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Examining Bias in Jury Selection for Criminal Trials in Dallas County

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Examining Bias in Jury Selection for Criminal Trials in Dallas County

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Abstract. One of the hallmarks of the American judicial system is the concept of trial by jury, and for said trial to consist of an impartial jury of your peers. Several landmark legal cases in the history of the United States have challenged this notion of equal representation by jury—most notably *Batson v. Kentucky*, 476 U.S. 79 (1986). Most of the previous research, focus, and legal precedence has centered around peremptory challenges and attempting to prove if bias was suspected in excluding certain jurors from serving. Few studies, however, focus on examining challenges for cause based on self-reported biases from the venire, the group of potential jurors. This paper evaluates if there are any relationships of interest with respect to juror demographics and location regarding challenges for cause in non-death penalty felony criminal trials in Dallas County, TX.

1 Introduction

The Sixth Amendment of the United States Constitution states that accused persons are entitled to an “impartial jury of the State and district wherein the crime shall have been committed” (U.S. Const. amend VI. n.d.). The process of evaluating whether a person would make an acceptable juror is known as *voir dire*, a French term for “to speak the truth” (Legal Information Institute, n.d.b). In the first part of the process, venirepersons are questioned to discover whether they can be fair and impartial jurors. Subsequently, attorneys are given a set number of what are known as peremptory challenges to strike any juror.

In the case of the latter, previous research has discovered several problems with evaluating members of the potential jury member pool, known as the venire (Anwar et al., 2012; DeCamp & DeCamp, 2020; Hans & Jehle, 2003). Peremptory challenges are an area of focus because attorneys may challenge, or strike, any potential juror at their discretion and are not required to provide their reasoning at the time of strike. Several court cases considering the fairness and impartiality of jury selection have made their way up to the Supreme Court, most notably *Batson v. Kentucky*, 476 U.S. 79 (1986).

This landmark court case implemented a new set of requirements that “attempted to eliminate racial discrimination in jury selection by prohibiting the use of peremptory challenges to intentionally strike prospective jurors based on race” by “lower[ing] the evidentiary burden” required to prove such discrimination (Sloan, 2020, pg. 234). This ruling led to the development of *Batson* challenges that used these new criteria to argue that discrimination was used in peremptory challenges (Legal Information Institute, n.d.a).

While peremptory challenges are a relatively well-studied area, there is still a wealth of information that can be mined from examining challenges for cause; this can alternatively be thought of as a sort of “self-removal” by the venireperson through the identification of biases and beliefs that would lead to the venireperson being unable to be fair and impartial. This research is unique in that it includes reasons for cause within the data. This amount of available data differs compared to previous studies; it affords the researchers the ability to evaluate whether there are challenges for cause that impact a single race, gender, or age group disproportionately. During the questioning of the venire, the difficulty of deciding whether a venireperson can remain fair and impartial, regardless of their answers, is that all people have innate, unconscious biases, preconceptions, beliefs, and values that make establishing impartiality in the purest sense an impossibility (Gobert, 1988).

Finally, the Sixth Amendment requires impartial juries, but there is no explicit requirement in the Constitution for quotas in juries based on demographic characteristics. However, demonstrating that a jury is truly made up of one’s peers can increase confidence and a belief of fairness in the American judicial system (Fukurai, 1997; King, 1994). Multiple surveys of Americans were cited by King (1994), showing a significant disparity between the perception of fairness in jury trials among Black and White citizens. One poll by Reuters in 1993 showed that 68% of Black Americans thought that the justice system was biased versus 33% of White Americans (King, 1994). An additional avenue of study is to compare the venires and seated juries to the larger population of Dallas County to see if they are representative samples.

This research aims to use statistical methods and modeling to determine the following about 48 non-death penalty felony criminal cases in Dallas County, Texas:

1. Are the juries representative of the population of Dallas County in terms of race, gender, and age?
2. Do dismissals, or challenges, “for cause” impact a single race, gender, or age group disproportionately? If so, for what specific issues are they being dismissed?
3. Does a juror’s zip code, in relation to Interstate 30 (I-30) in Dallas County, have any correlation with reasons why they might be dismissed for cause?

2 Literature Review

2.1 Jury Selection Process for Dallas County

To understand the data, one must understand the role of each participant, whether they be a juror, lawyer, or judge, in the jury selection process; the place of jury selection in the life of a case; and the law that governs it all.

2.1.1 A Note About This Study

Though the rules that govern jury selection remain constant, the manner and method of jury selection varies greatly from court to court. In this study, all data comes from felony trials in Judge Birmingham's Court (the Court). As a result, with a few exceptions that arose from the difference in charges as well as an evolution in the data being measured, jury selection in each of the recorded trials was conducted similarly. Therefore, one important constant to note about this study is that the same judge—with all of his strengths, weaknesses, and human fallibilities—presided over each *voir dire* process.

With these conditions in mind, the data in this study consequently describes only those jurors who: answered the call for jury duty by showing up at the courthouse on the day they were summoned, were deemed qualified for jury service,¹ did not claim

¹ See §62.101 Texas Government Code. A person is disqualified as a petit juror unless the person:

1. Is at least 18 years of age;
2. Is a citizen of the United States;
3. Is a resident of this state and of the county in which the person is to serve as a juror;
4. Is qualified under the constitution and laws to vote in the county in which the person is to serve as a juror;
5. Is of sound mind and good moral character;
6. Is able to read and write;
7. Has not served as a petit juror for six days during the preceding three months in the county court or during the preceding six months in the district court;
8. Has not been convicted of misdemeanor theft or a felony; and
9. Is not under indictment or legal accusation for misdemeanor theft or a felony.

See also §62.105 Texas Government Code. A person is disqualified to serve as a petit juror in a particular case if he:

1. Is a witness in the case;
2. Is interested, directly or indirectly, in the subject matter of the case;
3. Is related by consanguinity or affinity within the third degree, as determined under Chapter 573, to a party in the case;
4. Has a bias or prejudice in favor of or against a party in the case; or
5. Has served as a petit juror in a former trial of the same case or in another case involving the same questions of fact.

an exemption,² and who showed up to the court for jury selection after the initial qualification procedure.

2.1.2 Overview

In the State of Texas, “[e]ach county receives a list of potential jurors from the Secretary of State that consists of those individuals in the county that are registered to vote, hold a Texas driver’s license, or hold a Texas identification card” (State of Texas Judicial Branch). From that list, a summons is sent to a random selection of individuals requesting the person’s appearance for jury duty (State of Texas Judicial Branch, n.d.).

According to Dallas County’s Jury Services, before September 2021, approximately 18% of people summoned for jury duty show up to the courthouse to report for jury selection. In September 2021, the County converted to a new summons software system, and since that time they have seen an overall appearance average of 22%.

Arriving at the courthouse, these potential jurors are checked in by jury services personnel and taken to the Central Jury Room; there, they are welcomed by a member of the judiciary who explains the jury selection process and makes preliminary decisions about a juror’s qualifications and exemptions. Those that are disqualified or claimed an exemption are eliminated from consideration and dismissed from further service.

Meanwhile, in every court in which there will be a trial, the Court notifies jury services that they will need a certain number of jurors for their trial. The remaining pool of jurors in the Central Jury Room is then divided into groups to be sent to the various courts based on when each court requested the jurors on a first-come, first-served basis. A numbered jury list is created, and that group of jurors is sent from the Central Jury

² See §62.106 Texas Government Code. A person qualified to serve as a petit juror may establish an exemption from jury service if the person;

1. Is over 70 years of age;
2. Has legal custody of a child younger than 12 years of age and the person’s service on the jury requires leaving the child without adequate supervision;
3. Is a student of a public or private secondary school;
4. Is a person enrolled and in actual attendance at an institution of higher education;
5. Is an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government;
6. Is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Section 62.011 and the period authorized under Section 62.011(b)(5) exceeds two years, and the person has served as a petit juror in the county during the 24-month period preceding the date the person is to appear for jury service;
7. Is the primary caretaker of a person who is unable to care for himself or herself;
8. Except as provided by Subsection (b), is summoned for service in a county with a population of at least 25,000 and the person has served as a petit juror in the county during the three-year period preceding the date the person is to appear for jury services; or
9. Is a member of the United States military forces serving on active duty and deployed to a location away from the person’s home station and out of the person’s county of residence.

Room to the requesting court where the bailiff calls the jurors into the courtroom in numerical order.

The Court will make some introductory remarks, introduce the parties, and then turn the questioning of the jurors over to the lawyers. Since the State has the burden of proof, they go first. The Defense will follow. After both sides have finished their questioning, the Court will make rulings on challenges for cause by both sides, accept the peremptory challenges from both sides, and seat the jury. The process usually lasts the entire day.

2.1.3 *The Juror's Role*

Jury selection is a process of deselection whereby jurors are either eliminated for various legal reasons by the Court (“Caused”)³ or struck by one side or the other (“Peremptory Challenge” or “Struck”).⁴ The role of jury selection is ultimately about

³ See Art. 35.16 Texas Code of Criminal Procedure: Reasons for challenge for cause.

(a) A Challenge for cause is an objection made to a particular juror, alleging some fact which renders the juror incapable or unfit to serve on the jury. A challenge for cause may be made by *either the state or the defense* for any of the following reasons:

1. That the juror is not a qualified voter in the state and county under the Constitution and laws of the state; provided, however, the failure to register to vote shall not be a disqualification;
2. That the juror has been convicted of misdemeanor theft or a felony;
3. That the juror is under indictment or other legal accusation for misdemeanor theft or a felony;
4. That the juror is insane;
5. That the juror has such defect in the organs of feeling or hearing, or such bodily or mental defect or disease as to render the juror unfit for jury service, or that the juror is legally blind and the court in its discretion is not satisfied that the juror is fit for jury service in that particular case;
6. That the juror is a witness in the case;
7. That the juror served on the grand jury which found the indictment;
8. That the juror served on a petit jury in a former trial of the same case;
9. That the juror has a bias or prejudice in favor of or against the defendant;
10. That from hearsay, or otherwise, there is established in the mind of the juror such a conclusion as to the guilt or innocence of the defendant as would influence the juror in finding a verdict[...];
11. That the juror cannot read or write. [...]

(b) A challenge for cause may be made by the State for any of the following reasons...(3) That he has a bias or prejudice against any phase of the law upon which the State is entitled to rely for conviction or punishment.

(c) A challenge for cause may be made by the defense for any of the following reasons: That he has a bias or prejudice against any of the law applicable to the case upon which the defense is entitled to rely, either as a defense to some phase of the offense for which the defendant is being prosecuted or as a mitigation thereof, or of the punishment therefor.

⁴ See Art. 35.14 Texas Code of Criminal Procedure: “A peremptory challenge is made to a juror without assigning any reason therefor.”

making sure that the 12 people who hear the case will give full effect to the juror's oath⁵ that they swear to at the beginning of each trial. Their purpose is not to answer questions *correctly* but rather *truthfully*, to reveal whether they have some bias or prejudice and whether they will follow the law applicable to the case.⁶

The juror's oath serves as a framework for all the data in this report; it provides the foundation upon which all decisions regarding a juror's fitness to serve rest. A "true" verdict can only be rendered when it is accomplished according to the law as provided by the Court and the evidence heard from the witness stand. If jurors are unwilling to follow the law, they are not acting according to the law and therefore they are acting beyond the bounds of their oath. If they are going to decide based on something other than the evidence—bias, prejudice, their own research, some hidden agenda—they are also acting beyond the bounds of their oath.

A juror is disqualified if they have a bias or prejudice in favor of or against the defendant.⁷ Though the phrase doesn't appear in the text of the Code of Criminal Procedure, the same rule disqualifies a juror who has a bias or prejudice in favor of or against the prosecution.⁸ A juror's disqualifying bias comes in different forms. Some jurors might express a general bias against criminal defense lawyers, prosecutors, or anyone charged with a crime. Some jurors have a bias for or against a type of witness that may be called by one side, the most common of which are police officers.

Whether the jurors have a prejudice against the defense, harbor a bias against a particular type of crime, or have a bias for or against a type of witness, the decisive question is whether the juror can unequivocally promise the court that they will set aside those personal feelings and make their decision based only on the law and the evidence. If they can make that promise, they are qualified; if they are unable, they are not.⁹

A juror cannot sit on a trial unless they can assure the court and the lawyers that they will follow the law applicable to the case. They don't have to agree with the law. So long as they promise to set their feelings about the law aside and follow it, they are fit to serve.¹⁰

⁵ See Art. 35.02 Texas Code of Criminal Procedure: To those present the court shall cause to be administered this oath: "You, and each of you, solemnly swear that you will make true answers to such questions as may be propounded to you by the court, or under its directions, touching upon your services and qualifications as a juror, so help you God."

⁶ See Art. 36.13 Texas Code of Criminal Procedure: "Unless otherwise provided in this Code, the jury is the exclusive judge of the facts, but it is bound to receive the law from the court and be governed thereby."

⁷ See Texas Code of Criminal Procedure Art. 35.16(a)(8).

