Secret Justice:

Anonymous Juries

The anonymous jury — questionable enough when reserved for high-profile trials of notorious, controversial or dangerous defendants like **Tim McVeigh** and **Ted Kaczynski** — are becoming popular in more and more trials, like that of former Louisiana Governor **Edwin Edwards** — in some cases with no greater justification than a desire to "protect" jurors from being questioned by the media about their decisions.

Fall 2000

The Reporters Committee
For Freedom of the Press

Secret Justice:
A continuing series

The American judicial system has, historically, been open to the public, and the U.S. Supreme Court has continually affirmed the presumption of openness. However, as technology expands and as the perceived threat of violence grows, individual courts attempt to keep control over proceedings by limiting the flow of information. Courts are reluctant to allow media access to certain cases or to certain proceedings, like jury selection. Courts routinely impose gag orders to limit public discussion about pending cases, presuming that there is no better way to ensure a fair trial. Many judges fear that having cameras in courtrooms will somehow interfere with the decorum and solemnity of judicial proceedings. Such steps, purportedly taken to ensure fairness, may actually harm the integrity of a trial because court secrecy and limits on information are contrary to the fundamental constitutional guarantee of a public trial.

The public should be the beneficiary of the judicial system. Criminal proceedings are instituted in the name of "the people" for the benefit of the public. Civil proceedings are available for members of the public to obtain justice, either individually or on behalf of a "class" of persons similarly situated. The public, therefore, should be informed — *well* informed — about trials of public interest. The media, as the public's representative, needs to be aware of threats to openness in court proceedings, and must be prepared to fight to insure continued access to trials.

Over the next two years, the Reporters Committee will take a look at key aspects of court secrecy and how they affect the newsgathering process. We will examine trends toward secrecy, what they are, how they limit information, and what can be done to challenge court secrecy. The first article in this indefinite "Secret Justice" series concerns the growing trend of anonymous juries.

This report was researched and written by Ashley Gauthier, who is the 2000-2001 McCormick-Tribune Legal Fellow at the Reporters Committee.

The growing trend toward anonymous juries

By Ashley Gauthier

Journalists have historically considered the jurors part of the story when covering court cases. Most would agree interviewing jurors enhances the coverage of verdicts because their perspective adds insight to the case. Similarly, part of the story can turn on the jurors themselves. In the O.J. Simpson murder and Rodney King beating cases, for example, the racial composition of the jury was itself the subject of controversy, with some arguing that it even determined the outcome of the case.

There is a creeping trend by courts, however, to empanel "anonymous juries," which is part of a larger trend toward secrecy in the courts. Court secrecy hinders a journalist's ability to collect all the facts and can also adversely affect the fairness of the judicial system. When not subject to public scrutiny, courts, jurors or litigants could more easily engage in improprieties.

An Example

Linda Lightfoot, editor of *The Advocate* in Baton Rouge, La., has struggled recently with the effect of juror anonymity in the corruption trial of former governor Edwin Edwards. She summed up the problem nicely: "History loses."

Edwards, a four-term governor, was arguably the most influential political figure in state history since Huey Long, but he has also faced numerous charges of corruption.

One case, tried in the Spring of 2000, involved charges that Edwards accepted bribes in the riverboat gambling licensing process. Another trial, in September 2000, involved alleged corruption in the Insurance Department. Anonymous juries convicted Edwards in the first trial and acquitted him in the second.

In an attempt to better understand the verdicts and keep an accurate records of state history, Lightfoot would like the names of the jurors. She said, "part of the process is lost when the press cannot report who made the decision or how the decision was made." She added, "even if the juror doesn't want to speak [to the press] now, they may want to talk in four years."

Edwards also objected to the anonymous juries used in the trials: "There are serious overtures occurring, insidiously, gradually and in many areas somewhat unnoticed in the criminal justice system," he told reporters.

Even though Edwards was acquitted of corruption charges involving the Insurance Department, he said the jurors anonymity hurt the defendants' case.

"This business of anonymous juries, where the press, the public and the defendants do not know who the people sitting in the jury box are, is wrong. It is contrary to the concept of being tried by your peers in a community where you know the jurors and they know you," he said.

