

DISCHARGE AND SUBSTITUTION OF A JUROR ¹

(1) Substitution of Juror

Before Commencement of Deliberations:

Members of the jury, juror number _____, (*specify name*), has been excused from the jury. Alternate juror number _____, (*specify name*), will replace him/her. [Do not speculate on the reasons Mr./Ms. _____ has been excused].

NOTE: Add if the juror who was excused was the foreperson:

As you are aware, juror number 1, (*specify name*), was the foreperson. Under our law, therefore, juror number 2, (*specify name*), will now serve as the foreperson.

(2) Substitution of Juror

After Commencement of Deliberations:

Members of the jury, juror number _____, (*specify name*), has been excused from the jury and alternate juror number _____, (*specify name*), will replace him/her. Under our law, you must start your deliberations anew, providing Mr./Ms. (*specify name*) an opportunity to participate fully in the deliberations as to each count as well as the verdict.

NOTE: Add if the juror who was excused was the foreperson:

As you are aware, juror number 1, (*specify name*), was the foreperson. Under our law, therefore, juror number 2, (*specify name*), will now serve as the foreperson.

¹ CPL 270.35; NYS Constitution Article 1 §2