⁸ See *Smith v. State*, 907 S.W.2d 522, 530 (Tex. Crim. App. 1995) ("When a juror expresses an inability to be fair and impartial to the State, that juror is expressing a bias for the defendant and is properly excused." (quoting *Ransom v. State*, 630 S.W.2d 904, 908 (Tex. App. - Amarillo 1982))).

⁹ See *Buntion v. State*, 482 S.W.3d 58, 83-84 (Tex. Crim. App. 2016) ("The test is whether the prospective juror's bias or prejudice would substantially impair his ability to carry out his duties in accordance with his instructions and his oath." (citing *Wainwright v. Witt*, 469 U.S.412, 424 (1985))).

¹⁰ See *Id.* ("To establish that a challenge for cause is proper, the proponent of the challenge must show that the prospective juror understood the requirements of the law and could not

A good example is a defendant's right to remain silent (Fifth Amendment right). A person cannot be compelled to be a witness against themselves, and if they choose to remain silent during the trial by not testifying in their defense, jurors cannot consider that refusal for any purpose whatsoever.¹¹ A juror may want to hear from the defendant, or may say that they would testify if they were accused, or even might want the law to be changed to say that a defendant's refusal to testify would be held against them. The decisive question is whether they can *put those feelings aside* and follow the rule that they won't consider the defendant's silence for any purpose whatsoever. So long as they swear that they will follow that law—even if they disagree with it—they are still qualified.

2.1.4 The Court's Role

There are many roles the Court plays during *voir dire*; for the purposes of this study, the primary factors are settling disputes about juror's answers, determining whether a juror has "caused" themselves, and, if called on to do so, conducting a *Batson* hearing to determine whether one side unlawfully used their peremptory challenges.

There are no right or wrong answers to any of the questions asked of jurors during jury selection. The critical inquiry is whether the jurors' answers disqualify them. If they do, they are excused as a matter of law and eliminated from the pool of potential jurors. The Court and the lawyers can only rely on the answers the jurors give, and perhaps more accurately, given the potential for future appeals, how those answers appear to an appeals court in the record.¹² Understanding that an appeals court will defer to the trial court's factual determination when deciding whether a juror has disqualified themselves, the Court must take great care to understand the juror's position on an issue clearly. If a juror equivocates or is not definitive in their response, as in, "I think I could follow the law" or, "I probably could set that bias aside," the lawyers may need to clear up those ambiguities for purposes of successfully challenging the juror for cause, or the court may clear it up in deciding on granting one.¹³ Additionally, if a juror vacillates by telling the prosecution that they can be fair despite some personal experience, only to tell the defense that they could not, the lawyers may need to clear up the answer to challenge the juror for cause successfully.¹⁴

To make its ruling, the Court may seek clarification from the juror. Some disputes arise as to whether a juror said something, as in one side heard a juror answer a question a certain way, and the other did not. In this instance, the Court can refer to its memory,

overcome his prejudice well enough to follow the law. Before a prospective juror may be excused for cause on this basis, the law must be explained to him, and he must be asked whether he can follow that law, regardless of his personal views."(citations omitted).

¹¹ See United States Constitution, Amend. V; Texas Constitution, Article 1, Section 10. See also Art. 38.08 Texas Code of Criminal Procedure: "Any defendant in a criminal action shall be permitted to testify in his own behalf therein, but the failure of any defendant to so testify shall not be taken as a circumstance against him, nor shall the same be alluded to or commented on by counsel in the cause."

¹² None of the trials in this study were overturned on appeal.

¹³ See *Gardner v. State*, 306 S.W.3d 274, 295 (Tex. Crim. App. 2009).

¹⁴ *Id.*

notes, or a real-time transcript if available to settle the dispute. To settle any dispute, the Court has the discretion and authority to interrupt the lawyers and ask for clarification during jury selection or speak with the juror after jury selection but before the peremptory challenges are made.

It is important to note that there is no formula for jury selection whereby the Texas Code of Criminal Procedure provides a guide with specific protocols a court must follow during *voir dire*. The Court must give each side a reasonable amount of time, but there is not a specific time allotted by the law for any case.¹⁵ So long as the lawyers do not engage in a “fishing expedition”¹⁶ the Court has great discretion in controlling the scope of the questioning. The other boundary the law puts on jury selection is that neither side can get into the facts of a case. Lawyers can use hypotheticals to illustrate certain points of law in helping clearly explain the law to jurors when seeking to challenge the juror for cause.¹⁷ However, they are strictly forbidden from referring to any facts of the case during *voir dire*.¹⁸

2.1.5 The Lawyer’s Role

As previously mentioned, jury selection in Texas is a process of deselection. Once the jurors make it to the courtroom for questioning by the lawyers and the Court, they are put in numerical order. The seating arrangements in the courtroom from which all of the data was collected limits the number of potential jurors to 77. Thus, the potential jurors are numbered from 1 to 77.



Figure 1. Potential Jury Pool

¹⁵ See *Ratliff v. State*, 690 S.W.2d 597, 599 (Tex. Crim. App. 1985).

¹⁶ See *Barajas v. State*, 93 S.W.3d 36, 42 (Tex. Crim. App. 2002) (“The trial court is within its discretion to prevent fishing expeditions during *voir dire* that may extend jury selection *ad infinitum*.”).

¹⁷ See *Standefer v. State*, 59 S.W.3d 177, 179 (Tex. Crim. App. 2001) (citing *Allridge v. State*, 850 S.W.2d 471, 480 (Tex. Crim. App. 1991)).

¹⁸ *Id.*

There is no limit to the number of jurors the Court can strike for cause; any juror who can't be fair or can't follow the law is disqualified as a matter of law. Therefore, lawyers must view the available pool of jurors as fluid, constantly changing as the answers jurors give limit the number of qualified jurors.

In designing their questions, lawyers must also be mindful of potential appeals that may arise from challenges for cause. To successfully challenge a juror for cause, the lawyer must clearly explain the law to the juror and get a clear answer regarding the juror's ability to follow said law.¹⁹ If they fail to do either, their request for a challenge for cause will fail.

The law says that in a non-death penalty felony case (the types of cases in this report), each side gets 10 peremptory challenges, or strikes.²⁰ Either side can use these 10 strikes for whatever reason they choose besides race and gender.²¹ Therefore, to have a jury of 12, allowing each side the 10 strikes they are lawfully entitled to, there must be at least 32 qualified jurors remaining after challenges for cause: 10 strikes for the defense, 10 strikes for the State, and 12 remaining jurors to compose the jury (see Figure 2).

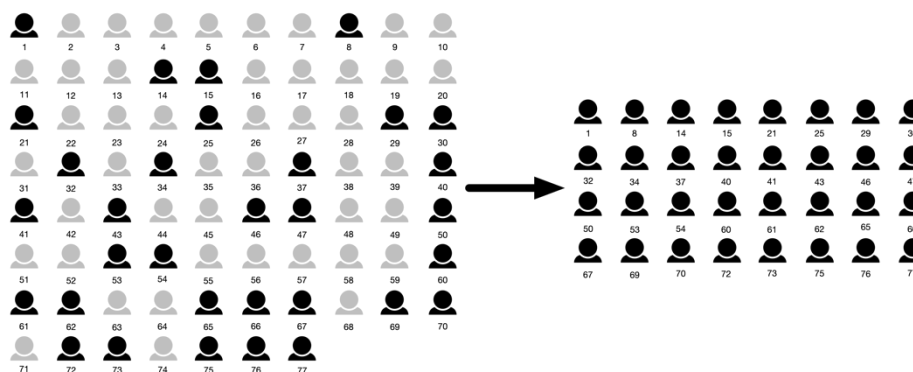


Figure 2. Results of challenges for cause to the qualified juror pool of 32 potential jurors

Once those jurors who are eliminated by the court are removed from consideration “for cause” (the light gray individuals in Figure 2), the first 32 remaining jurors make up the “strike zone”. The lawyers will then use their peremptory strikes (up to 10) on any of these remaining 32. The first 12 in order comprise the jury that will hear the evidence. To illustrate, assume that neither side struck juror #1, the State struck juror #2, and the defense struck juror #3 in a repeating pattern until both sides used their 10 strikes and there were 12 qualified jurors left over (see Figure 3).

¹⁹ See *Buntion v. State*, 482 S.W.3d 58, 84 (Tex. Crim. App. 2016).

²⁰ See Art. 35.15 Tex. Code of Criminal Procedure: “In non-capital felony cases and in capital cases in which the State does not seek the death penalty, the State and defendant shall each be entitled to ten peremptory challenges.”

²¹ See *Batson v. Kentucky*, 476 U.S. 79 (1986); see also *JEB v. Alabama*, 511 U.S. 127 (1994). See also Art. 35.261 Tex. Code of Criminal Procedure (codifying the process for what has become commonly referred to as a *Batson* Challenge).

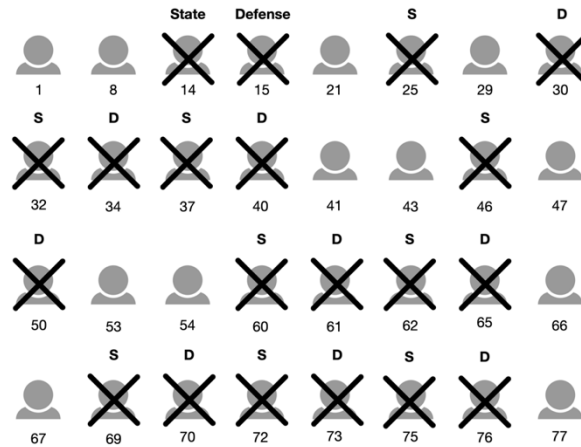


Figure 3. Peremptory strikes process.

Who do the lawyers most often use their peremptory challenges on? In the Court’s observations, the most common practice involves striking those jurors that came close to but did not fully disqualify themselves. As an example, suppose a juror said, “although I believe police officers are truthful, I will keep an open mind to any police officer’s testimony before I decide to believe them.” Because the juror can follow the law that says they have to be open-minded and persuadable,²² they are qualified. However, knowing that the prosecution’s cases will involve police officer witnesses, the defense might likely strike this juror. On the other hand, suppose a juror says, “although I am very skeptical of police officers, I will keep an open mind and weigh their testimony fairly.” Since they can follow the law, they are qualified. Again, however, knowing their case will involve police officer witnesses, the prosecution would likely strike this juror.

Jurors close to disqualification are not the only ones a lawyer might consider striking. For example, lawyers would be well within their right to strike all people of the same profession, or within the same age group. So long as they are not striking people based on race and gender, they can strike jurors for any reason.

How lawyers decide which jurors are “good” or “bad” for their side depends fundamentally on the type of admissible evidence upon which the case is built and their goal for the trial’s outcome. Since the facts of and goals for each case are unique, the lawyer’s definition of a “good” or “bad” juror is different in every case.

²² See *Jones v. State*, 982 S.W.2d 386, 389 (Tex. Crim. App. 1998) (holding that litigants are entitled to open-minded and persuadable jurors, with no extreme or absolute positions regarding the credibility of witnesses.)

2.2 Dallas County Demographics

According to the 2020 U.S. Census, Dallas County had a population of 2,613,539. The tables below show the breakdown by race, gender, and age in Dallas County residents based on a July 1, 2021, estimate (*Quick Facts: Dallas County, Texas.*).

Race and Hispanic Origin²³	
White alone	66.6%
Black or African American alone	23.6%
American Indian and Alaska Native alone	1.1%
Asian alone	6.7%
Native Hawaiian and Other Pacific Islander alone	0.1%
Two or More races	2.0%
Hispanic or Latino	40.8%
White alone, not Hispanic or Latino ²⁴	28.3%

Table 1. Racial Makeup and Hispanic Origin of Dallas County from the U.S. Census.

As stated previously, a requirement for being a juror in Dallas County is to be at least 18 years of age. As of 2020, this age group accounted for 66.9% of the population.

Age and Sex	
Persons under 5 years	7.3%
Persons under 18 years	25.8%
Persons 18-64	55.8%
Persons 65 years and over	11.1%
Male persons	49.3%
Female persons	50.7%

Table 2. Age and Sex Makeup of Dallas County.

In addition to being 18 or over, another juror requirement is to be a United States Citizen. According to the U.S. Census Bureau, it is estimated that 83.3% of the residents in Dallas County are U.S. citizens, and 16.6% are non-citizens (U.S. Census Bureau, 2019).

²³ The U.S. Census does not consider “Hispanic” as a stand-alone race but rather as an ethnic origin, or ethnicity. An individual can be both White and Hispanic or African American and Hispanic (*Quick Facts: Dallas County, Texas.*). This is also why the percentages don’t add up to 100%.

²⁴ Per the U.S. Census data source, these are “individuals who responded ‘No, no Spanish/Hispanic/Latino’ and who reported ‘White’ as their only entry in the race question (*Quick Facts: Dallas County, Texas.*)

2.3 Bias

Per the U.S. Constitution, a jury is required to be fair and impartial but not to be proportionally representative of the population. This is an important point to note for this study since the proportions of the jury will be compared to the overall Dallas County demographics. However, many sources and studies cite that having a representative jury increases the public's confidence in the judicial system and portrays a sense of fairness in the process (Fukurai, 1997; King, 1994) or may even "help break down stereotypes" (Gobert, 1988).

