**DISCHARGE AND SUBSTITUTION OF A JUROR** 1

1. **Substitution of Juror**

**Before Commencement of Deliberations**:

Members of the jury, juror number \_\_\_\_, (*specify name*), has been excused from the jury. Alternate juror number\_\_\_, (*specify name)*, will replace him/her. [Do not speculate on the

reasons Mr./Ms. has been excused].

*NOTE: Add if the juror who was excused was the foreperson:* As you are aware, juror number 1, (*specify name*), was the foreperson. Under our law, therefore, juror number 2, (*specify name*), will now serve as the foreperson.

1. **Substitution of Juror**

**After Commencement of Deliberations:**

Members of the jury, juror number \_\_\_\_, (*specify name*), has been excused from the jury and alternate juror number \_\_\_\_, (*specify name*), will replace him/her. Under our law, you must start your deliberations anew, providing Mr./Ms. (*specify name*) an opportunity to participate fully in the deliberations as to each count as well as the verdict.

*NOTE: Add if the juror who was excused was the foreperson:* As you are aware, juror number 1, (*specify name*), was the foreperson. Under our law, therefore, juror number 2, (*specify name*), will now serve as the foreperson.

1 CPL 270.35; NYS Constitution Article 1 §2