

Bathroom Reader

Issue 41, May 2017

CAN A JURY HAVE RACIAL BIAS?



The U.S. Supreme Court answered affirmatively in Pena-Rodriguez v. Colorado, 137 S. Ct. 855, 869 (2017). Miguel Pena-Rodriguez was accused of unlawful sexual contact and assaulting two teenage girls. After the jury returned a guilty verdict, one juror reported racial statements by another juror. This juror was a former police officer who argued that Pena-Rodriguez was guilty “because he’s Mexican, and Mexican men take whatever they want.” The defendant motioned for a new trial based on the racially biased statements. The Supreme Court of Colorado held that under the no-impeachment rule of

Colorado’s Rules of Evidence 606(b), juror testimony is prohibited on any matter occurring during the jury deliberations.

The Supreme Court disagreed in a 5-3 decision. With Justice Kennedy writing for the majority, the Court held that an exception to the no-impeachment rule would be made for racial discrimination. “When racial animus is apparent in a juror, the no-impeachment rule shall be set aside in an effort to protect the Sixth Amendment.”

However, not every offhand comment indicating racial bias will allow an exception to the no-impeachment rule. The Court devised a threshold test to determine if the statement shows that “racial animus was a significant motivating factor in the juror’s vote to convict.”

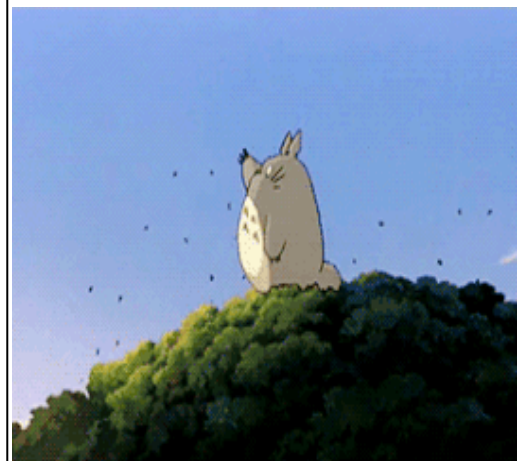
Other circumstances the Court will consider includes the “content and timing of the alleged

statements and the reliability of the proffered evidence.”

SO LONG, FAREWELL

Uncle Bill would like to congratulate the graduating 3Ls on their successful law school careers and to wish them good luck in their future endeavors. It has been our pleasure making your bathroom experience fun and educational.

We would also like to extend a warm mahalo to Professor Baker, Professor Roth, and Dale Lee for their wisdom and guidance during their time at Richardson. For everyone else, we will look forward to seeing you after a restful and refreshing summer break!



Totoro wishes you well!