It is in the best interest of both the state and the defense to choose jurors that would be favorable to their case. Per Gobert (1988), attorneys will excuse jurors via a peremptory challenge to keep a subset with "more malleable minds." Previous studies on gender bias in jury decision-making found that women tend to see rape as a more "serious crime" than men and also may be more likely to "impose the death penalty" (Grubb, 1995). One defense attorney, who states that she is "a client-centered criminal defense advocate," admitted to relying on stereotypes in her use of peremptory challenges to strike all White jurors in a trial for her Black client and all Black jurors in a trial for her White client (Smith, 1998). Smith (1998) further goes on to argue that it is "unethical" for attorneys to ignore existing research that demonstrates biases related to gender and race when participating in *voir dire*.

On the contrary, challenges for cause rely on the venireperson's assessment of their existing bias, and if they can set that bias aside when judging a case.

Prior Studies on Jury Selection Bias. A majority of the previous studies have been focused on race, and reasonably so, based on the legal precedence. A study in Florida by Anwar et al. (2012), where the seated jury consisted only of 6 or 7 members selected out of a pool of 27 jurors, found a significant difference in conviction rates for Black and White defendants based on the racial composition of the jury; if at least one member of the jury is Black, the rates at which a Black defendant is convicted (71%) is approximately equal to the rates at which a White defendant is convicted (73%). However, if there are no Black jurors, an all-White jury convicts Black defendants 81% of the time versus 61% for White defendants (Anwar et al., 2012).

Multiple studies also identified a stark contrast in the use of peremptory strikes for the defense and the prosecution based on race (Anwar et al., 2012; Baldus et al., 2012; DeCamp & DeCamp, 2020; Grosso & O'Brien, 2012). DeCamp & DeCamp (2020) used propensity score matching and found in their study based in Mississippi that Black jurors were 4.51 times more likely to be struck based on peremptory challenges from the prosecution compared to White jurors. Conversely, White jurors were 4.21 times more likely to be struck based on peremptory challenges from the defense compared to Black jurors (DeCamp & DeCamp, 2020). Similarly, in North Carolina, a thorough analysis by Grosso & O'Brien (2012) for 173 capital trials found that prosecutors struck eligible Black venire members at a rate of 56.0% versus a rate for non-Black jurors of 24.8% and that this difference was significant at the $p < 0.001$ level via a paired-sample t-test. Using a logistic regression model and various combinations of 25 other significant variables, this pattern still held even when controlling for other factors not related to race (Grosso & O'Brien, 2012).

Ward Frampton (2020) analyzed 316 criminal trial juries in Louisiana from the years 2009 to 2017 with respect to challenges for cause. In this data set, only successful challenges for cause from the prosecution were recorded, and the findings show that “[B]lack jurors were 3.24 times more likely than [W]hite jurors” to be caused (Ward Frampton, 2020). However, this article did not indicate the specific reasons the jurors were caused. Limited other research focused on challenges for cause with respect to race or any other juror characteristic.

Age and gender have also been the subject of research for jury selection but at a much smaller scale, and again with a particular focus on peremptory strikes. No law or precedent prevents attorneys from striking a juror based on their age. However, up until the landmark case *Ballard v. the United States*, 329 U.S. 187 (1946), women were regularly excluded from trial juries (*Ballard v. United States*, 329 U.S. 187 (1946). n.d.). Anwar et al. (2014) found another pattern in strikes for the defense and prosecution, but this time by regressing the age of the juror: the defense tended to strike older jurors, and the prosecution tended to strike younger jurors. Using the same regression model, the study also found no significant difference in the strike rates based on gender and, contrary to the previously cited studies, found both the prosecution and the defense to be *less* likely to strike Black jurors (Anwar et al., 2014).

One study done by Robinson (1950) looked at socio-economic factors to investigate the impacts of “unconscious class bias.” The results of this study carry different weight than they would now; for example, “housewives” were classified into an occupation based on their husband’s occupation, “on the assumption that husband’s and wife’s economic attitudes will tend to be alike” (Robinson, 1950). However, the class bias persists despite the year, and this study was unique in that it aimed to determine if the population of a grand jury in Southern California was representative of the eligible population in terms of occupation. Using the chi-squared goodness of fit test, it found “that the actual distribution” of the jury was not representative of “the community at large” because the probability of it being a random sample was “exceedingly remote” (Robinson, 1950).

Two decades after Thomas Joe Miller-El was tried in Dallas County for murder, The Dallas Morning News investigated 108 non-capital felony jury trials tried in Dallas County in 2002. Although not a peer-reviewed study and instead a journalistic investigation, it is relevant to the topic of interest as the analysis was completed in the same county as is the subject of this paper. Using logistic regression similar to prior studies completed by Baldus et al. (2012), the Dallas Morning News found that “prosecutors rejected [B]lack jurors at higher rates than [W]hites” (McGonigle et al., 2005b). The article did not provide the model or the data to support this conclusion but cited that race was the only significant factor in the model (McGonigle et al., 2005a).

2.4 Legal Precedence for Bias in Jury Selection

As noted in the introduction, in the landmark case of *Batson v. Kentucky* 476 U.S. 79 (1986), James Kirkland Batson, a Black man, was convicted in a trial where the prosecutor used his peremptory challenges to strike the only four Black members of the venire. As a result, Mr. Batson was convicted by an all-White jury. The Supreme Court, in a 7-2 decision, found that the actions of the prosecutor did violate Mr. Batson’s Sixth

and Fourteenth Amendment rights (*Batson v. Kentucky*, n.d.). In *Georgia v. McCollum* 505 U.S. 42 (1992), the Supreme Court reversed a decision by the Georgia Supreme Court, finding that the use of peremptory challenges to strike potential jurors based on race violates the Equal Protection Clause of the Fourteenth Amendment (*Georgia v. McCollum*, n.d.). In Texas in 1954, Pete Hernandez challenged the Fourteenth Amendment by claiming that discrimination against Mexican Americans led to an all-White grand jury that indicted him and subsequently an all-White petit jury that convicted him for murder (*Hernandez v. Texas*, n.d.). The Supreme Court, in their opinion in *Hernandez v. Texas* 347 U.S. 475 (1954), included Mexican Americans as a special class protected by the Fourteenth Amendment (*Hernandez v. Texas*, n.d.).

The Supreme Court recently heard the case of *Flowers v. Mississippi* 588 U.S. (2019), in which Curtis Giovanni Flowers was tried six times for the same crime in cases related to the killing of four employees of the Tardy Furniture Store in Winona, Mississippi. In appealing his final conviction, Mr. Flowers argued that his Sixth and Fourteenth Amendment rights had been violated by the prosecution's use of peremptory challenges to dismiss five Black jurors (*Flowers v. Mississippi*, n.d.). In considering the case, the Court referred back to *Foster v. Chatman* 578 U.S. (2016), in which "the prosecution used peremptory strikes against all four of the qualified Black jurors" (*Foster v. Chatman*, n.d.). The Supreme Court issued a majority opinion on this case, concluding that the State "committed a clear error" in concluding peremptory strike usage was not discriminatory in this case (*Flowers v. Mississippi*, n.d.).

Specific to Dallas County, Thomas Joe Miller-El was convicted of murder and sentenced to death for a crime committed in 1985. Miller-El argued that the prosecution unfairly used peremptory strikes to exclude 10 qualified Black jurors; at the time, *Swain v. Alabama*, 380 U.S. 202 (1965) was the landmark case that set a precedent for challenges to bias in jury selection, and he was denied his request for a new jury. *Batson v. Kentucky* 476 U.S. 79 (1986) was decided while Miller-El was waiting for an appeal. In *Miller-El v. Dretke* 544 U.S. 660 (2005), the Supreme Court determined that Miller-El had sufficient evidence to prove that peremptory strikes were used unfairly by the prosecution in the jury selection for his trial. Out of a total of 108 people in the venire, only 20 were Black, with only one Black member serving on the final jury. Of the 19 that were excluded, 10 were removed due to peremptory strikes by the prosecution, and the Court found these odds to be higher than "happenstance" (*Miller-El v. Dretke*, 545 U.S. 231 (2005), n.d.).

Racial bias has not been the only issue that the Supreme Court has addressed. The first case to address gender bias in jury selection was *Ballard v. United States*, 329 U.S. 187 (1946), where Guy Ballard and his co-defendants were both indicted and convicted of mail fraud by an all-male grand jury and all-male petit jury. In this case, the Court determined that "[t]he systematic and intentional exclusion of women, like the exclusion of a racial group or an economic or social class, deprives the jury system of the broad base it was designed by Congress to have" (*Ballard v. United States*, 329 U.S. 187 (1946), n.d.). In *J.E.B. v. Alabama ex rel T.B.* 511 U.S. 127 (1994), the Court considered a child support case in which the State of Alabama, on behalf of the mother, T.B., used peremptory challenges to strike nine of the ten men in the venire. The defense also used a peremptory challenge to strike the final man in the venire. In a 6-3 decision, the Court found that the dismissal of jurors based on gender violates the equal protection clause of the Fourteenth Amendment (*J.E.B. v. Alabama ex rel T.B.*, n.d.).

This paper hypothesizes that the difference in final jury makeup is shaped by dismissals for cause and not just from peremptory strikes. The researchers expect to see some differences in the juror dismissal rates by cause for specific biases such as for or against the police. The researchers also suspect that data not captured as part of this study (such as income level and access to transportation) may manifest in terms of juror removal rates by county representation.

3 Data

3.1 Data Collection Method

The Judge began each *voir dire* by giving each juror the oath to tell the truth and introducing the lawyers, bailiffs, and court reporter. Jurors were told the type of case they were called upon to decide, read the charge, and then educated on the trial process. The Judge explained to them that their purpose was merely to answer the questions asked of them truthfully. This was expressed by stressing that there were no right or wrong answers and that no matter what answer they gave, it would be respected by every person in the courtroom including the lawyers, their fellow jury members, and the Judge. They were allowed to approach the bench and speak in a more private setting if requested and encouraged to ask for clarification of a question they didn't understand. The Judge explained that their role in this process of deselection was to truthfully reveal how they felt about the law and genuinely promise that they could follow it and that their job was not to say what they think the Court wanted to hear or try to guess at what a correct answer would be. So long as they could follow the law as written and base their verdict solely on the evidence they heard in the courtroom, they were told they would be qualified. After making these types of introductory remarks, the Judge turned the questioning over to the lawyers.

Each side was given one hour for questioning, with the Judge's discretion to allow for additional time provided the lawyers weren't repeating themselves. Lawyers were allowed to pass out questionnaires (see Appendix) so long as both sides had an opportunity to contribute lawfully crafted questions. The questionnaires are filled out by the potential jurors and returned to the lawyers to review before they make their strikes. The questionnaires provide lawyers with more background information from each juror that would not have necessarily been asked during each lawyer's portion of questioning but is nonetheless helpful when making a decision regarding strikes. However, a juror can't be disqualified solely based on a juror's written answer on their questionnaire.²⁵ If the juror wrote something that would disqualify them, the lawyer had to get them to confirm their answer orally on the record. Lawyers were allowed to use visual representations of legal concepts, most commonly in the form of PowerPoint

²⁵ See *Spielbauer v. State*, 622 S.W.3d 314, 320 (Tex. Crim. App. 2021).

presentations, although physical posters and printouts were also seen; in all cases, both sides were allowed to view any visual aids and object if needed. In this Court, the rule regarding written questionnaires and demonstrative aids is simple: If the lawyer can lawfully say it, they can lawfully write it down.

Regarding the challenge for cause and peremptory challenge process, Judge Birmingham took notes during questioning in a very simple format (See Section 9.4). Because it is a process of deselection, only answers that would sustain a challenge for cause were recorded.

After the lawyers concluded their questioning, the Judge conferenced with the lawyers and shared the list of jurors that the Judge felt disqualified themselves as a matter of law. Each side was allowed to discuss responses, propose additional jurors for cause, or bring up jurors to the bench to settle a dispute. If presented with a dispute, the Judge would allow either side to question the juror before making a decision. If needed, lawyers were allowed an opportunity to make a record for the potential appeal of the challenges for cause that were denied.

Once the disputes were settled, the jurors were asked to leave the courtroom. Lawyers then separated and were given approximately 30 minutes to make up to 10 peremptory challenges. Once both sides submitted their list of strikes to the Judge, the jurors struck by both sides were removed, and the list of the 12 jurors was finalized. At that time, both sides have an opportunity to view the opponent's submitted strikes and make a *Batson* challenge. Once that process is completed, the first 12 remaining jurors have a seat in the jury box.

3.2 Trials

The data set was collected from 48 criminal trials held in Judge Birmingham's courtroom in Dallas County between 2015 and 2021. A breakdown of the cases by charge can be seen in Table 3 below. The most common type of charge in the trials was Child Sex Abuse, making up 31% of the total. The entire data set consists of 3,300 observations representing potential jurors in the 48 trials.

