

## Jury selection- conflicted feelings about the outcome, but no conflict about the system

What started at noon yesterday ended at about 3pm today when a jury was finally put in place... leaving 18 of us, out of the initial 70, quite literally sitting on the bench.

It was quite a process, with the defense getting a head start making their case by using perspective juror questioning as an illustrative tool to show what the defendant may have been going through when arrested by the CHP for a combination of things (including driving under the influence and driving with a suspended license and a confession for doing so). And yet here he was, now claiming not guilty. The defense attorney wanted to make it clear that the defendant was confused and intimidated, like several other perspective jurors when interviewed about their past encounters with the law.

Privacy goes out the window in this setting; the judge has a list of 6 basic questions, including whether you've been arrested, whether people close to you have been, whether you've been a victim, and then follow-up questions to ferret out the details. Details which people would normally not feel comfortable talking about in front of strangers, but in this setting, it seems OK. Given that drugs and/or alcohol were involved in the trial, that was an obvious targeted area, and it's sad to see just how many people have been closely touched, in a costly manner, by it.

Obviously, you're looking closely at what's going on, trying to figure out what the "right" and "wrong" answers may be for the prosecution and defense. Ultimately, you truly want to convince the judge that you can, in fact, be part of the process in reaching a just conclusion; you want to believe that your life's experiences do not result in biases but rather improve your powers of discernment. And you learn that you do not want to be dismissed by the judge "with cause" because that means you're going to be reassigned to another trial that might be a better match for you.

What you want is... what? After sitting through hour after hour after hour of the proceedings, your idea of your own preferred outcome begins to change. Instead of hoping to scurry away in anonymity, you want your chance to answer the same questions the 52 others have. And instead of being rejected by a peremptory challenge, you're thinking it would be a victory of sorts to get past the triangular gauntlet (judge, prosecutor and defense attorney) and get onto the jury.

You watch as juror after juror after juror are excused, some legitimately, some questionable. Like the elderly woman who spoke perfectly good English yesterday when trying to convince the bailiff that she couldn't serve due to hardship, and yet today, when it was her turn to be questioned, suddenly had great trouble with understanding... trouble that slowly eroded as the judge asked her how long she'd been in the US (12 years), and mentioned that she'd had no trouble communicating with the bailiff earlier. She was dismissed "with cause" and, like the others so dismissed, had to report for reassignment to another case.

As the drama unfolds before you, your earlier thoughts of saying something that might get you off seem both ill-advised and wrong.

(There is a difference between ill-advised and wrong; your friends will suggest that you shouldn't be wasting time on a jury, and favor saying something that is likely to get you thrown off... that's the "ill-advised" part. The "wrong" part is in assuming that it's something appropriate to avoid.)

In the end, I'm one of 18 who are there but simply not needed; reserves that end up sitting through enough of the proceedings to begin to acquire a keen interest in how it's all going to be played out, partly because we've had our adrenalin kicked into high gear each time they toss a few out and ask a few more perspective jurors to step up to the plate. And each time they do, you don't quite know whether you've won or lost when it's somebody else's name called out.

Why devote so much space to something that, in the end, came to nothing? Probably because I want to believe that the system works, "...and that government of the people, by the people, for the people, shall not perish from the earth." Sounds really corny, but as cynical and jaded as I often am, I don't want to be like the elderly guy who came into the shop Monday night professing no faith whatsoever in the judicial system, and that the only way to get by is essentially every man for himself.

Thinking back upon the many stories of encounters with the judicial system by the perspective jurors, tales of woe that, thankfully, most of us will never face, I will always remember the one constant. Without exception, when the judge asked them if they felt the person accused had been "treated fairly" by the courts, the answer was yes. People from all walks of life, races, whatever. I understand that this is Northern California, and it might not be the same in a "backward" region of the country, but it's still a lot better than most give the system credit for. The least I can do is serve on a jury once in a while.



The defendant was seen walking around outside the court room, without any "handlers"; Possibly intentional to show that he's a "normal" person like the rest of us?



Waiting, waiting, lots of waiting



The judge finalizing the jury selection and sending the rest of us home



The view from the bike en route to jury duty



Bike rack in front of Redwood City courthouse