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WHEN ONE JUROR WILL NOT AGREE

A JURY THAT NEVER AGREED

In a LOUISIANA courtroom, Evangelisto RAMOS was convicted by a jury that never agreed. Ten jurors voted guilty, two voted not guilty, and under state law that split counted as a conviction and sent him to prison for life. Only that state and OREGON still allowed such verdicts. In 2020 the Supreme Court decided Ramos versus Louisiana and held that the CONSTITUTIONAL guarantee of trial by jury, as it applies to the states, means a jury that speaks with one voice: every juror agrees, or there is no verdict at all.

SPELL Spell: OREGON

OREGON

SPELL Spell: CONSTITUTIONAL

CONSTITUTIONAL

KNOWN What is the last name of the man sent to prison for life after ten jurors voted guilty and two voted not guilty?

RAMOS

KNOWN Which state's courtroom held the trial where a ten-to-two split counted as a conviction?

LOUISIANA

OPEN Two jurors out of twelve voted not guilty and were overruled. What would it take for you to hold your vote against ten people?

Open response - use practitioner judgment

HOW THE ROOM ARGUES

The requirement does most of its work before any VERDICT is announced, by changing how a room argues during DELIBERATION, the closed conversation in which jurors reason together toward a decision. Mock-jury research distinguishes two styles. Some JURIES are evidence-driven: they reconstruct the story of the case before anyone counts hands. Verdict-driven juries poll early and treat the discussion as a running tally. A majority rule lets a room stop the moment it has the numbers. Requiring everyone means the majority cannot outvote its dissenters and must answer them, and such juries deliberate longer and revisit testimony more.

SPELL Spell: VERDICT

VERDICT

SPELL Spell: JURIES

JURIES

KNOWN What is the legal term for the closed conversation in which jurors reason together toward a decision?

DELIBERATION

OPEN If you were in that room, what would you want the group to do before anyone counted hands?

Open response - use practitioner judgment

WHEN THE JURY CANNOT AGREE

When persuasion fails, the system absorbs the cost rather than overriding the dissent. A juror who will not move is a HOLDOUT, and a jury that cannot come together sits in DEADLOCK; the judge then declares a MISTRIAL, and because the Court has long treated genuine deadlock as a manifest necessity, double JEOPARDY does not bar a RETRIAL before a fresh panel. Before conceding any of that, though, many judges deliver an ALLEN charge, nicknamed the dynamite charge, urging jurors in the minority to reconsider whether their doubts are truly reasonable. Several states forbid it as coercive.

SPELL Spell: JEOPARDY

JEOPARDY

SPELL Spell: ALLEN

ALLEN

KNOWN What is a single juror called who will not move from their position no matter how hard the rest of the jury presses?

HOLDOUT

SEMI_OPEN A case that cannot get a unanimous jury runs through a sequence of named stages. Name two of those stages.

NEEDS 2 OF **DEADLOCK / MISTRIAL / RETRIAL**

OPEN If you were the last juror still unconvinced and the judge urged you to reconsider your doubts, what would you want to tell the judge?

Open response - use practitioner judgment

A LONG SURVIVAL

The rule Ramos struck down had survived a long time. Louisiana had allowed split verdicts since 1898 and Oregon since 1934, and both had been upheld in *APODACA* versus Oregon in 1972, a fractured decision that produced no majority reasoning and left the question unsettled for nearly fifty years. The repair in 2020 was also partial. The Court later denied Ramos **RETROACTIVITY** on collateral review, so prisoners whose appeals had already ended stayed convicted under a rule now held **UNCONSTITUTIONAL**, and each state was left to decide for itself whether to reopen those cases.

SPELL Spell: **RETROACTIVITY**

RETROACTIVITY

SPELL Spell: **UNCONSTITUTIONAL**

UNCONSTITUTIONAL

KNOWN What is the name of the 1972 case that let Louisiana and Oregon keep split verdicts, decided so narrowly that it produced no majority reasoning?

APODACA

OPEN The repair was partial: people whose appeals had ended stayed convicted under a rule now held unconstitutional. Where should a line like that be drawn?

Open response - use practitioner judgment

MATH The Supreme Court decided *Apodaca* versus Oregon in 1972 and overruled it in Ramos in 2020. How many years stood between those two decisions?

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MAJORITY VERDICTS ABROAD

Other systems weigh the same two risks and land elsewhere. ENGLAND and WALES have permitted majority verdicts since the Criminal Justice Act of 1967; once a jury has deliberated for a minimum period, a judge may accept a ten to two result, on the reasoning that requiring everyone hands one stubborn or intimidated JUROR a veto over eleven. SCOTLAND has long tried serious cases before a fifteen-member jury deciding by simple majority, an ARRANGEMENT its own reform debates have reopened. Even in the United States the REQUIREMENT is narrower than it sounds, governing criminal verdicts while civil juries in many courts may divide.

SPELL Spell: ARRANGEMENT

ARRANGEMENT

SPELL Spell: JUROR

JUROR

SPELL Spell: REQUIREMENT

REQUIREMENT

SEMI_OPEN Name two of the British jurisdictions where a jury may reach a verdict without every member agreeing.

NEEDS 2 OF ENGLAND / WALES / SCOTLAND

OPEN What would you want the other eleven jurors to hear from you if you were the one who disagreed?

Open response - use practitioner judgment

MATH A Scottish jury seats 15 jurors and decides by simple majority. How many of them must agree to reach a verdict?

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STANDING ALONE

If you are ever the juror who will not vote with the room, this rule is what keeps your position from being a FORMALITY. It also puts real weight on you. Eleven impatient people, a late hour, and a judge urging RECONSIDERATION are a serious force, and the CONFORMITY experiments Solomon Asch ran in the 1950s showed how readily a lone DISSENTER, someone holding a view nobody else in the room shares, abandons it, and how much a single ally changes that. What the rule asks is narrow: not that you win anyone over, only that you say why.

SPELL Spell: RECONSIDERATION

RECONSIDERATION

SPELL Spell: FORMALITY

FORMALITY

KNOWN What is the term for abandoning your own judgment and going along with the view everyone else in the room holds?

CONFORMITY

KNOWN What is the term for a person holding a view nobody else in the room shares?

DISSENTER

OPEN If you were the juror holding out alone, what would you want a single ally in that room to say first?

Open response - use practitioner judgment

MATH Asch's participants went along with the group's wrong answer on about a third of the critical trials. In a session with 12 critical trials, on about how many of them would a participant conform?

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