Charge	Cases
Aggravated Assault	5
Aggravated Robbery	4
Assault on a Peace Officer	1
Capital Murder	7
Child Sex Abuse	15
Intimate Partner Family Violence	4
Intoxication Manslaughter	2
Murder	7
Sexual Assault	2
White Collar	1

Table 3. Count of each case by charge in the dataset.

3.3 Variables

For each trial, the venire member's birthday (anonymized to age), gender, and race are reported. In addition, based on the available information, it is also possible to see how each venireperson went through *voir dire*. For those that were dismissed, the reasoning behind the dismissal is included. Others are noted as being struck by either the State or the defense through peremptory challenges, or who were neither struck nor dismissed, but were not selected for the final jury. Finally, the selected jurors and alternates are noted in the data. Each defendant's name has been anonymized in the final data set, but their race, gender, charges, and final verdicts are included. Additional variables were created to facilitate communication, anonymize the data, and create summary variables for use in the analysis. Refer to the appendix for the complete list of variables and their descriptions (Section 9.5).

3.4 Subsets

At one point in the data collection, Judge Birmingham began to record more specific responses to the consideration of punishment (`pun_min` or `pun_max`) and if the potential juror held a bias either for or against the state or defense (`bias_for_state`, `bias_a_g_state`, `bias_for_def`, `bias_a_g_def`). Since not all cases included these details, two new subsets were created to include only those with this breakdown. This amounted to a total of 25 cases for detailed bias questions (1,685 observations) and 28 cases for detailed punishment questions (1,797 observations).

4 Methods

4.1 Statistical Models

As this paper is focused on determining whether the probability of being caused varies by characteristics of the potential jurors, hypothesis testing is a natural choice of analysis method. It must be assumed, however, that the 48 jury panels behave like a random sample of a population of such panels that might occur. While this is not strictly true, it is a common methodology used in jury research, and there is no reason to believe that it is unreasonable in this case, where the population is regarded as that of felony criminal trials in Dallas County.

Almost all juror research has used hypothesis testing in its analysis, typically a Chi-squared (χ^2) test, which is used to test whether populations have different proportions falling in distinct nominal categories. Logistic regression models are another option for modeling to understand the relationship between binary outcomes and numerical and/or categorical predictors. Many studies of bias in peremptory strike usage use a logistic model as the basis for their claim of racial discrimination (Baldus et al., 2012; DeCamp & DeCamp, 2020; Grosso & O'Brien, 2012; McGonigle et al., 2005). Although the interest of this research extends beyond peremptory strike usage, logistic regression is also applicable to the question at hand because the response of interest (caused or not) is binary.

A logistic regression model was fit for each reason for cause with either race, gender, age and/or location relative to I-30 as the explanatory variable. This resulted in a total of 85 logistic regression models. The results of the generalized linear models were translated to Risk Ratios (otherwise known as relative risk) for ease of interpretation using the epitools package in R (Lumley et al., 2006).

To assess whether the differences in proportions observed in the sample represented real population differences, a significance level of 0.05 was used. This means there is around a 5% chance that each declared difference is actually a false positive (i.e. a difference is detected when one does not exist – a type I error). As multiple comparison tests were done, it is best practice to use a correction factor to reduce the rate of type I error. The results presented herewith include an indicator if results are still significant after a Bonferroni correction for multiple testing.

5 Results

5.1 Demographics

To check if the juries were representative of the Dallas County population, the proportion of jurors by race, gender, and age group were compared to the county values. The results reported below amount to over 100% for the County as Hispanic is classified as an origin, and not a race (see Table 1 and associated footnotes). The implications of this discrepancy will be reviewed in the Discussion.

5.1.1 Race & Origin

Race & Origin	Venire	Venire %	Juror	Jury %	County %
Black	605	18.3	131	17.9	23.6
Hispanic	639	19.4	115	15.7	40.8
White	1648	49.9	407	55.5	66.6
Asian	200	6.1	36	4.9	6.7
Other	195	5.9	40	5.5	2.0 ²⁶
Native American	13	0.4	4	0.5	1.1

Table 4. Venire and juror makeup by race & origin compared to the overall county makeup.

	χ^2	df	$p - value$
Race Only (less Hispanic)	398.95	4	$< 2.2e^{-16}$

Table 5. Chi-Square Results for Race & Origin.

²⁶ Reported as “Two or More Races”.

5.1.2 Gender

Gender	Venire	Venire %	Juror	Jury %	County %
Male	1510	45.8	337	46	49.3
Female	1739	52.7	388	52.9	50.7
Other	51	1.6	8	1.1	0

Table 6. Venire and juror makeup by gender compared to the overall county makeup.

	χ^2	df	$p - value$
Gender (less Other) ²⁷	10.367	1	0.001283

Table 7. Chi-Square Results for Gender.

5.1.3 Age

Age	Venire	Venire %	Juror	Jury %	County %
15 to 19 Years ²⁸	40	1.2	10	1.4	6.8
20 to 24 Years	201	6.1	34	4.6	7
25 to 29 Years	339	10.3	76	10.4	8.6
30 to 34 Years	317	9.6	69	9.4	8
35 to 39 Years	315	9.6	58	7.9	7.1
40 to 44 Years	279	8.5	63	8.6	6.6
45 to 49 Years	354	10.7	95	13	6.4
50 to 54 Years	388	11.8	96	13.1	6
55 to 59 Years	416	12.6	92	12.6	5.9
60 to 64 Years	380	11.5	82	11.2	5.0
65 to 69 Years	246	7.5	48	6.6	3.9
70 to 74 Years	24	1.7	10	1.4	2.7
75 to 79 Years	1	0	0	0	1.7

Table 8. Venire and juror makeup by age compared to the overall county makeup.

	χ^2	df	$p - value$
Age	162.99	11	$< 2.2e^{-16}$

Table 9. Chi-Square Results for Age.

²⁷ Other gender was removed to match Census data statistics.

²⁸ Age range as defined by United States Census Bureau. Only individuals aged 18 and older are eligible to serve as jurors.

5.2 Caused Analysis

To examine whether different groups are caused at different rates, this study focused primarily on identifying significant differences among dismissal (or caused) rates of potential jurors based on their race, gender, age, and location of home address in relation to Interstate 30 (north of I-30, south of I-30, or in a zip code split by I-30). This location division was chosen as it essentially bisects Dallas County into two regions generally regarded as proxies for economic level in the county. The southern part of the county has a much higher rate of households below the poverty line, as well as being home to a larger proportion of Black Dallasites than the north (Pew Research Center, 2015). Whether the reasons for dismissal differed by their demographic category was also examined. Logistic regression was used to calculate Risk Ratios for each dismissal reason and the significant results are reported below. The total number of observations used for logistic regression prior to any sub-setting was 3,128 after removing all disqualified jurors.

A juror was dismissed for cause if they answered in the affirmative for the following reasons:

1. Can't accept a defendant's 5th Amendment rights
2. Can't presume innocence until proven guilty
3. Has bias for or against the State, the defense, or police (subset)
4. Would impose a higher standard of proof than "beyond a reasonable doubt"
5. Can't consider the full range of punishment
6. Can't consider either the minimum or maximum punishment (subset)

5.2.1 Race

As to the question of whether the probability of a juror being caused differs by self-reported race, Table 10 shows estimates of Risk Ratio for various race categories. The Risk Ratio for a Black juror, for example, is defined as the ratio of the probability that a Black prospective juror is caused to the probability that a White prospective juror is caused. The Risk Ratio for other race categories are defined similarly; that is, the probability for each race category is compared to that for the White category, which is known as the reference category in the model. Risk Ratios for Native Americans are not separately reported because there was such a small number of prospective jurors in that category (0.4%). Therefore, they were combined into the Other race category. The estimates in Table 10 show that Hispanic, Black, and Asian jurors all were more likely to be dismissed for cause compared to White jurors. Hispanic jurors were 35% more likely than White jurors to be caused (p-value < .01). Black jurors were 28% more likely than White jurors to be caused (p-value < .01), and Asian jurors were 26% more likely to be caused than White jurors (p-value = 0.011).

	Risk Ratio Estimate	2.5%	97.5%	p-value
Other	1.143	0.962	1.324	0.123
Hispanic	1.346	1.219	1.474	< 0.0001* ^{29†30}
Black	1.281	1.159	1.403	< 0.0001* [†]
Asian	1.264	1.062	1.467	0.011*

Table 10. Estimates of Risk Ratio and 95% confidence interval limits with p-values of jurors dismissed for cause, by race.

A similar analysis was performed to estimate the race category Risk Ratios for a prospective juror reporting inability to accept a defendant’s 5th Amendment right. These results are reported in Table 11, which shows that only Other and Black race categories show significant differences from the White category in probability of being caused for this reason. This time, both groups were less likely to be caused for this reason than White jurors. Jurors of Other race were 32% as likely to be caused for the 5th amendment than White jurors (Risk Ratio = 0.319; p-value < .01) and Black jurors were 55% less likely to be caused for the 5th amendment than White jurors (Risk Ratio = 0.447; p-value < .01). The Table also provides 95% confidence intervals for the Risk Ratios.

	Risk Ratio Estimate	2.5%	97.5%	p-value
Other	0.319	0.004	0.634	< 0.0001* [†]
Hispanic	0.897	0.548	1.246	0.563
Black	0.447	0.222	0.673	< 0.0001* [†]
Asian	0.600	0.116	1.085	0.106

Table 11. Estimates of Risk Ratio and 95% confidence intervals with p-values of jurors dismissed for 5th Amendment, by race.

Estimates of Risk Ratios for being caused due to general bias (defined as for or against the state, defense, or police) can be seen in Table 12. These show that Hispanic and Black jurors were more likely to be caused for general bias than White jurors. Hispanic jurors were 35% more likely (p-value = 0.028) and Black jurors 30% more likely (p-value = 0.048) to be caused for bias compared to White jurors.

	Risk Ratio Estimate	2.5%	97.5%	p-value
Other	1.185	0.750	1.620	0.405
Hispanic	1.351	1.038	1.665	0.028*
Black	1.299	1.002	1.595	0.048*
Asian	1.328	0.820	1.836	0.206

Table 12. Estimates of Risk Ratio and 95% confidence intervals with p-values of jurors dismissed for general bias, by race.

²⁹ * indicates p-value is significant at $\alpha = .05$.

³⁰ † indicates p-value is also significant after a Bonferroni correction.

The other reasons for dismissal for cause were evaluated, but no additional differences among race groups were found.

5.2.2 Gender

Jurors of Other gender were 39% more likely to be caused over Female jurors (p-value = 0.021).

	Risk Ratio Estimate	2.5%	97.5%	p-value
Other	1.389	1.058	1.720	0.021*
Male	1.049	0.970	1.128	0.224

Table 13. Estimates of Risk Ratio and 95% confidence interval with p-values of jurors dismissed for cause, by gender.

Male jurors were much more likely to be caused than Female jurors for the inability to accept a defendant's 5th amendment right (Risk Ratio = 1.743; p-value = 0.007).

	Risk Ratio Estimate	2.5%	97.5%	p-value
Other	0.629	-0.597	1.856	0.554
Male	1.743	1.207	2.279	0.007*†

Table 14. Estimates of Risk Ratio and 95% confidence interval with p-values of jurors dismissed for 5th Amendment, by gender.

5.2.3 Age

The next models that were fit were to compare the cause rate for jurors in different age groups. The same type of analysis as described in the previous section was conducted, with the youngest age group of prospective jurors (aged 18 – 30) as the reference category. The results, shown in Table 15, report the Risk Ratio for each age group as compared to the youngest group. The results show that jurors aged 55 and up were 88% as likely to be caused than jurors aged 18 to 30 (p-value = 0.008), while jurors between the ages of 45 and 54 were 78% as likely to be caused compared to younger jurors aged 18 – 30 (p-value < .01). The second youngest age group (31 – 44) were not statistically different in the likelihood of being caused from their younger counterparts.

	Risk Ratio Estimate	2.5%	97.5%	p-value
Age Group 55 and Up	0.876	0.784	0.968	0.008*
Age Group 45 – 54	0.782	0.687	0.876	< 0.0001*†
Age Group 31 – 44	0.991	0.889	1.092	0.857

Table 15. Estimates of Risk Ratio and 95% confidence interval with p-values of jurors dismissed, by age group.

Reasons for being caused were examined to see if these differed by age group. For being unable to presume innocence, again younger jurors were more likely to be caused. Jurors aged 45 to 54 were 35% as likely to be caused for this reason compared to jurors aged 18 to 30 (p-value < .01).

	Risk Ratio Estimate	2.5%	97.5%	p-value
Age Group 55 and Up	0.664	0.262	1.065	0.101
Age Group 45 – 54	0.351	0.064	0.638	< 0.0001*†
Age Group 31 – 44	1.279	0.584	1.973	0.431

Table 16. Estimate of Risk Ratio and 95% confidence interval with p-values of jurors dismissed for being unable to presume innocence, by age group.

