

# **In the News: Ahmaud Arbery Trial: Jury Selection**

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In October of 2021, jury selection began in the trial against Ahmaud Arbery in Glynn County, Georgia. 1,000 residents were summoned from a pool of licensed drivers and registered voters, but only 40% of those summoned reported for service. There is much speculation as to why the remaining 60% failed to appear for their service. Is it because so many people in this small town of 18,000/county of 80,000 people know either the victim or one of the three Defendants? Is it out of fear of being picked to serve on the jury in one of the most racially charged cases being tried in this country this year? We will probably never know but we have rarely seen such a large percentage of people fail to report for jury duty.

On the 11<sup>th</sup> day of trial, the final jury pool was narrowed to 65 qualified jurors, of which 80% were white and more than half were female. 12 peremptory strikes were granted to the prosecution and 24 to the defense. On the 12<sup>th</sup> day of trial, the final jury was selected, which was comprised of 16 jurors – 12 who would deliberate and 4 alternates. Only one person selected for the final panel was black. In Glynn County, approximately 69% of the residents are white and 26% percent are black. The statistically dissimilar jury panel has been a source of conversation since the final jury was seated.

**What is the general strategy for picking an impartial juror, especially in a case where there is significant pre-trial publicity?**

Developing a good strategy for jury selection is multifaceted. Attorneys must take into consideration the jurisdiction in which the case is being tried, the subject matter, and the current political climate. During the jury selection process (known as *Voir Dire*), each party wants to learn as much as possible about the potential jurors' backgrounds, including information about their education, occupation, core beliefs, political leanings, and views on public policy, as well as their experience in situations that are similar to the case being tried. Given the publicity surrounding this case, it was extremely important for both the prosecution and the defense to explore topics such as the Black Lives Matter movement, the "defund the police" campaign, gun ownership and 2<sup>nd</sup> Amendment rights, along with other topics associated that can trigger thoughts and views on racial issues.

**What effect does the racial bias have in the jury selection process in a racially motivated case?**

Even in a standard jury trial setting, legal teams traditionally consider race. A party's race and background can help or hurt even the most civil of matters. When you have a racially motivated case, racial bias can make or break a juror. That is, in part, why this jury took so long to pick. The attorneys were not asking, "*Can you be unbiased even though your brother retired from XYZ Corporation ten years ago?*" The attorneys were asking more fundamental questions like, "*Please raise your hand if you agree with this statement: Police in this country do not treat black and white people equally.*" Both sides were asking these questions to determine if these jurors will make rash decisions based on race and previously reported media coverage or if they will be able to take a step back to realign their thought process and make decisions based solely on the evidence presented during trial.

History has shown that these questions and this conversation must happen. There is too great a chance that racial bias will influence a juror's position and attorneys have to be aware of this before a final jury is seated. For instance, in the trial of Derek Chauvin, the white police officer involved in the death of George Floyd in Minneapolis, MN, Chauvin was convicted by a racially diverse jury. The jury was selected after a careful *Voir Dire* process. This trial is proof that the system works when hard conversations happen.

### **Why hire OPVEON?**

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