Δ
 - Court "telegraphs" denial = asks if People care to respond
 - You don't want to blow it, so you keep silent
- Court may be shifting the burden
 - *People v. Johnson* 47 Cal.3d 1194: such inquiry constitutes "at least an implied finding of a prima facie showing"

AVOIDING THE TRAP

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- See *People v. Turner* (1994) 8 Cal.4th 137, 167 for good example
- Your record should include "you do not feel that the defense has made a prima facie showing of bias"
- Not ex parte! (*P v. Ayala* (2000) 24 Cal.4th 243)

REASONS TO EXCUSE

- Must provide clear & reasonably specific explanation of legitimate reasons
 - Even trivial reason, if genuine & neutral, will suffice (*Johnson case*):
 - Facial expressions
 - Gestures
 - Hunches
 - Arbitrary & idiosyncratic reasons
 - Demeanor
 - Attire, social awkwardness
- NOTE THESE ON YOUR POST ITS!!!

COURT LOOKS AT...

- Prosecutor's demeanor
- How reasonable/improbable are the explanations
- Lack of detail
- Prosecutor not questioning consistently

RESULT OF WHEELER CHALLENGE

- If challenged party fails to overcome burden, trial court must conclude jury as constituted fails to comply with fair representation requirement
- Jury is dismissed, jury selection begins again...or juror is re-seated (awkward)
- You're in big trouble (See State Bar reporting rules)

WHAT IF...

- ...trial court denies Wheeler challenge and appellate court finds decision to be erroneous?
- Appellate court could order a "remand"
 - Example: *P v. Kelly* (2008) 162 Cal.App.4th 797
 - A hearing in which you may be required to go back and explain your challenges
 - Could be years later! KEEP YOUR NOTES
- Remands
 - Not under oath
 - No cross examination by defense attorney

COMPARATIVE ANALYSIS

- *Miller-El v. Dretke* (2005) 125 S.Ct. 2317
- Court compares reasons for excusing a juror against another prospective juror of similar constitution
- Challenger invokes by pointing out existence of other similar jurors not excluded
- Alive and well in California (even on appeal, remand).

COMPARATIVE ANALYSIS

- To protect against:
 - Keep notes on questions asked
 - Keep track of answers given
 - Need to ask questions the same way to each juror
 - When explaining reason for strike, give all applicable reasons, not just the one answer to the one question

LAST WORD ON WHEELER

- Don't go there, see it coming
- Keep good notes on your side, put in file post-trial
- Keep section in trial notebook on procedure and case law
- Wheeler applies both ways: "The People no less than individual defendants are entitled to a trial by an impartial jury drawn from a representative cross-section of the community."
 - Keep good notes on the other side

ALTERNATE JURORS

- CCP § 234
- Insurance policy
- Often poorly examined by everybody
 - Subject to same examination & challenges
- Often substituted after trial commences
- Often crucial to successful verdict
- Always insist on at least one
- PAY ATTENTION TO THEIR SELECTION

WINNING & LOSING CASES IN VOIR DIRE

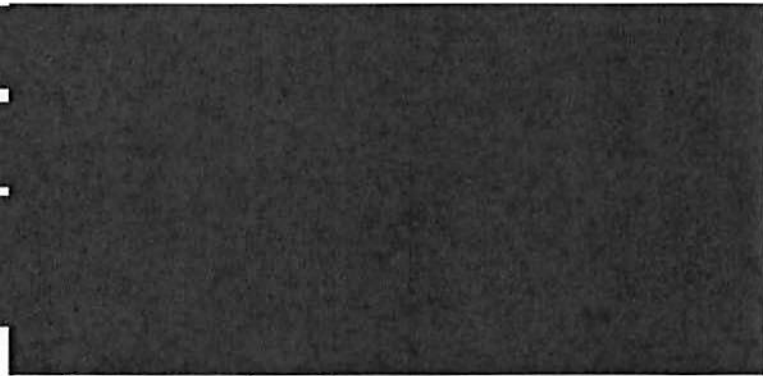
- Battery cases w/minor or no injury
- Low blow DUI
- Case with unsympathetic victim
- Case with recanting victim
- Case with sympathetic defendant
- NHI cases
- No-loss theft cases
- Miami CSI cases (forensic evidence issues)

