

Supplement Jury Instruction

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

MAR 16 2007

REQUIREMENT TO START ANEW WITH ALTERNATE JUROR

CLERK OF CIRCUIT COURT

Members of the jury,

One of your members has been excused from jury deliberations in this case because of an unforeseen family emergency. Although excusing a juror during deliberations rarely occurs, it is sometimes necessary.

The court has brought back the last alternate juror to participate in the deliberations in this case. Before those deliberations begin, I have an important further instruction for all of you.

The law requires that during deliberations, 12 people must have the opportunity to review the evidence in light of each juror's perception, memory and reaction. It is important that the jury reach its consensus through deliberations which are the common experience of all 12 jurors. Each of the 12 must have the opportunity to persuade the other members of the jury and to be persuaded by them. If you have formed any views about the evidence up until now, you must set those aside and start over.

To assure that these requirements are followed in this case, you are instructed that you must commence your deliberations anew. That means you should begin by electing a foreperson and then proceed to evaluate all the evidence as though you are just beginning to deliberate. This is necessary to assure the full participation of all jurors in the deliberation process.

Before I excuse you to begin deliberating, I must be assured each of you will be able to deliberate on this basis. Therefore, the court will individually ask one more question.

You must accept this juror as an equal member of this jury, giving her the full respect and authority you would give to any other juror.

Will you follow this instruction I have just given you and begin your deliberations anew?