

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

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

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6 (a)(1) Strike and replace method. The court shall summon the number of the jurors that are to try
7 the cause plus such an additional number as will allow for any alternates, for all peremptory
8 challenges permitted, and for all challenges for cause granted. At the direction of the judge, the
9 clerk shall call jurors in random order. The judge may hear and determine challenges for cause
10 during the course of questioning or at the end thereof. The judge may and, at the request of any
11 party, shall hear and determine challenges for cause outside the hearing of the jurors. After each
12 challenge for cause sustained, another juror shall be called to fill the vacancy, and any such new
13 juror may be challenged for cause. When the challenges for cause are completed, the clerk shall
14 provide a list of the jurors remaining, and each side, beginning with the prosecution, shall
15 indicate thereon its peremptory challenge to one juror at a time in regular turn, as the court may
16 direct, until all peremptory challenges are exhausted or waived. The clerk shall then call the
17 remaining jurors, or so many of them as shall be necessary to constitute the jury, including any
18 alternate jurors, and the persons whose names are so called shall constitute the jury. If alternate
19 jurors have been selected, the last jurors called shall be the alternates, unless otherwise ordered
20 by the court prior to voir dire.

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

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

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

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

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50 (c)(1) The panel is a list of jurors called to serve at a particular court or for the trial of a
51 particular action. A challenge to the panel is an objection made to all jurors summoned and may
52 be taken by either party.

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54 (c)(1)(i) A challenge to the panel can be founded only on a material departure from the procedure
55 prescribed with respect to the selection, drawing, summoning and return of the panel.

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57 (c)(1)(ii) The challenge to the panel shall be taken before the jury is sworn and shall be in writing
58 or made upon the record. It shall specifically set forth the facts constituting the grounds of the
59 challenge.

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

64
65 (c)(1)(iv) The court shall decide the challenge. If the challenge to the panel is allowed, the court
66 shall discharge the jury so far as the trial in question is concerned. If a challenge is denied, the
67 court shall direct the selection of jurors to proceed.

68
69 (c)(2) A challenge to an individual juror may be either peremptory or for cause. A challenge to
70 an individual juror may be made only before the jury is sworn to try the action, except the court
71 may, for good cause, permit it to be made after the juror is sworn but before any of the evidence
72 is presented. In challenges for cause the rules relating to challenges to a panel and hearings
73 thereon shall apply. All challenges for cause shall be taken first by the prosecution and then by
74 the defense alternately. Challenges for cause shall be completed before peremptory challenges
75 are taken.

76
77 (d) **Peremptory challenges.** A peremptory challenge is an objection to a juror for which no
78 reason need be given. In capital cases, each side is entitled to 10 peremptory challenges. In other
79 felony cases each side is entitled to four peremptory challenges. In misdemeanor cases, each side
80 is entitled to three peremptory challenges. If there is more than one defendant the court may
81 allow the defendants additional peremptory challenges and permit them to be exercised
82 separately or jointly.

83
84 (e) **Challenges for cause.** A challenge for cause is an objection to a particular juror and shall be
85 heard and determined by the court. The juror challenged and any other person may be examined
86 as a witness on the hearing of such challenge. A challenge for cause may be taken on one or
87 more of the following grounds. On its own motion the court may remove a juror upon the same
88 grounds.

89
90 (e)(1) Want of any of the qualifications prescribed by law.

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92 (e)(2) Any mental or physical infirmity which renders one incapable of performing the duties of
93 a juror.

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95 (e)(3) Consanguinity or affinity within the fourth degree to the person alleged to be injured by
96 the offense charged, or on whose complaint the prosecution was instituted.

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98 (e)(4) The existence of any social, legal, business, fiduciary or other relationship between the
99 prospective juror and any party, witness or person alleged to have been victimized or injured by
100 the defendant, which relationship when viewed objectively, would suggest to reasonable minds
101 that the prospective juror would be unable or unwilling to return a verdict which would be free of
102 favoritism. A prospective juror shall not be disqualified solely because the juror is indebted to or
103 employed by the state or a political subdivision thereof.

104
105 (e)(5) Having been or being the party adverse to the defendant in a civil action, or having
106 complained against or having been accused by the defendant in a criminal prosecution.

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108 (e)(6) Having served on the grand jury which found the indictment.

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110 (e)(7) Having served on a trial jury which has tried another person for the particular offense
111 charged.

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113 (e)(8) Having been one of a jury formally sworn to try the same charge, and whose verdict was
114 set aside, or which was discharged without a verdict after the case was submitted to it.

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116 (e)(9) Having served as a juror in a civil action brought against the defendant for the act charged
117 as an offense.

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

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

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

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

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

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

[Advisory Committee Notes](#)

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