History of anonymous juries

Anonymous juries are a relatively new phenomenon. The first fully anonymous jury empaneled in the United States was in the 1977 trial of drug kingpin Leroy Barnes in New York City. The court believed Barnes presented an unusually dangerous risk to the jurors and it took the extraordinary measure of hiding their identities. *(United States v. Barnes)*

Thereafter, anonymous juries were used sparsely, primarily in criminal cases when the defendant was notoriously dangerous and the court reasonably believed a fair trial could not be held without protecting the jurors' identities. In many cases, the defendant had previously tried to bribe, intimidate, or harm jurors, actions that justified juror anonymity. Through the mid-1980s, the use of anonymous juries was concentrated in New York federal courts and was only used in exceptional circumstances. Even Washington, D.C., once regarded as one of America's most dangerous cities, refrained from empaneling anonymous juries until 1990, when it used one for the trial of druglord Rayful Edmond. The court considered Edmond so dangerous that his trial took place in a courtroom protected by bulletproof glass.

By the mid-1990s, however, some courts used anonymous juries regularly. Two California judges, for example, decided to empanel anonymous juries in all criminal cases and continued until an appellate court ordered an end to the practice. Recently, a county court in Ohio empaneled anonymous juries in all cases, civil and criminal, although the policy is currently under review by the Ohio Supreme Court. *(Ohio v. Hill)*

At the other end of the spectrum, some states, like Massachusetts and New Jersey, have questioned and limited the use of anonymous juries. The Massachusetts high court concluded that an anonymous jury is constitutionally valid only if it is absolutely necessary to protect jurors from harm. *(Massachusetts v. Anguilo)*

In most federal courts, however, anonymous juries are considered one of the many tools the court can employ to control a trial and the participants.

In the first of Edwards' corruption trials in 2000, Judge Frank Polozola not only empaneled an anonymous jury, he also sealed his order containing the reasons for an anonymous jury. Media organizations, including *The Advocate*, challenged the judge's sealing of the orders. Lightfoot will pursue the newspaper's interest to obtain the jurors' names because "these are the people who are deciding Louisiana history." Polozola eventually released the document that explained he made the jury anonymous because of accusation of jury tampering in a previous, but unspecified, Edwards criminal trial.

Defining "anonymous jury"

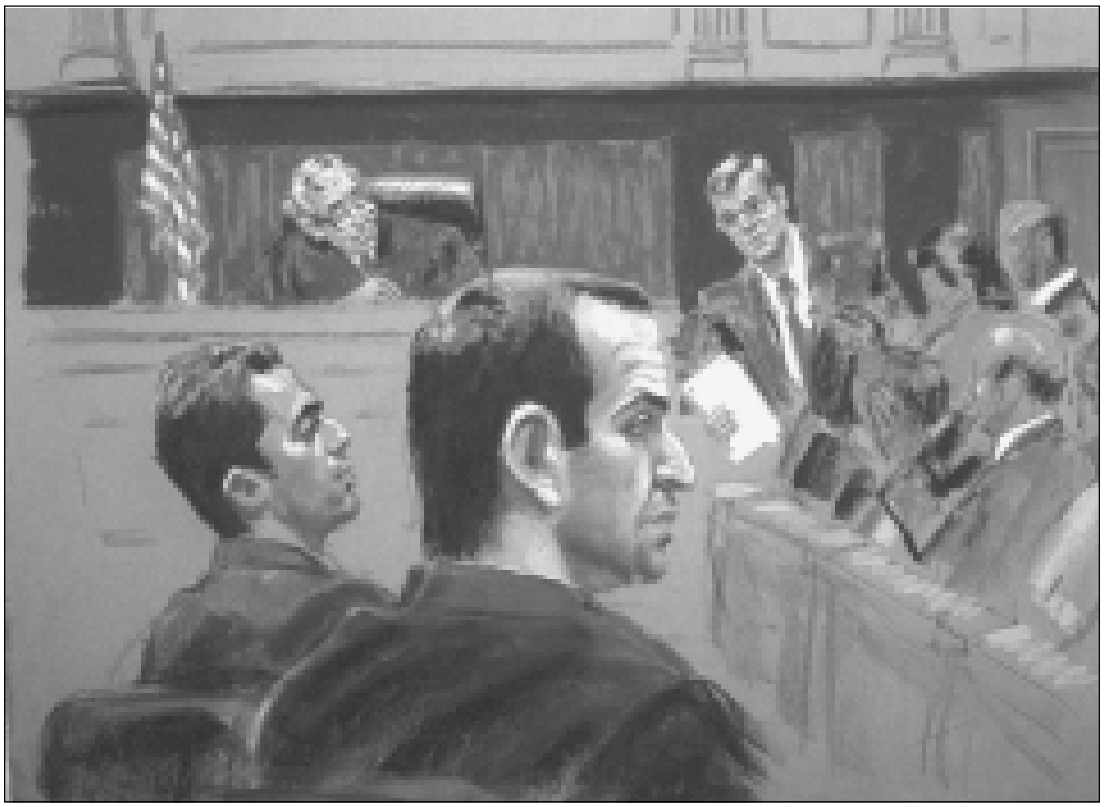
To fully realize the ramifications of a court's declaration of an anonymous jury, the concept should be put into practical terms. Usually, the court will withhold the names, addresses and phone numbers of the jurors. But courts may also withhold other identifying factors, such as occupation, ethnicity, religion, or the responses to juror questionnaires. Sometimes the juror names are given to the court, but not to the media or even the parties in the case. Sometimes the parties' lawyers are given access to juror information but it is withheld from the public record and the media.

