

Supreme Court

In re Amendments to Super. R. Crim. P. 24 :
(Trial Jurors) :

ORDER

In accordance with G. L. 1956 (1997 Reenactment) §8-6-2, as amended, the attached proposed amendments to subdivisions (c) and (d) of Rule 24 of the Superior Court Rules of Criminal Procedure adopted by a majority of the Justices of the Superior Court are hereby approved by the Rhode Island Supreme Court.

Entered as an Order of this Court this 18th day of *January 2007*.

WILLIAMS, C. J.

GOLDBERG, J.

FLAHERTY, J.

SUTTELL, J.

ROBINSON, J.

Advisory Committee on the Rhode Island Superior Court Rules of Criminal Procedure

PROPOSED AMENDMENTS TO
SUPERIOR COURT RULE OF CRIMINAL PROCEDURE 24

The Advisory Committee on the Rhode Island Superior Court Rules of Criminal Procedure proposes that Rule 24 (c) and (d) be amended as indicated below. A Committee Note following the redline version of the rule (deleted language with strike-throughs, and new language in bold italics) addresses the proposed changes.

Rule 24. Trial Jurors.

(c) *Alternate Jurors.* The court in its discretion may direct the impaneling of a jury not to exceed sixteen (16) members, all having the same qualifications and impaneled and sworn in the same manner as a jury of twelve (12). If a juror is excused after he or she has been sworn but before any opening statement is begun, another juror may be impaneled and sworn in his or her place. All the jurors shall sit and hear the case, but the court for cause may excuse any of them from service provided the number of jurors is not reduced to less than twelve (12) or such other number stipulated to under rule 23(b). If more than such number remain at the conclusion of the court's charge, the clerk in the presence of the court and the parties shall put the names of the remaining jurors in a box and from it shall draw twelve (12) names, or such other number stipulated to by the parties, to determine the issues. *The court may order that* A jurors whose names ~~has~~ *have* not been drawn ~~shall be discharged~~ *retained after the jury retires to deliberate, and the court may thereafter order that retained alternate juror(s) replace any deliberating juror(s) who, for good cause, as determined by the court, cannot continue to deliberate. The alternate juror(s) selected to replace deliberating juror(s) shall be drawn, as needed, from a box containing the names of the remaining alternate jurors. The court must ensure that a retained alternate does not discuss the case with anyone until that alternate replaces a juror or is discharged. If an alternate replaces a juror after deliberations have begun, the court must instruct the jury to begin its deliberations anew.*

(d) *Appointment of Foreman Foreperson.* Prior to the time the jury retires to commence its deliberations, the court shall appoint one (1) of the jurors to act as ~~foreman~~ *foreperson*.

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