LAST WORD

- Voir dire is chance to educate, impress, gain trust or credibility of jurors
- Voir dire is where & how you get rid of bad jurors and get good jurors
- Cases are won & lost in voir dire
- When in doubt...go with your gut
- Defense attorneys don't put as much into voir dire...they don't have to...PROSECUTORS NEED TO PUT ALL into Voir Dire

SPECIFIC QUESTIONS:

- Ev
- Can you give me some examples of why a person would lie at trial after calling police about DV? Even from the witness stand?
- If a person calls police to report a crime and later becomes disinterested in the case, what role should that disinterest have?
- Experience with the Santa Ana Police Department?



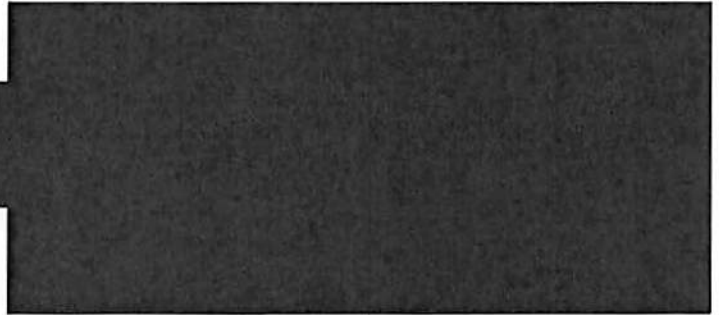
FACT PATTERN 1

■ Issues:

- Δ young, female (age, gender, sympathy?)
- No visible injury (waste of time?)
- Alcohol involved with victim (unsympathetic?)
- Δ tased/sprayed (excessive force?)

■ Jurors to watch for:

- Jurors with kids/grandkids similar age
- Jurors experienced with police use-of-force
- People who don't drink
- People who had S.O.s like Victim



FACT PATTERN 1 QUESTIONS

- Ever seen police officer have to use force? Describe. What did you do if anything?
- What impact will Δ's age or gender have...?
- Don't drink? Why? Impact of V having alcohol...?
- How do you feel about a man being the victim of



FACT PATTERN 2

■ Issues:

- Elderly suspect on fixed income (sympathetic?)
- Δ stole things for kids as gifts (sympathy?)
- Victim is Walmart (unsympathetic victim?)
- No loss suffered (who cares?)

■ Jurors to watch for:

- People with sympathy for elders
- People who hate big chain stores

FACT PATTERN 2 QUESTIONS

- Experience with Walmart? Feelings about big chain stores, can they be victims?
- What impact will Δ's age have...?
- For what reason is stealing acceptable?
- Law says "no loss" not a defense. How do you feel about that?

FACT PATTERN 3

- Issues:
 - Δ is young and attractive (sympathetic?)
 - No usable fingerprints found (CSI)
 - Photo line-up used (CSI)
 - Roommate will provide alibi (defense)
 - DNA not obtained (poor investigation)
- Jurors to watch for:
 - Jurors who will like Δ (males?) or jurors who have kids similar age/gender
 - Jurors who rely too much on CSI
 - Gullible people



FACT PATTERN 3 QUESTIONS

- What do you know about fingerprinting?
- What do you know about photo-line ups?
- What impact should Δ's age/gender/appearance have...?
- Do you believe that every alibi is genuine? Why not?
- Do you think commercial burglary can be committed by someone of Δ's age/gender?