A court in California ruled that a jury was "not anonymous" when the juror's names and other information were available to the parties, but excluded from the public record. Under such circumstances, the defendant could conduct an effective *voir dire* of potential jurors, but the press could not access any juror information. *(California v. Goodwin)*

James Swanson, one of the media's attorneys in the Edwards trials, argued that juror information is just as important to the press as it is to the defendants.

"Discussion of juror bias is the portion of juror selection that is of greatest interest to the press and public," he said. In the media's brief seeking juror information, Swanson quoted cases that describe why access is so important:

"It is possible, for example, that suspicions might arise in a particular trial . . . that jurors were selected from only a narrow social group, or from persons with certain political affiliations, or from persons associated with organized crime groups. It would be more difficult to inquire into such matters, and those suspicions would seem in any event more real to the public, if names and addresses were kept secret." *(In re Globe Newspaper)*



AP PHOTO OF COURTROOM SKETCH

An anonymous jury was used in the trial of the World Trade Center bombers.

The Failure of Anonymous Juries

The trial of mobster John Gotti best illustrates how the press can perform its function as a watchdog for the public interest. In Gotti's trial, the judge empaneled an anonymous jury because it feared Gotti or his associates might threaten, intimidate, or otherwise tamper with the composition of the jury. Unbeknownst to the court, the prosecutors or the press, one of the jurors was George Pape, a man with ties to an Irish-American organized crime group. According to legal scholars who have examined the trial, Pape contacted Gotti's attorneys, accepted a bribe, and arranged for Gotti's acquittal. If the jurors had not been anonymous, the prosecutors or the press would have had the opportunity to investigate the jurors' backgrounds to prevent such corruption of the trial. *(Abramovsky & Edelstein)*

Other notorious mobsters such as Al Capone and Lucky Luciano were successfully tried without anonymous juries, and in retrospect, it is possible that their convictions are, at least in part, attributable to the fact that court openness prevented bribery or jury tampering.

Other arguments against anonymous juries involve the rights of the defendant. Some argue that juror anonymity implies that the defendant is unusually dangerous, which in turn impairs the presumption of innocence. However, that argument is also used to support the notion that all juries should be anonymous. Defense lawyers also argue that withholding juror information of any type impairs their ability to perform a thorough *voir dire*.

In smaller communities, it is claimed, someone may recognize a juror, invalidating their anonymity. Lightfoot said that during the Edwards trial relating to corruption of the Insurance Department, some people recognized a member of the jury who was a prominent local college professor.