In examining differences among age groups, the probability of jurors being caused for inability to consider the full range of punishment was evaluated. Jurors aged 45 to 54 were 73% as likely than jurors aged 18 to 30 to be caused due to not being able to consider the full range of punishment (p-value = 0.011).

	Risk Ratio Estimate	2.5%	97.5%	p-value
Age Group 55 and Up	0.833	0.621	1.045	0.123
Age Group 45 – 54	0.726	0.516	0.936	0.011*
Age Group 31 – 44	0.886	0.657	1.115	0.328

Table 17. Estimate of Risk Ratio and 95% confidence interval with p-values of jurors dismissed for being unable to consider the full range of punishment, by age group.

Finally, whether there were differences among age groups in their being caused for an inability to consider the minimum punishment for a crime was examined. Again the data showed that jurors aged 45 to 54 were less likely to be caused compared to jurors aged 18 to 30 (Risk Ratio = 0.506; p-value = 0.002).

	Risk Ratio Estimate	2.5%	97.5%	p-value
Age Group 55 and Up	0.843	0.430	1.256	0.457
Age Group 45 – 54	0.506	0.188	0.824	0.002*†
Age Group 31 – 44	0.810	0.391	1.230	0.457

Table 18. Estimate of Risk Ratio and 95% confidence interval with p-values of jurors dismissed for being unable to consider minimum punishment, by age group.

5.2.4 Location

Finally, whether prospective jurors with residences north, south, or in a zip code split by I-30 were caused at different rates was examined. The method of analysis used was the same as discussed in the previous section, but in this case, the reference category were the jurors that lived south of I-30. Table 19 reports the results, which

shows that the Risk Ratio is jurors that live north of I-30 were 10% less likely to be caused compared to those that live south of I-30. Though the magnitude of the risk ratio is less extreme than that among racial categories, the difference is still significant (p-value = 0.005).

	Risk Ratio Estimate	2.5%	97.5%	p-value
I-30 (Split)	1.024	0.820	1.229	0.815
I-30 (North)	0.899	0.828	0.969	0.005*

Table 19. Estimates of risk ratio and 95% confidence interval with p-values of jurors dismissed for cause, by location relative to I-30 in Dallas County.

Geographical location is highly correlated with race, with large sections of South Dallas majority Black (Pew Research Center, 2015). However, there is considerable racial diversity throughout the county, so whether the difference in cause rates by location is actually partially explained by race was a question of interest. Thus a model was constructed that included both location and race, including interactions between the two variables, which allows the Risk Ratios to be estimated for each cross-classification of the two variables. In this case the reference category was White jurors south of I-30, which means that the Risk Ratio reports each subcategory’s probability of being caused as a ratio to that of White jurors south of I-30. The results are shown in Table 20. They show that both Hispanic jurors and jurors of Other race that live south of I-30 were more likely to be caused than White jurors that live south of I-30 (risk ratio= 1.231, p-value = 0.041; risk ratio = 1.342, p-value = 0.046, respectively). Jurors of Other race that live north of I-30 were *less* likely to be caused than White jurors that live south of I-30 (risk ratio = 0.735; p-value = 0.035).

	Risk Ratio Estimate	2.5%	97.5%	p-value
Other	1.342	1.006	1.679	0.046*
Hispanic	1.231	1.009	1.453	0.041*
Black	1.152	0.956	1.349	0.128
Asian	1.137	0.743	1.531	0.495
I-30 (Split) * Race (Other)	1.123	0.440	1.805	0.724
I-30 (Split) * Race (Hispanic)	1.102	0.596	1.608	0.693
I-30 (Split) * Race (Black)	0.981	0.220	1.742	0.961
I-30 (Split) * Race (Asian)	0.994	-0.458	2.446	0.994
I-30 (Split)	1.006	0.669	1.343	0.972
I-30 (North) * Race (Other)	0.735	0.489	0.982	0.035*
I-30 (North) * Race (Hispanic)	1.131	0.885	1.378	0.297
I-30 (North) * Race (Black)	1.215	0.952	1.477	0.109
I-30 (North) * Race (Asian)	1.146	0.697	1.594	0.525
I-30 (North)	0.925	0.784	1.066	0.299

Table 20. Estimates of risk ratio and 95% confidence interval with p-values of jurors dismissed for cause, by location relative to I-30 in Dallas County and race.

6 Discussion

6.1 County Demographics Comparison

Initial examination of race and origin for both the venire as well as selected jurors shows a noticeable decrease in representation among persons who reported “Hispanic” as their race/origin as compared to Dallas County. Because the data in this study is observational and the original demographic data was self-reported, best efforts were made to match the information with Census statistics for Dallas County. Additional research would need to take place in coordination with Dallas County’s Jury Services office to make more informed comparisons. By contrast, the proportion of jurors by gender is more closely aligned with Dallas County statistics. The key difference noted was that the percent of Female jurors that both appeared for jury selection (52.7%) and were ultimately selected for jury duty (52.9%) were higher than the overall County percentage (50.7%). The inverse was true of Male jurors. In terms of age, members of both the venire as well as the seated jury between the ages of 45 to 69 are more heavily represented than the county percentages.

One thing that is important to note with the comparison to Dallas County statistics is that, when it comes to the venire, the study is only able to report on the proportions of individuals who appeared at the courthouse and were called to the Judge’s court. As noted previously, only a percentage of those called actually reported for jury duty. Therefore, these comparisons should be considered as informative only due to the lack of the full summons information.

6.2 Dismissed for Cause

When reviewing dismissal rates and odds ratios for caused jurors, the following themes emerged:

1. Bias for or against the State or defense did not appear significant for any grouping;
2. Issues with accepting a defendant’s 5th Amendment right had significant differences for both race and gender;
3. Most of the differences in caused reasons by age group are between potential jurors aged 18 to 30 and those aged 45 to 54.

Race. This research found a significant difference in dismissal for cause for jurors by race, with Black, Hispanic, and Asian jurors being dismissed at a higher rate than White jurors. Black jurors were 1.3 times more likely to be caused for any reason compared to White jurors. When incorporating location in reference to I-30 (north, south, or split by the interstate), this difference was no longer significant for Black jurors. However, Hispanic jurors were 1.3 times more likely to be caused for any reason than White jurors and a difference was still significant when incorporating the I-30 split.

When looking at specific reasons for cause by race, the inability to accept a defendant's 5th Amendment right not to incriminate themselves was one reason with a significant difference: White jurors were caused for this 3.1 times more than jurors of "Other" race and 2.2 times more than Black jurors.

In Texas, felonies are classified into one of five buckets,³¹ each with its sentencing guidelines. For example, in the case of second-degree felonies, the minimum term is not less than two years, and the maximum is not more than 20 years.³² Black jurors were caused for failure to consider the full range of punishment for a crime 1.5 times more than White jurors. No significant difference between races was detected when looking at the subset of 28 cases for *minimum* punishment, but Black jurors were caused for failure to consider *maximum* punishment specifically at 2.4 times the rate of White jurors.

In terms of general bias, Black and Hispanic jurors are estimated to be caused at a higher rate than White jurors. Looking at the subset of 25 cases where detailed bias information was collected (such as for or against the State, defense, or police), Black jurors were caused due to self-professed bias against the police more often than White jurors, but not at a statistically significant level (Risk Ratio = 3.5; p-value = 0.154). This aligns with survey results reported in King (1998) where Black citizens tend to report at a higher rate than White citizens that race plays a factor in jury decisions related to police. Police officers are a common witness in criminal trials and the dismissal of Black jurors due to their proclamation of bias may unintentionally lead to juries with less Black representation.

Gender. Analysis by juror gender included three categories: Female (reference), Male, and Other. Of the 3,128 observations of the full data set, 51 (1.6%) reported Other as their gender. Jurors of "Other" gender were 1.4 times more likely to be dismissed for cause than Female jurors. Male jurors were also more likely to be caused for the inability to accept a defendant's 5th Amendment right, which was also a significant finding for White jurors. When assessing all of the other reasons for juror dismissal for cause, no other questions regarding self-reported bias showed a significant difference

³¹ See Art. 12.04 Texas Penal Code: Classification of Felonies.

- a) Felonies are classified according to the relative seriousness of the offense into five categories:
 - 1) capital felonies;
 - 2) felonies of the first degree;
 - 3) felonies of the second degree;
 - 4) felonies of the third degree; and
 - 5) state jail felonies.
- b) An offense designated a felony in this code without specification as to category is a state jail felony.

³² See Art 12.33 Texas Penal Code: Second Degree Felony Punishment.

- a) An individual adjudged guilty of a felony of the second degree shall be punished by imprisonment in the Texas Department of Criminal Justice for any term of not more than 20 years or less than 2 years.
- b) In addition to imprisonment, an individual adjudged guilty of a felony of the second degree may be punished by a fine not to exceed \$10,000.

in dismissal rates for Male jurors or jurors of “Other” gender compared to Female jurors. For this specific study and set of trials, gender appeared to be a reason for disparity far less than race. This appears to align with the fact that there are far fewer cases brought to the Supreme Court claiming discrimination by gender compared to the amount of research and precedence around discrimination by race.

Age. Some differences in dismissal rates for cause were detected by age, with younger jurors being more likely to be caused across a few different reasons. Jurors aged 18 to 30 were 1.3 times more likely than jurors aged 45 to 54 and 1.1 times likely more than jurors aged 55 and up to be dismissed for cause in general. Jurors aged 18 to 30 also differed from jurors aged 45 to 54 in being able to presume innocence until proven guilty: younger jurors aged 18 to 30 were 1.9 times more likely to be caused for this reason than jurors aged 45 to 54.

In terms of general bias, as well as specific bias against the defense, prosecution, or police, no significant differences were detected among age groups. However, there was a significant difference in being able to consider the full range of punishment and in the subset analyzed for minimum punishment. Again, the difference appeared between jurors aged 18 to 30 and jurors aged 45 to 54. For the full range of punishment, jurors aged 18 to 30 were 1.4 times more likely to be caused compared to jurors aged 45 to 54. Jurors aged 18 to 30 are also estimated to be caused at twice the rate of jurors aged 45 to 54 for not being able to consider the minimum range of punishment.

None of the other factors considered in the analysis were significant when analyzed by age group.

While the results presented were statistically significant, the reason behind the differences cannot be conclusively explained with the existing research, and any reasons provided are pure speculation. Further analysis can be done by individually adding factors one at a time to determine if the differences detected still hold after accounting for other factors. This was outside the scope of this study in its current context.

6.3 Ethical Considerations

The ethical considerations of this study are numerous. As mentioned earlier, a representative jury is both a Constitutional right for a defendant as well as an important tool in establishing community trust in the judicial process.

One of the significant challenges that face both members of the judiciary as well as potential jurors is the issue of unconscious bias, which, when left unchecked, can lead to biased thinking and actual discrimination. For lawyers, unconscious bias may arise when considering the jury pool and evaluating ways to secure the most favorable jury for their side. Potential jurors, on the other hand, may honestly claim that they can remain impartial, but unconscious bias is simply that—unconscious. Conversely, jurors may claim a bias in an attempt to be excused from jury service. It is impossible to derive the motivating factors for any of the results presented in this study. The data presented here is meant to provide insight into the current process and not claim that any one

group is conclusively biased for one reason or another. The data collection method, sample size, and context are essential in considering these results.

Within the bounds of the felony trials examined in this study, it does appear that there are dismissals for cause that impact members of certain demographics differently than others. Additional research would be needed to explore whether other factors play a role in those dismissals beyond the scope of data in this study. It would be unethical to take the results of this study and make broader statements about the role of race, gender, and age in other cases. The intent of this study is simply to look at the available data for these felony trials and assess whether the data suggests that differences exist in the way that those populations are handled during *voir dire*.

Juror research is an area that wasn't covered in this study, but access to information is now a click away. Google and social media have given lawyers and jury consultants potential access to vast amounts of information on potential jurors. The question of what information is ethical to access and utilize during a trial is one that is worth mentioning.

7 Conclusion

Within the parameters of this study, significant differences were found in dismissal for cause by race, gender, and age group. Black jurors are estimated to be caused at a higher rate than White jurors in general, but also caused due to failure to consider the full range of punishment and maximum punishment. Black jurors are also estimated to be caused at a higher rate than White jurors for general bias and bias against the police more specifically. However, White jurors are caused at a higher rate than Black jurors for not being able to accept a defendant's Fifth Amendment right.

For gender, the most significant finding was the difference of self-reported bias of the Fifth Amendment right: Males are estimated to hold this view and therefore be caused for it at a higher rate than Females. In terms of age, the two groups that tended to differ the most were those ages 18 to 30 compared to those 45 to 54, and more specifically in terms of presumption of innocence and considerations of punishment.

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9 Appendix

9.1 Models

The data for this paper can be found in the juryR package at dallasjurydata.com.

9.1.1 General Models

Results in models below are from base R calculations of the output of glm. Confidence intervals and p-values may differ slightly from relative risk reported in the Results section due to calculation differences in the epitools package.

