

BATSON Justifications: Articulating Juror Negatives

1. Inappropriate Dress - attire may show lack of respect for the system, immaturity or rebelliousness
2. Physical Appearance - tattoos, hair style, disheveled appearance may mean resistance to authority
3. Age - Young people may lack the experience to avoid being misled or confused by the defense
4. Attitude - air of defiance, lack of eye contact with Prosecutor, eye contact with defendant or defense attorney
5. Body Language - arms folded, leaning away from questioner, obvious boredom may show anti-prosecution tendencies
6. Rehabilitated Jurors, or those who vacillated in answering D.A.'s questions
7. Juror Responses which are inappropriate, non-responsive, evasive or monosyllabic may indicate defense inclination
8. Communication Difficulties, whether because English is a second language, or because juror appeared to have difficulty understanding questions and the process
9. Unrevealed Criminal History re: voir dire on "previous criminal justice system experience."
10. Any other sign of defiance, sympathy with the defendant, or antagonism to the State