

Supreme Court and Appellate Alert

March 7, 2017

Key Points

- The no-impeachment rule is that once a jury's verdict has been entered, it cannot generally be called into question based on the comments or conclusions during jury deliberations.
- In *Pena-Rodriguez v. Colorado*, the U.S. Supreme Court held that the Sixth Amendment right to an impartial jury requires an exception to the no-impeachment rule for cases of clear racial bias during jury deliberations.
- It remains to be seen whether future Courts will carve out an exception to the no-impeachment rule for evidence of clear bias towards other suspect classifications such as religion during jury deliberations.



Criminal Defendants Have a Constitutional Right to Introduce Evidence of Clear Racial Bias in Jury Room After Guilty Verdict

On March 6, 2017, in *Pena-Rodriguez v. Colorado*, the U.S. Supreme Court held (5-3) that Colorado's no-impeachment rule, barring jurors from testifying about "any matter or statement occurring during the course of the jury's deliberation," violated a defendant's 6th Amendment right to an impartial jury because it blocked evidence that a juror was racially biased. The Court held that defendants have a constitutional right to introduce evidence after a guilty verdict relating to a juror's expression of clear racial bias during jury deliberations. The Court was careful to limit this constitutional right to the expression of racial bias.

The ruling strikes down Colorado's no-impeachment rule and instructs states with similar rules to modify their laws to satisfy the constitutional requirements under the 6th Amendment. Many state and federal rules of evidence prohibit the introduction of juror testimony about jury deliberations to preserve the confidentiality of juror discussions and the sanctity of jury verdicts. At least with respect to clear signs of racial bias, however, the Court now has carved out an exception to these evidentiary rules, requiring courts to permit juror testimony after a guilty verdict to protect a criminal defendant's 6th Amendment right to an impartial jury.

Facts

Defendant Miguel Pena-Rodriguez ("Pena-Rodriguez") was convicted for assaulting two teenage sisters. After the trial, two jurors informed Pena-Rodriguez's attorneys that another juror had stated that Pena-Rodriguez is guilty "because he's Mexican and Mexican men take whatever they want." Pena-Rodriguez's

attorney moved for a new trial due to racial bias, but the trial court denied the motion, reasoning that, while the juror was apparently racially biased, Colorado's no-impeachment rule bars jurors from testifying about deliberations in the jury room.

Pena-Rodriguez argued that Colorado's rule barring defendants from introducing evidence of racial bias after a guilty verdict was unconstitutional under the 6th Amendment's right to an impartial jury. Colorado argued that the policy underlying its evidentiary rule of shielding private jury deliberations from public view and making it difficult to overturn jury verdicts based on what one juror says that another juror said during jury deliberations did not permit an exception for racial bias.

Ruling

The Court held that the 6th Amendment required courts to allow defendants to inquire about racial bias after a guilty verdict. While recognizing important policy justifications for the evidentiary rule, the Court reasoned that those policy justifications must give way to a defendant's constitutional right to an impartial jury. A majority of the Court rejected Colorado's interpretation of the 6th Amendment, noting that racial bias has long been considered a particularly odious type of discrimination. While approximately 20 jurisdictions in the United States currently allow for this type of postverdict testimony on racial bias in the jury room, the Court's ruling means that every jurisdiction must allow for such testimony. While the Court limited its holding to jurors' statements of racial bias, it remains to be seen whether the Court will extend the 6th Amendment's protections to cover additional types of bias (e.g., religious bias).

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