

24.2 Peremptory Challenges.

(a) Equal Number.

In any case in which each side has an equal number of challenges, the challenges alternate one by one, with the government exercising the first challenge.

(b) Federal Rule of Criminal Procedure 24(b)(2).

In criminal cases in which the government has 6 peremptory challenges and the defense jointly has 10 peremptory challenges, the government exercises the first challenge, the defense exercises the second challenge, the next is by the government, the next two are by the defense, and the challenges alternate in this manner until the government exercises its sixth and the defense its tenth peremptory challenge.

(c) Multiple Defendant Cases.

In a case with more than one defendant, a request for additional peremptory challenges must be made in writing at least 14 days before jury selection. If the court allows the defendants additional peremptory challenges, the court establishes the order of challenge.

(d) Alternate Jurors.

In challenging alternate jurors, peremptory challenges alternate one by one with the government exercising the first challenge.

(e) Exception.

The presiding judge may modify the foregoing procedure for exercising peremptory challenges in a particular case.

(f) Waiver.

Passing or refusing to exercise a peremptory challenge is considered a waiver of the right to exercise the challenge. If a party waives the right to exercise a peremptory challenge, the court exercises the challenge after the parties exercise or waive all other challenges to which they are entitled.