

Policy for Sequestered Jury Trials

And Change of Venue

Pursuant to the Vermont Constitution, Chapter II, Section 30, the Supreme Court hereby establishes this policy for sequestered jury trials and change of venue, effective September 1, 1992.

Vermont Rule of Criminal Procedure 23(d) allows the jury to separate during the trial. In most cases, separation is appropriate. Sequestration of a jury is a major inconvenience to the jurors, is costly to the court system and the taxpayers, and may reduce the representativeness of the panel. In order to ensure that jurors are sequestered only in those rare cases when no other procedures can be established to insulate the jurors, no trial judge may order sequestration during the trial without the prior approval of the Administrative Judge for Trial Courts.

Vermont Rule of Criminal Procedure 21 authorizes the court to transfer the trial of a proceeding to another county. Changing venue often creates a major inconvenience to witnesses and litigants and may create scheduling conflicts in the county to which the case is transferred. Accordingly, a change of venue may only be ordered after consultation with the Administrative Judge for Trial Courts to coordinate the selection of the county to which the case is to be transferred.

Done in Chambers at Montpelier, Vermont this 13th day of August, 1992.

Frederic W. Allen, Chief Justice

Ernest W. Gibson III, Associate Justice

John A. Dooley, Associate Justice

James L. Morse, Associate Justice

Denise R. Johnson, Associate Justice