Finally, the public interest in free and open courts militates against anonymous juries. Once a part of the judicial process is closed, it becomes a slippery slope toward a judicial process cloaked in secrecy. If courts can permit juror anonymity over concerns of safety, will some judges permit fearful witnesses to testify anonymously? Such a rule would do away with the defendant's

Q&A: Issues for journalists

The issue of juror anonymity raises a few practical issues for journalists who cover trials. Below are some frequently asked questions and general responses. The answers are not a substitute for legal advice.

Q: **Can I challenge a court's order to keep jurors' names or other identifying information secret?**

A: Most courts allow the media to intervene in a case to challenge orders affecting newsgathering. Any journalist or media entity wishing to challenge a court's anonymity order may do so by filing a motion to intervene in the case, asking the court to reconsider its order, and if necessary, requesting an expedited appeal of the trial court's order.

In fact, courts will often actually require intervention to gain access. The Virginia Supreme Court ruled in April that the news media must file a motion to intervene in a case in which a judge has closed a courtroom before requesting that an appellate court reverse the trial judge, and threw out two media appeals where that step had not been taken. *(Hertz v. Times-World Corp.; Mason v. Richmond Newspapers)*

However, some courts question whether the media may properly intervene, especially in criminal trials. *(In re Globe Newspaper Co.)*

An attorney can help you determine the proper procedure for challenging a court order in your particular case.

Q: If the court seals information about jurors, can I obtain the information from other sources?

A: You can certainly try. In smaller communities, reporters can sometimes visit the courthouse and hope to recognize a juror. Remember, though, journalists may be liable if they break ordinarily applicable laws (such as stealing or engaging in fraud to get the list of jurors) when gathering information.

Q: If I discover a juror's identity after the court empanels an anonymous jury, can I publish it?

A: Generally, prior restraints on the media are not upheld. Nevertheless, courts have imposed restrictions on the media. A federal appeals court has upheld an order prohibiting the press from asking jurors about other jurors' votes or asking more than once for an interview. *(U.S. v. Harrelson)*

Judge Edith Clement, who presided over the most recent Edwin Edwards corruption trial in Louisiana, issued an order barring the press from interfering with juror anonymity. Although the order could be considered a prior restraint, an appellate court may view it as a reasonable limitation on press. Five media organizations appealed her order. *(U.S. v. Brown, et al.)*

Also, be aware that in California, a state statute makes improperly obtaining or releasing sealed juror information a misdemeanor. No one has yet challenged the constitutionality of this statute. *(Cal. Code of Civ. Proc. § 237)*

Q: Even if anonymity is respected and jurors' names are not used, can I still speak with them at the courthouse?

A: It is generally believed that a judge cannot forbid a jury from speaking with the press *after* a trial. However, a judge may instruct jurors they are free to refuse interviews or order them to not discuss deliberations or the opinions of other jurors. *(U.S. v. Sherman*; *In re Express News Corp.*; *Journal Pub. Co. v. Mechem)*

Also, as noted previously, one federal appeals court upheld a prohibition on the press from asking one juror about another's votes or asking a juror more than once for an interview. *(U.S. v. Harrelson)*

Q: Can I photograph or videotape a juror coming out of the courthouse in cases where jurors are supposed to be anonymous?

A: Although courts may prohibit cameras inside the courtroom, it is difficult for a judge to control cameras outside of the courtroom. In one case, however, an Associated Press photographer captured a jury on film while in public. The judge sanctioned the AP by barring all of their reporters from the trial. Judges may try to exert control over all media activities involving jurors. It is questionable whether such orders would be upheld, but one must also consider the financial expense and length of time required to appeal such orders.

right to face the accuser and would make it impossible for a jury to evaluate the witness' credibility. Would similar secrecy concerns extend to anonymous judges, leading to a judicial system like that in Peru, where judges are not only anonymous but hooded due to safety concerns over drug trafficking and guerrilla warfare? Anonymity for judges would eviscerate the notion of judicial accountability, allowing for corruption or politically motivated convictions.

Why anonymous juries are used

The primary arguments in favor of anonymous juries are to avoid jury tampering, protect juror safety and alleviate juror stress. However, courts also consider anonymous juries due to media interest in a case.

