

99 N.Y.2d 622

Court of Appeals of New York.

The PEOPLE of the State
of New York, Respondent,

v.

Pedro SANCHEZ, Appellant.

March 27, 2003.

Synopsis

Defendant appealed from judgment of conviction in the Supreme Court, Queens County, Randall T. Eng, J. The Supreme Court, Appellate Division affirmed, and defendant appealed. The Court of Appeals held that report from court officer to trial court shortly before jury returned verdict, that during jury deliberations one of the jurors told the officer that she didn't understand what was going on, and that she didn't understand the lawyers and the judge, required trial court to make inquiry sufficient to elicit what the juror meant by her statement and to determine whether that particular juror should have been entrusted with the responsibilities of fact finding.

Reversed.

Attorneys and Law Firms

***391 *623 **766 Paul Skip Laisure, New York City, and Lynn W.L. Fahey for appellant.

Richard A. Brown, District Attorney, Kew Gardens (William C. Milaccio and John M. Castellano of counsel), for respondent.

OPINION OF THE COURT

MEMORANDUM.

The order of the Appellate Division should be reversed and a new trial ordered.

During jury deliberations one of the jurors told a court officer that “she didn't understand what was going on,” and that “she didn't understand the lawyers and she didn't understand the

judge.” The officer reported this to the court, who brought it to the attention of the parties. While the court and the parties were discussing what to do, the jury sent out a note stating that it had reached a verdict.

Without resolving the problem, the court took the verdict (by which the jury found defendant guilty) and then interviewed the juror in question, to determine whether she was “grossly unqualified” under CPL 270.35. The court's inquiry, however, was both misdirected and incomplete, falling short of the “probing and tactful inquiry” that a court must undertake when it appears that a juror may be grossly unqualified (*see People v. Buford*, 69 N.Y.2d 290, 299, 514 N.Y.S.2d 191, 506 N.E.2d 901 [1987]). The court did not ask the juror what she meant by her extraordinary statements to the court officer but asked her questions as to her age, address, citizenship and whether she was ever charged with a crime, along with a single question ***392 **767 as to whether she was able to understand and communicate in English. Invoking the Judiciary Law § 510 standard, the court then concluded that she was qualified to serve.

The issue before the court was not whether the juror fulfilled the dictates of Judiciary Law § 510 with regard to general qualifications. Rather, the problem was whether this particular juror should have been entrusted with the responsibilities of fact finding, after she told the court officer that she “didn't understand what was going on” and did not understand the lawyers or the judge. The court thus failed to make any inquiry—let alone a tactful, probing inquiry—to elicit what the juror meant by her statement. We caution that it would have been unnecessary and indeed inappropriate to subject the juror to questions relating to her thought processes, the deliberations *624 or other matters that lie within the confines of the jury room.

Chief Judge KAYE and Judges SMITH, CIPARICK, WESLEY, ROSENBLATT, GRAFFEO and READ concur in memorandum.

Order reversed, etc.

All Citations

99 N.Y.2d 622, 790 N.E.2d 766, 760 N.Y.S.2d 391, 2003 N.Y. Slip Op. 12519

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