

1 **Rule 18. Selection of the jury.**

2 (a) **Method of selection.** The judge shall determine the method of selecting the jury and notify the  
3 parties at a pretrial conference or otherwise prior to trial. The following procedures for selection are not  
4 exclusive.

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6 (a)(I) *Strike and replace method.* The court shall summon the number of the jurors that are to try the  
7 cause plus such an additional number as will allow for any alternates, for all peremptory challenges  
8 permitted, and for all challenges for cause granted. At the direction of the judge, the clerk shall call  
9 jurors in random order. The judge may hear and determine challenges for cause during the course of  
10 questioning or at the end thereof. The judge may and, at the request of any party, shall hear and  
11 determine challenges for cause outside the hearing of the jurors. After each challenge for cause  
12 sustained, another juror shall be called to fill the vacancy, and any such new juror may be challenged for  
13 cause. When the challenges for cause are completed, the clerk shall provide a list of the jurors  
14 remaining, and each side, beginning with the prosecution, shall indicate thereon its peremptory  
15 challenge to one juror at a time in regular tum, as the court may direct, until all peremptory challenges  
16 are exhausted or waived. The clerk shall then call the remaining jurors, or so many of them as shall be  
17 necessary to constitute the jury, including any alternate jurors, and the persons whose names are so  
18 called shall constitute the jury. If alternate jurors have been selected, the last jurors called shall be the  
19 alternates, unless otherwise ordered by the court prior to voir dire.

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21 (a)(2) *Struck method.* The court shall summon the number of jurors that are to try the cause plus such an  
22 additional number as will allow for any alternates, for all peremptory challenges permitted and for all  
23 challenges for cause granted. At the direction of the judge, the clerk shall call jurors in random order.  
24 The judge may hear and determine challenges for cause during the course of questioning or at the end  
25 thereof. The judge may and, at the request of any party, shall hear and determine challenges for cause  
26 outside the hearing of the jurors. When the challenges for cause are completed, the clerk shall provide a  
27 list of the jurors remaining, and each side, beginning with the prosecution, shall indicate thereon its  
28 peremptory challenge to one juror at a time in regular tum until all peremptory challenges are  
29 exhausted or waived. The clerk shall then call the remaining jurors, or so many of them as shall be  
30 necessary to constitute the jury, including any alternate jurors, and the persons whose names are so  
31 called shall constitute the jury. If alternate jurors have been selected, the last jurors called shall be the  
32 alternates, unless otherwise ordered by the court prior to voir dire.

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34 (a)(3) In courts using lists of prospective jurors generated in random order by computer, the clerk may  
35 call the jurors in that random order.

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37 (b) **Examination of prospective jurors.** The court may permit counsel or the defendant to conduct the  
38 examination of the prospective jurors or may itself conduct the examination. In the latter event, the  
39 court may permit counsel or the defendant to supplement the examination by such further inquiry as it  
40 deems proper, or may itself submit to the prospective jurors additional questions requested by counsel  
41 or the defendant. Prior to examining the jurors, the court may make a preliminary statement of the  
42 case. The court may permit the parties or their attorneys to make a preliminary statement of the case,  
43 and notify the parties in advance of trial.

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45 (c) **Challenges to panel or individuals.** A challenge may be made to the panel or to an individual juror.

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47 (c)(1) The panel is a list of jurors called to serve at a particular court or for the trial of a particular action.  
48 A challenge to the panel is an objection made to all jurors summoned and may be taken by either party.  
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50 (c)(1)(i) A challenge to the panel can be founded only on a material departure from the procedure  
51 prescribed with respect to the selection, drawing, summoning and return of the panel.  
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53 (c)(1)(ii) The challenge to the panel shall be taken before the jury is sworn and shall be in writing or  
54 made upon the record. It shall specifically set forth the facts constituting the grounds of the challenge.  
55

56 (c)(1)(iii) If a challenge to the panel is opposed by the adverse party, a hearing may be had to try any  
57 question of fact upon which the challenge is based. The jurors challenged, and any other persons, may  
58 be called as witnesses at the hearing thereon.  
59

60 (c)(1)(iv) The court shall decide the challenge. If the challenge to the panel is allowed, the court shall  
61 discharge the jury so far as the trial in question is concerned. If a challenge is denied, the court shall  
62 direct the selection of jurors to proceed.  
63

