

Selection of the jury – OJ Simpson case



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The jury selection of OJ Simpson trial started on September 24, 1994 in the judge's courtroom. Present that day were: 250 potential members of the jury, the judge, Simpson, and lawyers for both sides. The Judge explained procedures to the potential jury members and warned them that the trial might last several months. The judge told the potential jurors they must complete a 79-page, 294-question questionnaire, including questions proposed by both the prosecution and defense.

In addition, they were to complete a one-page "hardship" questionnaire designed to determine jurors who could be initially excluded from the selection process. Potential jurors complained about the lengthy questionnaire, which took about four hours for many people to complete. They also were overheard muttering complaints about the personal nature of many of the questions. The Jury selection continued for two months. The Judge excluded from consideration potential jurors who violated his strict rules relating to exposure to the media.

One juror was excluded for watching cartoons with her children, another for waking up to a clock radio. On October 18, a book about the couple's relationship hit the bookstores, causing the judge to order a temporary halt to jury selection and to tell potential jurors "to stay out of bookstores." A week later there was another controversy, the prosecutor had publicly complained that potential jurors were "lying" to get on the Simpson jury and that they all ought to be given lie-detector tests. It was refused by the judge. During the VOIR DIRE process, each potential juror took a seat at a conference table.

Also seated at the table, were lawyers for both sides and Simpson. Jurors who give answers that indicate that they have prejudged the case can be challenged for cause, others can be excluded using a limited number of peremptory challenges. Attorneys can exercise their peremptory challenges for almost any reason - body language, appearance, and dissatisfaction with answers - but not for race or sex. It was no secret that the prosecution wanted white jurors and the defense wanted black jurors. The defense poured great effort into the jury selection process.

The consultant coordinated massive data on each of the jury finalists, including their answers to the questionnaire, responses and body language during voir dire, and other data the defense had managed to collect. This data was put into a computer and each juror ranked according to their likely sympathy to the defense. The racial composition of the jury was strongly influenced by the decision of the prosecution to file the Simpson case in downtown Los Angeles rather than - as is usually the case - in the judicial district where the crime occurred - in this case, Santa Monica.

Had the case be filed in Santa Monica, the Simpson jury would have been mostly white instead of, as was the case, mostly African-American. With poll data showing that most whites believed Simpson to be guilty and most blacks believing him to be not guilty, the decision to file the case in Santa Monica may have been the biggest mistake the prosecution made. By November 3, an initial jury of twelve had been selected. Fifteen alternates were selected over the next few weeks.

On December 4, the jury was assembled and given cautionary instructions by Judge Ito. They were told that the trial would begin on January 4, and that

they could expect to be sequestered for the duration of the several-month trial. The jury spent only three hours deliberating the case that had produced 150 witnesses over 133 days and had cost \$15 million to try. On October 3, 1995, the clerk announced the jury's verdict: " We the jury in the above entitled action, find the defendant, Orenthal James Simpson, not guilty of the crime of murder. "