FACT PATTERN 4

- Issues:
 - Victim is foul-mouthed gangbanger (unsympathetic)
 - Victim provoked the attack (unsympathetic)
 - Victim lied about his role (see above)
 - Δ is Sikh (sympathetic/unsympathetic?)
- Jurors to watch for:
 - People who hate gangbangers (all people)
 - People with sympathy for Sikhs (Wheeler?)
 - People who feel provocation is a defense

FACT PATTERN 4 QUESTIONS

- What do you know about WSC? Gangs?
- How do you feel about a gang member being a victim of a crime?
- Law says words alone are not a provocation...how do you feel about that law?
- What impact should Δ's religious faith have...?
- Ever been harassed by a gang member or anyone else outside a store? Explain.
- If a Victim or witness is foul mouthed, what impact...?

FACT PATTERN 5

- Issues:
 - Victim and mother are Hispanic (bias?)
 - Δ is veteran (sympathetic)
 - Victim is young (credibility)
- Jurors to watch for:
 - Jurors who have served in military (or family/ friends, etc)
 - People who have issues with children or Hispanics

FACT PATTERN 5 QUESTIONS

- A is a veteran. Who has ever served in military or family/friends who have served?
- What impact should A's status as veteran have...?
- 10 year old will testify. How do you feel about that? Can assess credibility same as adult? Believe a child can credibly report a crime?
- Self/family/friend ever been falsely accused of crime (by a child)? Explain.
- What impact will Victim's race have on your deliberations? CAREFUL

FACT PATTERN 6

- Issues:
 - A is French (sympathetic/unsympathetic)
 - CHP officer is female (bias)
 - DUID involves marijuana (bias)
 - A has medical marijuana card (bias)
- Jurors to watch for:
 - Francophiles
 - People with DUI history
 - Jurors with MJ experience or history

FACT PATTERN 6 QUESTIONS

- How do you feel about female law enforcement officers?
- What experience do you have with France and French people? What impact will A's nationality have on your deliberations?
- Experience with FSTs? Ever seen administered? Explain.
- Experience with MJ. Do you have a position re: whether or not MJ can impair a person's ability to drive a motor vehicle?
- Who feels that there are people abusing the medical marijuana laws? Explain.
- Who has received training in detecting the presence of MJ on a person (signs, not actual MJ)
- Who has training/experience in how MJ is processed by the human body?

VOIR DIRE ISSUE SPOTTING

Instructions: read each fact pattern carefully and determine what issues there are in the case, what type of jurors would or would not be good for this type of case, and what particular questions you would ask on voir dire.

FACT PATTERN 1: Doug and Rita live together in an apartment. Doug is 21 and Rita is 19. Police are called to the residence at 11:30 p.m. on August 30, 2008, based on a 911 hang up. They speak to Doug who tells them that he was drinking some beers with neighbors by the pool when Rita called to him to return to their apartment. When he didn't return right away Rita approached the pool area and hit him in the chest with a closed fist. Several neighbors were interviewed and corroborated Doug's version, although only one witness saw Rita hit Doug. Rita was contacted in their apartment and denied hitting Doug. She became resistant and had to be pepper sprayed and then tased in order to get her to comply with the officer's commands. No visible injury was observed on Doug. Rita was arrested for 243(e)(1) and 148(a)(1).

ISSUES: _____

**JURORS TO
INCLUDE/EXCLUDE:** _____

QUESTIONS: _____

FACT PATTERN 2: Elbert Jenkins is 65 and lives on a fixed income. He has a prior petty theft conviction from 2006 for which he served no jail time, but did 100 hours of community service. He also has 3 prior felony convictions of a Castro variety. On the date of incident he is observed going into the local Walmart, concealing over \$200 in merchandise on his person and then leaving without paying. Most of the items were child-related and Elbert told police he planned on giving the items as gifts to his grandchildren. All the items were recovered and Walmart suffered no loss.

