

Section 2.09: Verdict—criminal

name or number, whether the verdict(s) as published constituted his or her individual verdict(s) in all respects. (Fed. R. Crim. P. 31(d) requires polling upon request.)

11. If polling verifies unanimity, direct the clerk to file and record the verdict, and discharge the jury with appropriate instructions concerning their future service, if any.
12. If polling results in any doubt as to unanimity, make no further inquiry and have no further discussions with the jury; rather, confer privately, on the record, with counsel and determine whether the jury should be returned for further deliberations or a mistrial should be declared.

B. Reception of sealed verdict

(*Note:* In some cases a sealed verdict may be delivered to the clerk for subsequent “reception” and publication in open court when the jury, the judge, and all necessary parties are present. For example, on some occasions an indispensable party may not be available to receive a verdict when the jury reaches agreement. This may occur when the jury reaches its verdict late in the evening, a defendant is absent from the courtroom because of illness, or the judge is unavailable. In these instances, the verdict may be sealed and the jury allowed to return home. A sealed verdict may also be appropriate when the jury reaches a verdict as to one defendant but not as to another or when the jury wishes to return a partial verdict.)

1. Upon announcement by the jury that it has reached a verdict, have all interested and available parties convene in open court and on the record.
2. When court is thus convened, announce that the jury is ready to return its verdict(s) and explain that a sealed verdict will be taken in accordance with the following procedure:
 - (a) Instruct the deputy marshal (or bailiff) to usher the jurors into the courtroom to assume their seats in the jury box.
 - (b) If not already known, inquire of the jury who speaks for it as its foreperson.