64 (c)(2) A challenge to an individual juror may be either peremptory or for cause. A challenge to an  
65 individual juror may be made only before the jury is sworn to try the action, except the court may, for  
66 good cause, permit it to be made after the juror is sworn but before any of the evidence is presented. In  
67 challenges for cause the rules relating to challenges to a panel and hearings thereon shall apply. All  
68 challenges for cause shall be taken first by the prosecution and then by the defense alternately.  
69 Challenges for cause shall be completed before peremptory challenges are taken.  
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71 (d) **Peremptory challenges.** A peremptory challenge is an objection to a juror for which no reason need  
72 be given. In capital cases, each side is entitled to 10 peremptory challenges. In other felony cases each  
73 side is entitled to four peremptory challenges. In misdemeanor cases, each side is entitled to three  
74 peremptory challenges. If there is more than one defendant the court may allow the defendants  
75 additional peremptory challenges and permit them to be exercised separately or jointly.  
76

77 (e) **Challenges for cause.** A challenge for cause is an objection to a particular juror and shall be heard  
78 and determined by the court. The juror challenged and any other person may be examined as a witness  
79 on the hearing of such challenge. A challenge for cause may be taken on one or more of the following  
80 grounds. On its own motion the court may remove a juror upon the same grounds.  
81

82 (e)(1) Want of any of the qualifications prescribed by law.  
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84 (e)(2) Any mental or physical infirmity which renders one incapable of performing the duties of a juror.  
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86 (e)(3) Consanguinity or affinity within the fourth degree to the person alleged to be injured by the  
87 offense charged, or on whose complaint the prosecution was instituted.  
88

89 (e)(4) The existence of any social, legal, business, fiduciary or other relationship between the  
90 prospective juror and any party, witness or person alleged to have been victimized or injured by the  
91 defendant, which relationship when viewed objectively, would suggest to reasonable minds that the  
92 prospective juror would be unable or unwilling to return a verdict which would be free of favoritism. A

93 prospective juror shall not be disqualified solely because the juror is indebted to or employed by the  
94 state or a political subdivision thereof.  
95

96 (e)(5) Having been or being the party adverse to the defendant in a civil action, or having complained  
97 against or having been accused by the defendant in a criminal prosecution.  
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99 (e)(6) Having served on the grand jury which found the indictment.  
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101 (e)(7) Having served on a trial jury which has tried another person for the particular offense charged.  
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103 (e)(8) Having been one of a jury formally sworn to try the same charge, and whose verdict was set aside,  
104 or which was discharged without a verdict after the case was submitted to it.  
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106 (e)(9) Having served as a juror in a civil action brought against the defendant for the act charged as an  
107 offense.  
108

109 (e)(10) If the offense charged is punishable with death, the juror's views on capital punishment would  
110 prevent or substantially impair the performance of the juror's duties as a juror in accordance with the  
111 instructions of the court and the juror's oath in subsection (h).  
112

113 (e)(11) Because the juror is or, within one year preceding, has been engaged or interested in carrying on  
114 any business, calling or employment, the carrying on of which is a violation of law, where defendant is  
115 charged with a like offense.  
116

117 (e)(12) Because the juror has been a witness, either for or against the defendant on the preliminary  
118 examination or before the grand jury.  
119

120 (e)(13) Having formed or expressed an unqualified opinion or belief as to whether the defendant is  
121 guilty or not guilty of the offense charged.  
122

123 (e)(14) Conduct, responses, state of mind or other circumstances that reasonably lead the court to  
124 conclude the juror is not likely to act impartially. No person may serve as a juror, if challenged, unless  
125 the judge is convinced the juror can and will act impartially and fairly.  
126

127 ~~(f) Peremptory challenges shall be taken first by the prosecution and then by the defense alternately.~~  
128 ~~Challenges for cause shall be completed before peremptory challenges are taken.~~ **Alternate jurors.** The  
129 court may impanel alternate jurors to replace any jurors who are unable to perform or who are  
130 disqualified from performing their duties. Alternate jurors must have the same qualifications and be  
131 selected and sworn in the same manner as any other juror. If one or two alternate jurors are called, the  
132 prosecution and defense shall each have one additional peremptory challenge. If three or four alternate  
133 jurors are called, each side shall have two additional peremptory challenges. Alternate jurors replace  
134 jurors in the same sequence in which the alternates were selected. An alternate juror who replaces a  
135 juror has the same authority as the other jurors. The court may retain alternate jurors after the jury  
136 retires to deliberate. The court must ensure that a retained alternate does not discuss the case with  
137 anyone until that alternate replaces a juror or is discharged. If an alternate replaces a juror after  
138 deliberations have begun, the court must instruct the jury to begin its deliberations anew.  
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140 (g) **Juror oath.** When the jury is selected an oath shall be administered to the jurors, in substance, that  
141 they and each of them will well and truly try the matter in issue between the parties, and render a true  
142 verdict according to the evidence and the instructions of the court.

[Advisory Committee Notes](#)