The Supreme Court of Delaware, for example, upheld the use of an anonymous jury in a case where neither juror safety nor jury tampering was considered to be a severe concern. Rather, the court's primary motivation was to avoid media coverage of the jurors. The court was distressed because it felt that the media was too intrusive and that the impact on the jurors' privacy would somehow affect the deliberation process. *(Gannett Co. v. Delaware)*

Courts have also argued, in upholding anonymous juries, that extensive media coverage of controversial cases puts jurors at risk of harassment by other members of the public. For this reason, anonymous juries were used in the trials of the police officers who allegedly beat Rodney King, the people who beat Reginald Denny, the World Trade Center bombers, and the Branch Davidians. The courts feared that citizens who opposed the jury verdict would threaten or harass jurors if their identities were not concealed.

A similar concern was cited by Judge Clement in one of Gov. Edwards' corruption trials. In her order granting the government's motion for an anonymous jury, Clement stated that one of the reasons for an anonymous jury was that "certain members of the media aggressively followed, identified and contacted jurors in violation of the anonymous jury order issued by Judge Polozola" in the prior Edwards trial. Clement thought that the media's conduct might expose jurors to harassment.

Clement went a step further and added, "Any attempts by the media or others to interfere with [juror anonymity] will not be tolerated." In one order, Clement mandated, "the media is ordered not to circumvent this Court's ruling preserving the jury's anonymity."

An attorney wrote a letter to the judge on behalf of the media asking for clarification of the judge's orders, saying "until Your Honor issues a clarification, the News

Media will assume that Your Honor did not intend this language to impose either an unconstitutional prior restraint on publication or an unlawful restriction on newsgathering activity."

The judge responded to the letter, stating that her orders were intended to prohibit the news media from identifying any of the jurors, regardless of how that information is obtained. The media then appealed the orders as an unconstitutional prior restraint. That appeal was pending as of October 2000.

A little irony

The orders in the Edwards case exemplify the trend toward secrecy in the courts. The jurors were anonymous, the media was ordered not to interfere with anonymity, and the whole trial was cloaked in secrecy.

One of the jurors in the second Edwards trial involving alleged corruption of the Insurance Department was identified and interviewed by *The Advocate* after the trial. The juror, who was not identified by the newspaper, said that Edwards was acquitted because the prosecutors failed to bring certain key witnesses to testify, leaving the jurors with too many unanswered questions.

"A lot of material that we needed was not there, was not shared with us," she said.

Cases cited:

California v. Goodwin, 69 Cal. Rptr. 2d 576 (Cal. App. 1997)

Gannett Co. v. Delaware, 571 A.2d 735 (Del. 1990)

In re Express News Corp., 695 F.2d 807 (5th Cir. 1982)

In re Globe Newspaper Co., 920 F.2d 88 (1st Cir. 1990)

Journal Pub. Co. v. Mechem, 801 F.2d 1233 (10th Cir. 1986)

Massachusetts v. Angiulo, 615 N.E.2d 155 (Mass. 1993)

