LAW CLASS
How Courts Work

Steps in a Trial

Mistrials

Mistrials are trials that are not successfully completed. They’re terminated and declared void before the jury returns a verdict or the judge renders his or her decision in a nonjury trial.

Mistrials can occur for many reasons:

•death of a juror or attorney

•an impropriety in the drawing of the jury discovered during the trial

•a fundamental error prejudicial (unfair) to the defendant that cannot be cured by appropriate instructions to the jury (such as the inclusion of highly improper remarks in the prosecutor's summation)

•juror misconduct (e.g., having contacts with one of the parties, considering evidence not presented in the trial, conducting an independent investigation of the matter)

•the jury's inability to reach a verdict because it is hopelessly deadlocked.

Either side may make a motion for a mistrial. The judge will either grant the motion and declare a mistrial, or he or she will not grant the motion and the trial will go on.