

# Chapter 24

## Right to Jury

### **24.1 Right to Jury Trial under Sixth Amendment 24-1**

- A. Application to States
- B. Scope of Sixth Amendment Right
- C. Number of Jurors
- D. Jury Unanimity
- E. Right to Jury Verdict on Every Element of Offense, Including “Sentencing” Factors
- F. Impaired Driving and Other Implied-Consent Offenses
- G. Prior Conviction as Element of Offense
- H. Fairness and Impartiality
- I. Waiver of Right

### **24.2 Right to Jury Trial under North Carolina Constitution 24-13**

- A. Scope of Right
  - B. Waiver of Right
  - C. Number of Jurors
  - D. Jury Unanimity
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This is the first of four chapters on issues relating to the right to jury trial. This chapter addresses the scope of the jury trial right under the Sixth Amendment to the U.S. Constitution and article I, section 24 of the N.C. Constitution. Issues discussed include the types of crimes for which a defendant is entitled to a jury trial, the number of jurors required, jury unanimity, and waiver of jury trial by the defendant. Chapter 25 covers jury selection issues; chapter 26 addresses juror misconduct and remedies for the misconduct; chapter 27 addresses miscellaneous jury procedures. *See also infra* Chapter 32, Instructions to the Jury; Chapter 34, Deliberations and Verdict.