Challenged for Cause	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	3,128	-0.35	-0.45, -0.25	<0.001
Race/Ethnicity	3,128			
<i>White</i>		—	—	
<i>Black</i>		0.47	0.28, 0.66	<0.001
<i>Hispanic</i>		0.58	0.38, 0.77	<0.001
<i>Asian</i>		0.44	0.11, 0.77	0.009
<i>Other</i>		0.24	-0.06, 0.54	0.11

[†] OR = Odds Ratio, CI = Confidence Interval

Table 21. Challenged for cause, by race.

Challenged for Cause	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	3,128	0.06	-0.10, 0.23	0.45
Age Group	3,128			
<i>18 - 30</i>		—	—	
<i>31 - 44</i>		-0.02	-0.23, 0.19	0.86
<i>45 - 54</i>		-0.46	-0.68, -0.23	<0.001
<i>55 +</i>		-0.26	-0.46, -0.05	0.015

[†] OR = Odds Ratio, CI = Confidence Interval

Table 22. Challenged for cause, by age group.

Challenged for Cause	N	log(OR) ¹	95% CI ¹	p-value
(Intercept)	3,128	-0.17	-0.27, -0.08	<0.001
Gender	3,128			
<i>Female</i>		—	—	
<i>Male</i>		0.09	-0.05, 0.23	0.21
<i>Other</i>		0.72	0.09, 1.4	0.027

¹ OR = Odds Ratio, CI = Confidence Interval

Table 23. Challenged for cause, by gender.

Challenged for Cause	N	log(OR) ¹	95% CI ¹	p-value
(Intercept)	3,087	-0.17	-0.27, -0.08	<0.001
Gender	3,087			
<i>Female</i>		—	—	
<i>Male</i>		0.09	-0.05, 0.23	0.21

¹ OR = Odds Ratio, CI = Confidence Interval

Table 24. Challenged for cause, by male/female only.

Challenged for Cause	N	log(OR) ¹	95% CI ¹	p-value
(Intercept)	3,127	0.01	-0.12, 0.14	0.87
I-30	3,127			
<i>South</i>		—	—	
<i>North</i>		-0.20	-0.36, -0.05	0.009
<i>Split</i>		0.05	-0.36, 0.46	0.81

¹ OR = Odds Ratio, CI = Confidence Interval

Table 25. Challenges for cause, by geography.

Challenged for Cause	N	log(OR)¹	95% CI¹	p-value
(Intercept)	3,127	-0.24	-0.49, 0.00	0.054
I-30	3,127			
<i>South</i>		—	—	
<i>North</i>		-0.13	-0.40, 0.14	0.33
<i>Split</i>		0.01	-0.60, 0.61	0.97
Race/Ethnicity	3,127			
<i>White</i>		—	—	
<i>Black</i>		0.27	-0.05, 0.59	0.10
<i>Hispanic</i>		0.41	0.06, 0.76	0.023
<i>Asian</i>		0.24	-0.44, 0.93	0.49
<i>Other</i>		0.61	0.05, 1.2	0.036
I-30 * Race/Ethnicity	3,127			
<i>North * Black</i>		0.39	-0.04, 0.82	0.079
<i>Split * Black</i>		-0.04	-1.6, 1.5	0.96
<i>North * Hispanic</i>		0.24	-0.20, 0.68	0.29
<i>Split * Hispanic</i>		0.23	-0.74, 1.2	0.65
<i>North * Asian</i>		0.25	-0.53, 1.0	0.52
<i>Split * Asian</i>		-0.01	-3.3, 3.3	>0.99
<i>North * Other</i>		-0.63	-1.3, 0.04	0.069
<i>Split * Other</i>		0.32	-1.2, 2.0	0.70

¹ OR = Odds Ratio, CI = Confidence Interval

Table 26. Challenges for cause, by geography and race.

9.1.2 Challenges for Cause

Caused for 5th Amendment	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	3,128	-2.7	-2.9, -2.5	<0.001
Race/Ethnicity	3,128			
<i>White</i>		—	—	
<i>Black</i>		-0.84	-1.4, -0.35	0.002
<i>Hispanic</i>		-0.12	-0.54, 0.29	0.58
<i>Asian</i>		-0.54	-1.5, 0.22	0.21
<i>Other</i>		-1.2	-2.4, -0.30	0.021

[†] OR = Odds Ratio, CI = Confidence Interval

Table 27. Caused for 5th Amendment, by race.

Caused for 5th Amendment	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	3,127	-2.5	-3.1, -2.0	<0.001
I-30	3,127			
<i>South</i>		—	—	
<i>North</i>		-0.67	-1.4, 0.08	0.078
<i>Split</i>		0.06	-1.8, 1.4	0.94
Age Group	3,127			
<i>18 - 30</i>		—	—	
<i>31 - 44</i>		-1.2	-2.2, -0.26	0.016
<i>45 - 54</i>		-0.70	-1.6, 0.16	0.12
<i>55 +</i>		-0.85	-1.7, -0.05	0.038
I-30 * Age Group	3,127			
<i>North * 31 - 44</i>		1.8	0.68, 3.0	0.002
<i>Split * 31 - 44</i>		0.79	-1.6, 3.2	0.49
<i>North * 45 - 54</i>		0.83	-0.27, 2.0	0.15
<i>Split * 45 - 54</i>		0.84	-1.5, 3.2	0.46
<i>North * 55 +</i>		1.3	0.26, 2.3	0.015
<i>Split * 55 +</i>		-1.2	-1.50, -66	0.97

[†] OR = Odds Ratio, CI = Confidence Interval

Table 28. Caused for 5th Amendment, by geography and age group.

Caused for 5th Amendment	N	log(OR) ¹	95% CI ¹	p-value
(Intercept)	3,128	-3.2	-3.5, -3.0	<0.001
Gender	3,128			
<i>Female</i>		—	—	
<i>Male</i>		0.59	0.26, 0.91	<0.001
<i>Other</i>		-0.48	-3.4, 1.1	0.64

¹ OR = Odds Ratio, CI = Confidence Interval

Table 29. Caused for 5th Amendment, by gender.

Caused for Burden of Proof	N	log(OR) ¹	95% CI ¹	p-value
(Intercept)	3,128	-3.9	-4.2, -3.6	<0.001
Race/Ethnicity	3,128			
<i>White</i>		—	—	
<i>Black</i>		0.47	-0.12, 1.0	0.11
<i>Hispanic</i>		0.51	-0.09, 1.1	0.087
<i>Asian</i>		0.24	-1.0, 1.2	0.66
<i>Other</i>		1.0	0.18, 1.6	0.010

¹ OR = Odds Ratio, CI = Confidence Interval

Table 30. Caused for burden of proof, by race.

Caused for Burden of Proof	N	log(OR) ¹	95% CI ¹	p-value
(Intercept)	3,128	-3.4	-3.9, -3.0	<0.001
Age Group	3,128			
<i>18 - 30</i>		—	—	
<i>31 - 44</i>		-0.23	-0.86, 0.42	0.48
<i>45 - 54</i>		-0.19	-0.86, 0.48	0.58
<i>55 +</i>		-0.19	-0.80, 0.43	0.53

¹ OR = Odds Ratio, CI = Confidence Interval

Table 31. Caused for burden of proof, by age group.

Caused for Burden of Proof	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	3,128	-3.7	-4.1, -3.4	<0.001
Gender	3,128			
<i>Female</i>		—	—	
<i>Male</i>		0.25	-0.20, 0.69	0.28
<i>Other</i>		1.5	0.28, 2.5	0.006

[†] OR = Odds Ratio, CI = Confidence Interval

Table 32. Caused for burden of proof, by gender.

Caused for Presumption of Innocence	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	3,127	-3.3	-4.1, -2.7	<0.001
I-30	3,127			
<i>South</i>		—	—	
<i>North</i>		-0.35	-1.1, 0.46	0.36
<i>Split</i>		-0.62	-3.5, 1.1	0.56
Race/Ethnicity	3,127			
<i>White</i>		—	—	
<i>Black</i>		-1.2	-2.5, -0.07	0.046
<i>Hispanic</i>		-0.77	-2.1, 0.37	0.21
<i>Asian</i>		-14	-249, 8.9	0.98
<i>Other</i>		-0.07	-2.0, 1.3	0.93
I-30 * Race/Ethnicity	3,127			
<i>North * Black</i>		1.7	0.36, 3.2	0.015
<i>Split * Black</i>		-12	-525, 38	>0.99
<i>North * Hispanic</i>		1.4	0.03, 2.8	0.050
<i>Split * Hispanic</i>		-13	-277, 13	0.99
<i>North * Asian</i>		15	-8.3, 250	0.98
<i>Split * Asian</i>		0.62	-38, 39	>0.99
<i>North * Other</i>		0.89	-0.77, 2.9	0.32
<i>Split * Other</i>		-14		>0.99

[†] OR = Odds Ratio, CI = Confidence Interval

Table 33. Caused for presumption of innocence, by geography and race.

Caused for Presumption of Innocence	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	3,128	-3.4	-3.9, -2.9	<0.001
Age Group	3,128			
18 - 30		—	—	
31 - 44		0.26	-0.30, 0.84	0.37
45 - 54		-1.1	-2.0, -0.27	0.012
55 +		-0.42	-1.0, 0.21	0.18

[†] OR = Odds Ratio, CI = Confidence Interval

Table 34. Caused for presumption of innocence, by age group.

9.1.3 Challenges for Cause (Bias)

Caused for Bias	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	3,128	-2.0	-2.1, -1.8	<0.001
Race/Ethnicity	3,128			
White		—	—	
Black		0.30	0.03, 0.57	0.026
Hispanic		0.35	0.07, 0.62	0.012
Asian		0.33	-0.14, 0.77	0.15
Other		0.20	-0.25, 0.61	0.37

[†] OR = Odds Ratio, CI = Confidence Interval

Table 35. Caused for bias, by race.

Caused for Bias	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	3,128	-3.4	-3.9, -3.0	<0.001
Age Group	3,128			
18 - 30		—	—	
31 - 44		-0.23	-0.86, 0.42	0.48
45 - 54		-0.19	-0.86, 0.48	0.58
55 +		-0.19	-0.80, 0.43	0.53

[†] OR = Odds Ratio, CI = Confidence Interval

Table 36. Caused for bias, by age group.

Caused for Bias	N	log(OR) ¹	95% CI ¹	p-value
(Intercept)	3,128	-3.7	-4.1, -3.4	<0.001
Gender	3,128			
<i>Female</i>		—	—	
<i>Male</i>		0.25	-0.20, 0.69	0.28
<i>Other</i>		1.5	0.28, 2.5	0.006

¹ OR = Odds Ratio, CI = Confidence Interval

Table 37. Caused for bias, by gender.

Caused for Bias Against the Defense	N	log(OR) ¹	95% CI ¹	p-value
(Intercept)	1,685	-4.7	-5.5, -4.1	<0.001
Race/Ethnicity	1,685			
<i>White</i>		—	—	
<i>Black</i>		-0.39	-2.3, 1.0	0.62
<i>Hispanic</i>		0.91	-0.20, 2.0	0.093
<i>Asian</i>		-15		>0.99
<i>Other</i>		0.72	-1.2, 2.1	0.37

¹ OR = Odds Ratio, CI = Confidence Interval

Table 38. Caused for bias against the defense, by race.

Caused for Bias Against the Defense	N	log(OR) ¹	95% CI ¹	p-value
(Intercept)	1,685	-4.3	-5.0, -3.8	<0.001
Gender	1,685			
<i>Female</i>		—	—	
<i>Male</i>		-0.72	-1.9, 0.30	0.19
<i>Other</i>		1.8	-0.08, 3.2	0.022

¹ OR = Odds Ratio, CI = Confidence Interval

Table 39. Caused for bias against the defense, by gender.

Caused for Bias Against the Police	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	1,685	-4.8	-5.7, -4.2	<0.001
Race/Ethnicity	1,685			
<i>White</i>		—	—	
<i>Black</i>		1.3	0.27, 2.3	0.013
<i>Hispanic</i>		1.0	-0.09, 2.2	0.061
<i>Asian</i>		0.47	-2.5, 2.2	0.66
<i>Other</i>		1.3	-0.28, 2.6	0.069

[†] OR = Odds Ratio, CI = Confidence Interval

Table 40. Caused for bias against the police, by race.

Caused for Bias Against the Police	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	1,685	-3.8	-4.7, -3.1	<0.001
Age Group	1,685			
<i>18 - 30</i>		—	—	
<i>31 - 44</i>		0.04	-0.93, 1.1	0.94
<i>45 - 54</i>		-0.67	-2.0, 0.53	0.29
<i>55 +</i>		-0.87	-2.1, 0.28	0.14

[†] OR = Odds Ratio, CI = Confidence Interval

Table 41. Caused for bias against the police, by age group.

Caused for Bias Against the Police	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	1,685	-4.4	-5.1, -3.9	<0.001
Gender	1,685			
<i>Female</i>		—	—	
<i>Male</i>		0.42	-0.39, 1.3	0.31
<i>Other</i>		1.9	0.01, 3.3	0.017

[†] OR = Odds Ratio, CI = Confidence Interval

Table 42. Caused for bias against the police, by gender.

