

New U.S. Supreme Court case on impeachment of jury verdict

Pena-Rodriguez v. Colorado,_S.Ct._2017 WL 855760 (March 6, 2017)

https://www.supremecourt.gov/opinions/16pdf/15-606_886b.pdf

A Colorado jury convicted Pena-Rodriguez of harassment and unlawful sexual contact. Following the discharge of the jury, two jurors told defense counsel that, during deliberations, Juror H.C. had expressed anti-Hispanic bias toward the defendant and his alibi witness. Counsel, with the trial court's supervision, obtained affidavits from the two jurors describing a number of biased statements by H.C. The court acknowledged H.C.'s apparent bias but denied petitioner's motion for a new trial on the ground that Colorado Rule of Evidence 606(b) generally prohibits a juror from testifying as to statements made during deliberations in a proceeding inquiring into the validity of the verdict. Both the Colorado Court of Appeals and the Colorado Supreme Court affirmed. The U.S. Supreme Court granted certiorari to decide whether there is a constitutional exception to the no-impeachment rule for instances of racial bias.

The majority held that “where a juror makes a clear statement that indicates he or she relied on racial stereotypes or animus to convict a criminal defendant, the Sixth Amendment requires that the no-impeachment rule give way in order to permit the trial court to consider the evidence of the juror's statement and any resulting denial of the jury trial guarantee.” For the inquiry to proceed, there must be a showing that one or more jurors made statements exhibiting overt racial bias that cast serious doubt on the fairness and impartiality of the jury's deliberations and resulting verdict. To qualify, the statement must tend to show that racial animus was a significant motivating factor in the juror's vote to convict. Whether that threshold showing has been satisfied is a matter committed to the substantial discretion of the trial court in light of all the circumstances, including the content and timing of the alleged statements and the reliability of the proffered evidence.

Before reaching this holding, it was recognized that, at common law, jurors were forbidden to impeach their verdict either by affidavit or live testimony, that Federal Rule of Evidence 606(b) sets out a broad no-impeachment rule, with only limited exceptions, and that the no-impeachment rule has substantial merit when it comes to the finality of verdicts. However, the majority concluded that safeguards, like voir dire, may not be sufficient when it comes to discovering racial bias. Finding there is a sound basis to treat racial bias with added precaution, the majority concluded a constitutional rule that racial bias in the justice system must be addressed, including, in some instances, after the verdict has been entered, is necessary to prevent a systemic loss of confidence in jury verdicts, a confidence described as a central premise of the Sixth Amendment trial right. The majority noted that, while most states have some version of the federal rule, 17 jurisdictions have already recognized a racial-bias exception to the no-impeachment rule, and in those states there has not been an increase in juror harassment or a loss of juror willingness to engage in candid deliberations.

Note: Idaho Rule of Evidence 606(b) is almost identical to Colorado's rule and to F.R.E. 606(b). The difference is that Idaho includes an exception on the issue of whether or not the jury determined any issue by resort to chance, while the other two include an exception about whether a mistake was made in entering the verdict on the verdict form.