

# Attachment H

## Statewide Data re the Exercise of Peremptory Challenges

An internal analysis of statewide data for 3,012 criminal trials conducted between 2011 and 2015 -- data maintained in the legacy Jury Automated System (JAS) and cross-referenced with Promis/Gavel -- showed that prosecutors on average used six or fewer peremptory challenges while defense attorneys in most cases exercised 10 or fewer challenges.

In the below table, the column on the left indicates the number of peremptory challenges exercised by the prosecution, ranging from 0 to 19. The next four columns show challenges by year. The bolded columns on the far-right showcase the percentage of trials in which each quantity of peremptory challenges was exercised. The far-right column shows cumulative percentages.

Peremptory Challenges Exercised by Prosecution: Statewide 2011-2015								
Prosecution PCs	2011	2012	2013	2014	2015	Grand Total	% of Total	Cumulative %
0	49	62	60	53	36	260	8.63%	8.63%
1	50	52	47	46	36	231	7.67%	16.30%
2	73	73	64	75	57	342	11.35%	27.66%
3	76	78	77	74	70	375	12.45%	40.11%
4	78	80	96	67	77	398	13.21%	53.32%
5	61	75	61	78	59	334	11.09%	64.41%
6	65	63	61	62	52	303	10.06%	74.47%
7	47	50	55	45	47	244	8.10%	82.57%
8	32	40	27	28	37	164	5.44%	88.01%
9	34	37	36	19	30	156	5.18%	93.19%
10	25	16	17	22	19	99	3.29%	96.48%
11	14	10	10	6	11	51	1.69%	98.17%
12	5	7	4	9	5	30	1.00%	99.17%
13	4	1	2	1	1	9	0.30%	99.47%
14		3			1	4	0.13%	99.60%
15		1	2		1	4	0.13%	99.73%
16			2	1		3	0.10%	99.83%
17		1	1			2	0.07%	99.90%
18		1		1		2	0.07%	99.97%
19		1				1	0.03%	100.00%
Criminal Trials	613	651	622	587	539	3012	100.00%	

As shown just above the red line, the prosecution exercised six (6) peremptory challenges in 10.06% of cases. In 74.47% of criminal trials, the prosecution exercised six (6) or fewer peremptory challenges.

Peremptory Challenges Exercised by Defense: Statewide 2011-2015								
Defense PCs	2011	2012	2013	2014	2015	Grand Total	% of Total	Cumulative %
0	40	43	26	37	28	174	5.78%	5.78%
1	24	23	15	26	22	110	3.65%	9.43%
2	29	40	36	31	32	168	5.58%	15.01%
3	45	37	53	47	43	225	7.47%	22.48%
4	40	57	48	57	45	247	8.20%	30.68%
5	61	56	52	68	51	288	9.56%	40.24%
6	61	55	47	49	46	258	8.57%	48.80%
7	53	43	64	43	63	266	8.83%	57.64%
8	43	51	55	53	46	248	8.23%	65.87%
9	35	54	48	44	35	216	7.17%	73.04%
10	46	45	42	32	30	195	6.47%	79.52%
11	15	26	19	15	12	87	2.89%	82.40%
12	20	14	22	14	13	83	2.76%	85.16%
13	15	19	15	19	9	77	2.56%	87.72%
14	22	10	12	11	16	71	2.36%	90.07%
15	12	15	13	7	8	55	1.83%	91.90%
16	8	10	8	4	7	37	1.23%	93.13%
17	10	10	10	8	11	49	1.63%	94.75%
18	8	13	4	5	4	34	1.13%	95.88%
19	10	8	15	4	9	46	1.53%	97.41%
20	6	15	7	8	4	40	1.33%	98.74%
21	4	1	1	1	1	8	0.27%	99.00%
22	2		1	2	2	7	0.23%	99.24%
23	1	1				2	0.07%	99.30%
24		2	1	1		4	0.13%	99.44%
26	2	1			1	4	0.13%	99.57%
27			1			1	0.03%	99.60%
28			2	1		3	0.10%	99.70%
29			1		1	2	0.07%	99.77%
30			1			1	0.03%	99.80%
31			1			1	0.03%	99.83%
32		1				1	0.03%	99.87%
34		1				1	0.03%	99.90%
35			1			1	0.03%	99.93%
41			1			1	0.03%	99.97%
47	1					1	0.03%	100.00%
Criminal Trials	613	651	622	587	539	3012	100.00%	

Data is presented in the same format as in the preceding prosecution chart. The numbers of peremptory challenges are listed in the left column with the frequency of occurrence given year by year. Cumulative percentages are provided in the far-right column. As shown above the red line, in 79.52% of trials, the defense exercised ten (10) or fewer peremptory challenges.