Caused for Bias Against the State	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	1,685	-4.8	-5.7, -4.1	<0.001
Gender	1,685			
<i>Female</i>		—	—	
<i>Male</i>		0.54	-0.40, 1.5	0.27
<i>Other</i>		1.5	-1.4, 3.3	0.15

[†] OR = Odds Ratio, CI = Confidence Interval

Table 43. Caused for bias against the state, by gender.

9.1.4 Challenges for Cause (Punishment)

Caused for Punishment	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	3,128	-2.1	-2.2, -1.9	<0.001
Race/Ethnicity	3,128			
<i>White</i>		—	—	
<i>Black</i>		0.45	0.18, 0.71	<0.001
<i>Hispanic</i>		0.22	-0.08, 0.50	0.14
<i>Asian</i>		-0.11	-0.69, 0.40	0.68
<i>Other</i>		0.31	-0.13, 0.72	0.15

[†] OR = Odds Ratio, CI = Confidence Interval

Table 44. Caused for punishment, by race.

Caused for Punishment	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	1,685	-3.8	-4.7, -3.1	<0.001
Age Group	1,685			
<i>18 - 30</i>		—	—	
<i>31 - 44</i>		0.04	-0.93, 1.1	0.94
<i>45 - 54</i>		-0.67	-2.0, 0.53	0.29
<i>55 +</i>		-0.87	-2.1, 0.28	0.14

[†] OR = Odds Ratio, CI = Confidence Interval

Table 45. Caused for punishment, by age group.

Caused for Punishment	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	1,685	-4.8	-5.7, -4.1	<0.001
Gender	1,685			
<i>Female</i>		—	—	
<i>Male</i>		0.54	-0.40, 1.5	0.27
<i>Other</i>		1.5	-1.4, 3.3	0.15

[†] OR = Odds Ratio, CI = Confidence Interval

Table 46. Caused for punishment, by gender.

Caused for Max Punishment	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	1,797	-2.7	-3.0, -2.5	<0.001
Race/Ethnicity	1,797			
<i>White</i>		—	—	
<i>Black</i>		1.0	0.58, 1.4	<0.001
<i>Hispanic</i>		0.30	-0.21, 0.77	0.24
<i>Asian</i>		0.45	-0.40, 1.2	0.25
<i>Other</i>		0.43	-0.30, 1.1	0.22

[†] OR = Odds Ratio, CI = Confidence Interval

Table 47. Caused for maximum punishment, by race.

Caused for Max Punishment	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	1,797	-2.3	-2.6, -1.9	<0.001
Age Group	1,797			
<i>18 - 30</i>		—	—	
<i>31 - 44</i>		-0.01	-0.49, 0.49	0.98
<i>45 - 54</i>		-0.09	-0.61, 0.43	0.72
<i>55 +</i>		-0.32	-0.81, 0.17	0.19

[†] OR = Odds Ratio, CI = Confidence Interval

Table 48. Caused for maximum punishment, by age group.

Caused for Min Punishment	N	log(OR) [†]	95% CI [†]	p-value
(Intercept)	1,797	-2.5	-2.9, -2.1	<0.001
Age Group	1,797			
<i>18 - 30</i>		—	—	
<i>31 - 44</i>		-0.23	-0.78, 0.34	0.43
<i>45 - 54</i>		-0.72	-1.4, -0.07	0.033
<i>55 +</i>		-0.18	-0.70, 0.36	0.50

[†] OR = Odds Ratio, CI = Confidence Interval

Table 49. Caused for minimum punishment, by age group.

9.2 Sample Jury Questionnaire – General³³

Juror No. _____

Name: _____
 First Middle Last

1. What is your occupation? _____

2. Do you have any moral, religious or personal beliefs that would prevent you from sitting in judgment of another human being? [] Yes [] No
 If yes, please explain:

3. Have you, any family member, or close friend ever been arrested for, charged with, or convicted of a crime above the level of a traffic ticket (*including* probation, deferred adjudication, jail time, fine, dismissal etc.)? [] Yes [] No
 If yes, please give details:

Person/Relation to You	Type of Crime	Outcome (probation/jail/penitentiary)	How long ago
a.			
b.			
c.			
d.			

3(a). Have you, a family member or close friend ever had a bad experience with the police, law enforcement or the District Attorney’s Office? [] Yes [] No
 If yes, please explain:

4. Would this experience cause you not to be fair to either side in this case? [] Yes [] No
 If yes, please explain:

5. Have you, a family member or close friend ever worked in law enforcement, the police or the District Attorney’s Office? [] Yes [] No If yes, please explain:

³³ Formatted to fit paper’s template. Appearances may differ from actual questionnaire.

6. Please state your personal belief regarding the following three statements:
(circle one for each)

“I trust the criminal justice system.”

Strongly agree Agree Disagree Strongly disagree

“Criminal laws treat criminal defendants too harshly.”

Strongly agree Agree Disagree Strongly disagree

“Most criminals are victims of their circumstances, upbringing, and emotions.”

Strongly agree Agree Disagree Strongly disagree

7. Have you, any family member, or close friend ever been the victim of a violent crime? Yes No If yes, please give details:

Person/Relation to You	Type of Crime	Outcome (probation/jail/penitentiary)	How long ago
a.			
b.			
c.			
d.			

8. Would this experience cause you not to be fair to either side in this case?
 Yes No If yes, please explain:

9. Rank the following objectives of punishment in order of their importance to you (1st, 2nd, or 3rd).

- _____ Rehabilitate those convicted
- _____ Punish those convicted
- _____ Deter others from similar crime

10. Do you have any personal or health problems (hearing, vision, etc.) that would prevent you from giving your full attention to this trial? Yes No If yes, please explain:

11. Is there any aspect of jury service during the Covid Pandemic that would prevent you from giving your full attention to this trial? Yes No
If yes, please explain:

12. Do you watch or follow any crime or legal television shows or internet blogs/websites? Yes NO If yes, please list which shows you watch:

13. Is there anything else you feel the parties should know about you that would affect your ability to be a fair juror in this case? Yes No

If yes, please explain:

Please circle only one answer that best describes your feelings:

1. A jury's punishment-verdict in a criminal case can change behavior in the community.
 - a. Strongly disagree: It will have no effect on the community.
 - b. Disagree: Punishment is only about the defendant on trial.
 - c. Agree: When the public sees the punishment-verdict they might make different decisions.
 - d. Strongly agree: Strong verdicts deter future crime.
2. The main purpose for sentencing in a criminal case is:
 - a. Rehabilitation: Everyone makes mistakes; the defendant will change.
 - b. Restitution: Helping the victim recover.
 - c. Deterrence: We want people to know they can't do this in Dallas County, Texas.
 - d. Punishment: The defendant harmed someone and must be punished.
3. How do you feel about assessing a lengthy prison sentence?
 - a. Very uncomfortable: Everyone deserves a second chance.
 - b. Uncomfortable: If it was a one-time mistake, we can rehabilitate.
 - c. Comfortable: If the facts of the case support it.
 - d. Very Comfortable: Do the crime, do the time.
4. The most important factor in determining the appropriate punishment is:
 - a. The defendant's upbringing and circumstances.
 - b. The defendant's age and actions since the crime.
 - c. The defendant's criminal history.
 - d. The facts of the case alone.
5. A defendant's state of mind is very important in determining the proper punishment.
 - a. Strongly Agree: If they didn't intend to commit the crime, they shouldn't be punished.
 - b. Agree: Intent should be considered more than the crime committed.
 - c. Disagree: Intent is a factor, but the harm caused is most important.
 - d. Strongly Disagree: Whether intentional or not, the harm to the victim is the same.
6. A defendant who is remorseful should be punished less severely:
 - a. Strongly agree: The pain of guilt is punishment enough

- b. Agree: Remorse should be considered more than the crime committed.
 - c. Disagree: Remorse is good, but it doesn't change what happened.
 - d. Strongly disagree: Everyone is sorry afterward.
7. The importance of victims when assessing punishment is:
- a. Not important: Only the defendant's actions and past matter.
 - b. Slightly important: Victims matter, but defendants matter more.
 - c. Important: Victims matter more than defendants.
 - d. Very Important: The harm caused is the main consideration.

9.3 Sample Jury Questionnaire – Sexual Assault³⁴

Juror No. _____

Please answer each and every question as *completely* and *accurately* as you can. If you provide detailed information now, it will help to speed-up the process today. There are no right or wrong answers to the questions. The information you give in this questionnaire will be kept confidential and will not be accessible to the public or the media.

Name: _____
 Last First Middle Maiden (if applicable)

1. What are your feelings in general about the Criminal Justice System? Do you trust the system?

2. Do you think the criminal justice system is fair to all citizens of Dallas County? [] Yes [] No. If yes, please explain.

3. Do you have any moral, religious, or personal beliefs that would prevent you from sitting in judgment of another human being? [] Yes [] No. If yes, please explain.

³⁴ Formatted to fit paper's template. Appearances may differ from actual questionnaire.

4. Do you have any concern about finding someone guilty of a crime based on testimony from one person? Yes No. Please explain:

5. Have **you**, any **family member**, or **personal friend** ever been **arrested** for, **charged** with, or **convicted** of a crime above the level of a traffic ticket? (*including* probation, deferred adjudication, fine, etc.) Yes No
If yes, please give details:

Person / Relation to You	Type of Crime	Outcome (probation/jail/pen)	How long ago
a.			
b.			
c.			
d.			

6. Rate your **general** feelings toward the following:
- a. Police Officers: positive neutral negative **Explain:**

 - b. Prosecutors: positive neutral negative **Explain:**

 - c. Defense Lawyers: positive neutral negative **Explain:**

 - d. Teenagers: positive neutral negative **Explain:**

7. Would any of this contact with the criminal justice system cause you not to be fair to either side in this case? Yes No. If yes, please explain:

8. **Rate** your reaction to the following statements:

I would expect a victim of child sexual abuse to tell someone right away.
 strongly agree agree do not agree strongly disagree

I would believe the word of an adult over the word of a teenager.
 strongly agree agree do not agree strongly disagree

I would expect a victim of child abuse to be emotional when testifying.
 strongly agree agree do not agree strongly disagree

I believe that sex offenders can be rehabilitated.
 strongly agree agree do not agree strongly disagree

Sex offenders knowingly select their victims.

strongly agree agree do not agree strongly disagree

If you agree with the above, please list the characteristics you would expect a sex offender to look for when selecting their victims:

9. Have you, any family member, or personal friend been a victim of sexual abuse? Yes No. If yes, please answer the following about to whom the abuse occurred and check the appropriate box regarding how long ago:

Person/Relation to You	Less Than 5 Years Ago	5-15 Years Ago	Over 15 Years Ago
a.			
b.			
c.			

10. Was the sexual abuse in Question 9 reported outside the immediate family? Yes No. If no, why was the abuse not reported?

11. Have you, any family member or personal friend ever been **FALSELY** accused of committing sexual abuse or molestation?

Yes No If yes, person **accused** was (please indicate who):

12. If yes to Question 11: Would that experience cause you to be unfair to either side in this case? Yes No. Please explain:

13. Are you familiar with of the high-profile cases involving police officers that have recently occurred in the criminal justice system? Yes No
If yes, do you feel that your opinions about those cases would affect your ability to be fair to either side?

14. How would you expect a parent to react to their child's outcry of sexual abuse:

15. Anything else you feel the parties should know about you that would affect your ability to be a fair juror in this case? Yes No
If yes, please explain:

I DECLARE UNDER PENALTY OF PERJURY THAT ALL OF MY ANSWERS
IN THIS QUESTIONNAIRE ARE TRUE, CORRECT AND COMPLETE TO THE
BEST OF MY KNOWLEDGE.