ISSUES: _____

**JURORS TO
INCLUDE/EXCLUDE:** _____

QUESTIONS: _____

FACT PATTERN 3: Juliana is a 25 year old attractive college student. On the date of incident a local jewelry store finds that a rear door has been pried open and the items stolen. Taken were two watches worth \$500. Local law enforcement arrives and finds a Starbucks cup half filled on the display case where the watches had been. The cup has red lipstick on the rim. Just outside the rear door is a cigarette butt with red lipstick on it. A surveillance video from the prior evening shows the image of a tall, slender, dark-haired WFA entering the store carrying a cup and smoking a cigarette. She is not wearing gloves. Although the video is very grainy the store security officer recognizes the WFA in the video as Juliana from a prior contact earlier in the day. A photo line up is created and the guard picks Juliana's picture out of the lineup. Fingerprints are recovered but insufficient ridge detail is obtained and no match is made. Juliana is contacted and admits to being in the store earlier in the day, and to looking at watches similar to the ones stolen. She is wearing a watch identical to one of the stolen ones, but says she received it as a gift from her roommate. Her roommate will testify at trial that the watch Juliana was wearing was the one she purchased, although she has no receipt or other proof of purchase.

ISSUES: _____

**JURORS TO
INCLUDE/EXCLUDE:** _____

QUESTIONS: _____

FACT PATTERN 4: Terence is 17 and a member of the West Side Crips. The defendant is a 24 year old off-duty cab driver of the Sikh faith. He wears a white turban as part of his faith. Defendant tells police that he stopped at the convenience store to purchase some groceries and was taunted by Terence and several other West Side Crips. When defendant exited the store Terence increased his taunts and stood in front of Terence. Defendant tells police he felt threatened and pushed Terence out of his way and left. Terence is contacted at the scene and has a black eye and swelling around the jaw. Several bystanders, none belonging to the West Side Crips, tell police that Terence was alone and taunting the defendant and throwing gang signs. When the defendant exited the store Terence was near defendant's car but not in the way. They observed the defendant put down his bag of groceries, approach Terence and punch him twice in the face. Terence has been subsequently interviewed and is foul-mouthed and denies any provocation on his part.

ISSUES: _____

**JURORS TO
INCLUDE/EXCLUDE:** _____

QUESTIONS: _____

FACT PATTERN 5: Victim is 10 year old Hispanic boy. The defendant is his neighbor and a retired Gulf War veteran. On the date of incident victim tells his mother he is playing in his front yard when the defendant comes out of his house and approaches and drops his shorts exposing his penis. Victim yells out and runs into his house where his mother is alerted and immediately calls police. She then goes out into the yard and sees a pair of short on the ground between the two houses that she describes as brown. She goes back in the house to confort her son. When police arrive they do not find any shorts. The defendant is contacted 10 minutes later and is wearing a pair of brown shorts. The victim described his neighbor as being bald, but the defendant actually has some wisps of hair at the back.

ISSUES: _____

**JURORS TO
INCLUDE/EXCLUDE:** _____

QUESTIONS: _____

3
6

FACT PATTERN 6: Jean-Paul is an 18 year old French exchange student. He is driving his car down the San Diego freeway at 2:00 a.m. and is observed to be driving 10 miles below the speed limit. The CHP officer also observes some weaving within the lane. The officer lights up Jean-Paul, who is observed to immediately pull his car over to side of the road. Upon contact the female CHP officer notes an odor of burnt marijuana coming from the car. Jean-Paul has a white-greenish coating on his tongue, smells of marijuana. He admits to smoking marijuana earlier in the evening and produces an Oakland Cannabis card (just expired) and a doctor's recommendation for marijuana (he suffers from depression and a chronically bad back). Jean Paul performs poorly on his FSTs, blaming his bad back, including the hand-pat, finger count and the Romberg test. He agrees to a blood test, and the results are positive for cannabis and related metabolites. No marijuana is found in the car.

ISSUES: _____

**JURORS TO
INCLUDE/EXCLUDE:** _____

QUESTIONS: _____