Signature

9.4 Sample of Judge Birmingham's *Voir Dire* Notes

292nd Judicial District Court Judge BIRMINGHAM BRANDON
 State of Texas vs. [Redacted] Case #: [Redacted]

65	[Redacted]	64	[Redacted]	63	(P)	62	S	61	(U) (C) FAIR	60	[Redacted]	59	[Redacted]	58	(C) FAIR (P)	57	(P)	56	(C) FAIR	55	[Redacted]	54	[Redacted]	53	[Redacted]	52	(C) FAIR	51	(C) FAIR
45	[Redacted]	44	[Redacted]	43	(C) FAIR	42	(C) FAIR (P)	41	(C) FAIR	40	[Redacted]	39	[Redacted]	38	(U) (P)	37	(C) FAIR	36	[Redacted]	35	[Redacted]	34	[Redacted]	33	[Redacted]	32	[Redacted]	31	(P)
30	(P)	29	(C) FAIR (P) EVID.	28	(C) FAIR	27	[Redacted]	26	No FAIR	25	(U) (C) FAIR	24	(P)	23	(U) (C) FAIR	22	(U) (C) FAIR	21	[Redacted]	20	[Redacted]	19	[Redacted]	18	[Redacted]	17	(P)	16	(C) FAIR
15	(C) FAIR	14	(U) (C) FAIR	13	S	12	(C) FAIR (P)	11	S	10	(U) (C) FAIR	9	[Redacted]	8	[Redacted]	7	[Redacted]	6	[Redacted]	5	[Redacted]	4	(C) FAIR	3	S	2	(U) (C)	1	(U) (C)

(U) = EYE WITNESS - I-BALLS
 (C) FAIR = CAN'T BE FAIR
 (P) = REC'S PHYS. EVID.
 (P) = PUNISHMENT RANGE

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9.5 Variable List

Variable	Description
juror_id	These numbers indicate the juror's respective number in each row from Judge Birmingham's original data and seating charts. Each juror is assigned a number randomly where they will remain seated for the entire voir dire.
venireperson	In addition to being assigned a seat for the jury selection process, each juror is assigned their own juror number.
caused	This marking indicates that the venireperson was challenged and struck for cause.
state	This marking indicates that a peremptory strike was used by the State – Article 35.14 of the Texas Code of Criminal Procedure states: "A peremptory challenge is made to a juror without assigning any reason thereafter." Therefore, both the State and the Defense may exercise a Peremptory strike on up to 10 jurors (per side) for any reason other than race or gender.
defense	This marking indicates that a peremptory strike was used by the Defense – Article 35.14 of the Texas Code of Criminal Procedure states: "A peremptory challenge is made to a juror without assigning any reason thereafter." Therefore, both the State and the Defense may exercise a Peremptory strike on up to 10 jurors (per side) for any reason other than race or gender.
juror_not_struck	This marking indicates that a juror was not struck for cause, and was therefore eligible to be selected as a juror from the remaining pool of eligible jurors.
ammend_5	When a juror has a bias that would in some way affect their ability to remain fair, they may be challenged for cause. However, to justify a veniremember's exclusion, it is not enough to show the existence of a bias or prejudice. The proponent of a challenge does not need his burden until he has shown that the veniremen understood the requirements of the law and could not overcome his prejudice well enough to follow it. See <i>Sells v. State</i> , 121 S.W.3d 748 (Tex. Crim. App. 2003). The law states that a Defendant cannot be compelled to testify against himself. If a defendant elects not to testify, that refusal cannot be considered as evidence against him. A juror must then be able to follow the law that states that they will not consider it as evidence against the defendant if they choose not to testify. If a juror would require the defendant to testify or otherwise hold his refusal to testify against him as evidence of guilt, then they are challengeable for cause for being unable to follow the law regarding the 5 th Amendment protection against self-incrimination.
judgment	If a juror says that because of their religious or moral beliefs, they are unable to sit in judgment of another

	<p>person, regardless of any biases they may or may not have, they may be challengeable for cause. See <i>Comeaux v. State</i>, 445 S.W. 3d 745 (Tex. Crim. App. 2014)</p>
inn	<p>When a juror has a bias that would in some way affect their ability to remain fair, they may be challenged for cause. However, to justify a veniremember's exclusion, it is not enough to show the existence of a bias or prejudice. The proponent of a challenge does not meet his burden until he has shown that the veniremen understood the requirements of the law and could not overcome his prejudice well enough to follow it. See <i>Sells v. State</i>, 121 S.W.3d 748 (Tex. Crim. App. 2003).</p> <p>The law states that a defendant is presumed innocent until and unless the State proves him guilty beyond a reasonable doubt. If a juror states that he cannot presume a defendant innocent and already believes the defendant guilty of some offense, that juror is challengeable for cause for being unable to follow the law regarding the presumption of innocence.</p>
bias_no_fair/ bias_for_state/ bias_a_g_state/ bias_for_def/ bias_a_g_def	<p>The law must be clearly explained to a juror. If the juror says they can follow that law regardless of their personal views, they are qualified. See <i>Buntion v. State</i>, 482 S.W.3d 58 (Tex. Crim. App. 2016). In contrast, if a juror says that they cannot remain fair or impartial during voir dire regarding a particular topic, then they cannot serve as a juror and are challengeable for cause.</p> <p>Article 35.16(a) of the Texas Code of Criminal Procedure states: "A challenge for cause is an objection made to a particular juror, alleging some fact which renders the juror incapable or unfit to serve on the jury. A challenge for cause may be made by either the State or the Defense" for the reasons listed in that article. Article 35.16(9) states that a juror may be challenged for cause if "the juror has a bias or a prejudice in favor of or against the defendant."</p> <p>This law applies in the reverse as well; if the juror has a bias for the State (or, in other words, a bias against the Defendant) then they cannot serve as a juror. See <i>State v. Smith</i>, 907 S.W.2d 522 (Tex. Crim. App. 1995). In short, if a juror has a bias for or against either party, they cannot serve as a juror.</p> <p>*NOTE: In some of the cases included in this data set, the Court did not note which side the juror had a bias for or against specifically; merely that the juror had a bias one way or another.</p>
bias_for_police	<p>Article 35.16(a) of the Texas Code of Criminal Procedure states: "A challenge for cause is an objection made to a particular juror, alleging some fact which renders the juror incapable or unfit to serve on the jury. A juror who shows</p>

	<p>to have an absolute or extreme position that is unpersuadable is challengeable for cause. See <i>Hernandez v. State</i>, 563 S.W.2d 947 (Tex. Crim. App. 1978), where a juror who said she would “always believe police officers” was challengeable for cause.</p>
bias_a_g_police	<p>Article 35.16(a) of the Texas Code of Criminal Procedure states: “A challenge for cause is an objection made to a particular juror, alleging some fact which renders the juror incapable or unfit to serve on the jury. A juror who shows to have an absolute or extreme position that is unpersuadable is challengeable for cause.</p> <p>The same principle applies in the reverse (a juror is challengeable for cause if they say they will never believe a police officer, and are unpersuadable to that point.) See also <i>Ladd v. State</i>, 3 S.W.3d 547 (Tex. Crim. App. 1999)</p>
cant_follow_law	<p>Article 35.16(a) of the Texas Code of Criminal Procedure states: “A challenge for cause is an objection made to a particular juror, alleging some fact which renders the juror incapable or unfit to serve on the jury. A challenge for cause may be made by either the State or the Defense” for the reasons listed in that article. Article 35.16(b)(3) states that “a challenge for cause may be made by the State if the juror “has a bias or prejudice against any phase of the law upon which the State is entitled to rely for conviction or punishment.”</p> <p>Jurors are not required to agree with the law, they are only required to follow it. See <i>Sells v. State</i>, 121 S.W.3d 748 (Tex. Crim. App. 2003).</p>
attn	<p>Government Code section 62.109(a) allows for a judge of a district court to exempt a potential juror for physical or mental impairment. Therefore, if a potential juror says that there is something going on in their personal lives such that they would not be able to give their full and fair attention to the evidence presented at the trial, they may be excused from service.</p>
bop_100_percent	<p>A juror who would hold the State to a higher burden of proof than Beyond A Reasonable Doubt is challengeable for cause. See <i>Coleman v. State</i>, 881 S.W.2d 344 (Tex. Crim. App. 1994).</p>
phys	<p>The State does not have to produce a specific type of evidence to prove it’s case beyond a reasonable doubt. A juror must return a verdict of guilty if they are convinced that the evidence proves the defendant guilty beyond a reasonable doubt, even if there is no physical evidence like fingerprints, DNA, or medical findings in a child abuse case. If a juror can’t return a verdict of guilty unless there is physical evidence, even if they believe the defendant is guilty beyond a reasonable doubt, the juror is caused. See <i>De La Cerda v. State</i>, 425 S.W.3d 367 (Tex. Crim. App. 2011).</p>

agmt	<p>Article 35.05 of the Texas Code of Criminal Procedure states: “One summoned upon a special venire may be by consent of both parties excused from attendance by the court at any time before he is impaneled.” Therefore, if both the State and Defense have agreed to release a juror for any variety of reasons, that person may be dismissed.</p>
vict	<p>A trial judge must excuse a juror if bias or prejudice would substantially impair the juror’s ability to carry out their oath and instructions in accordance with the law. See <i>Comeaux v. State</i>, 445 S.W.3d 745 (Tex. Crim. App. 2014)</p> <p>If a juror states that they, or someone they were close to, were the victim of a crime, they may be challengeable for cause if they would not be able to set that experience aside and judge the case according to the law and the evidence.</p>
eye_witness	<p>Article 35.16(a) of the Texas Code of Criminal Procedure states: “A challenge for cause is an objection made to a particular juror, alleging some fact which renders the juror incapable or unfit to serve on the jury. A challenge for cause may be made by either the State or the Defense” for the reasons listed in that article. Article 35.16(b)(3) states that “a challenge for cause may be made by the State if the juror “has a bias or prejudice against any phase of the law upon which the State is entitled to rely for conviction or punishment.”</p> <p>A witness is challengeable for cause if they would not return a verdict of guilty based on the testimony of one eyewitness, even if they believed that the one eyewitness established each element of the offense beyond a reasonable doubt. See <i>Lee v. State</i>, 206 S.W.3d 620, (Tex. Crim. App. 2006); <i>Leonard v. State</i>, 923 S.W.2d 770 (Tex. App. - Ft. Worth, 1996).</p>
pun/ pun_min/ pun_max	<p>Texas Code of Criminal Procedure Article 35.16 lists all the challenges for cause, including if the juror has a bias or prejudice against any phase of the law upon which the State or Defense is entitled to rely for conviction of punishment. A juror who cannot consider the entire range of punishment is therefore challengeable for cause.</p> <p>A juror who states that they could never consider sentencing the defendant to the minimum sentence in the punishment range applicable to that case cannot serve as a juror, because they cannot follow the law as it relates to the punishment range. Similarly, if a juror says that they would not be able to impose the maximum range of punishment in a case, they would be challengeable for cause as they would be unable to follow the law and consider the entire range of punishment.</p>
es1	<p>A juror is incapable or unfit and may be challenged for cause based on the juror’s inability to read or write. Also</p>

	<p>encompassed in this specific challenge is a juror's inability to understand English. See <i>Stillwell v. State</i>, 466 S.W.3d 908 (Tex.App.—Fort Worth 2015, no pet.)</p> <p>Government Code section 62.109(a) also outlines an exemption for potential jurors who are unable to comprehend English.</p>
covid	<p>Government Code section 62.109(a) allows for a judge of a district court to exempt a potential juror for physical or mental impairment. Therefore, if a potential juror says that there is something going on in their personal lives or in some way insinuates that they would not be able to pay attention to the evidence presented, they may be excused from service.</p> <p>One of the more novel challenges for cause may include a juror who has stated that due to the worldwide Coronavirus-19 Pandemic, that serving on a jury in close proximity to others may be too distracting or alarming to them, possibly making them challengeable for cause.</p>
med	<p>Article 35.16(a)(5) of the Texas Code of Criminal Procedure discusses various medical issues that may make a juror unfit for service, and therefore challengeable for cause.</p>
prior_conviction	<p>Article 35.16(a) of the Texas Code of Criminal Procedure states: "A challenge for cause is an objection made to a particular juror, alleging some fact which renders the juror incapable or unfit to serve on the jury. A challenge for cause may be made by either the State or the Defense" for the reasons listed in that article. Article 35.16(a)(2) and 35.16(a)(3) allow a challenge for cause for a juror who has been convicted of a misdemeanor theft or felony, or of a juror who is under indictment or other legal accusation for misdemeanor theft or felony.</p>
no_show	<p>This marking is indicated when a juror may have checked in for jury service but did not report to the courtroom where jury selection ultimately took place.</p>
work_exempt	<p>While a conflicting work obligation does not automatically constitute a legal exemption, the parties may agree under Article 35.05 of the Texas Code of Criminal Procedure to excuse a juror who states that they have a work obligation (for example, a business trip with flights already booked, etc.)</p>
chil_exempt	<p>Government Code Section 62.106 lists the possible exemptions from jury service. Section 62.106(a)(2) states that a juror may be exempt from jury service if they have "legal custody of a child younger than 12 years of age and the person's service on the jury requires leaving the child without adequate supervision."</p>
age_exempt	<p>Government Code Section 62.106 lists the possible exemptions from jury service. Section 62.106(a)(1) states</p>

	that a juror may be exempt from jury service if they are over 70 years of age.
jur_age	In order to anonymize the data, juror's birthdays were converted into integer values.
jur_race	Self-reported value
jur_gend	Self-reported value
zip_code	Zip code where juror received the summons
defendants_name	Anonymized by trial (i.e. def_1)
defendants_race	Self-reported value
defendants_gender	Self-reported value
charge	Charge against defendant
verdict	Trial verdict
punishment_number_years	Length of punishment
probation	Was the defendant put on probation
notes	Notes from Judge Birmingham
age_group	Summary variable for jur_age
peremptory_strike	Summary variable for state & defense
jur_caused	Summary variable for dismissed for cause
jur_struck	Summary variable for struck
jur_exempt	Summary variable for exempt from service
jur_disqualified	Summary variable for disqualified
jur_biased	Summary variable for bias
jur_pun	Summary variable for punishment
city	To what city does jur_race belong
i_30	Does jur_zip fall North of I-30, South of I-30, or does it split I-30?
po_box	Is jur_zip associated with a PO Box
jur_race_w	Same as jur_race but with "White" as the reference