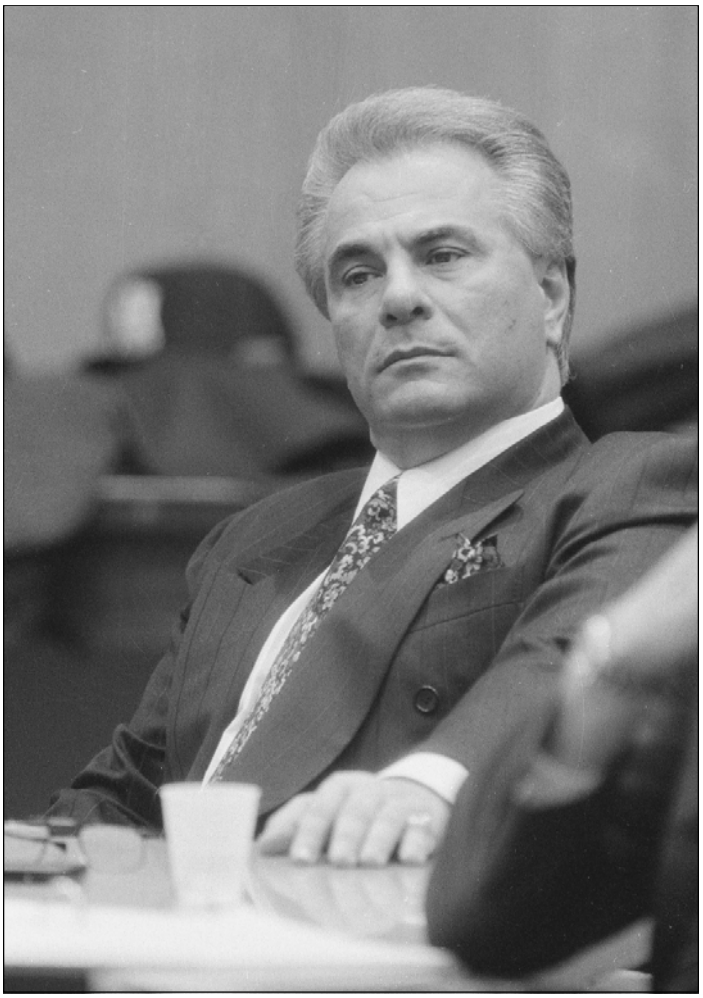
United States v. Barnes, 604 F.2d 121 (2d Cir. 1979), *cert. denied*, 446 U.S. 907 (1980)

United States v. Harrelson, 713 F.2d 1114 (5th Cir. 1983)

United States v. Sherman, 581 F.2d 1358 (9th Cir. 1978)

A survey of the law

The United States Supreme Court has recognized a First Amendment right of access to criminal trials and jury selection. *Press Enterprise Co. v. Superior Court (Press Enterprise I)*, 464 U.S. 501 (1984) (right of access to jury selection); *Richmond Newspapers v. Virginia*, 448 U.S. 555 (1980) (right of access to criminal trials). These cases arguably create a presumption that courts cannot arbitrarily choose a secret jury.



AP PHOTO

Alleged corruption at John Gotti's trial went undiscovered because the identity of jurors was kept confidential.

Most courts, both state and federal, allow anonymous juries in exceptional cases, and they generally follow the same standards for determining anonymity in a particular case. Courts generally permit an anonymous jury if a strong argument exists to protect the safety of the jurors, or if doing so more easily enables the jury to perform its fact finding function and if the court attempts to minimize the risk of infringing on a criminal defendant's rights.

If a court empanels an anonymous jury, the court must still allow a thorough *voir dire* — the process in which attorneys question them — to uncover a juror's biases and must provide the jury with a neutral, nonprejudicial reason for their anonymity. Within these parameters, the trial court has discretion to empanel an anonymous jury.

Most courts base the decision for an anonymous jury on some combination of the following five factors: (1) the defendant's involvement in organized crime, (2) the defendant's participation in a group with the capacity to harm jurors, (3) the defendant's past attempts to interfere with the judicial process, (4) the potential that the defendant will get a long jail sentence or substantial fines if convicted, and (5) extensive publicity that could expose jurors to intimidation or harassment.

A minority of jurisdictions say that anonymous juries should be used only in cases where (1) there are persons who participated in large-scale organized crime and who participated in mob-style killings and had previously attempted to interfere with the judicial process, (2) defendants had a history of jury tampering and serious criminal records, or (3) there are allegations of dangerous and unscrupulous conduct by the defendant, coupled with extensive pretrial publicity.

We have compiled some cases and statutes discussing the use of anonymous juries to aid lawyers or journalists in researching the issue. The following list is not comprehensive. We have selected case that are prominent, frequently cited or otherwise notable.

With respect to state statutes, we have only selected the statutes that are frequently cited or that were adopted from the Uniform Jury Selection and Service Act.

Other states may have statutes or local rules that govern the release of juror information. Many states that have adopted the uniform act grant discretion to a judge to have an anonymous jury only after a hearing and a showing of need. The lack of a hearing is a good basis to challenge an arbitrarily imposed anonymous jury.

Federal Courts:

The Jury Selection and Service Act, 28 U.S.C. § 1861 *et seq*., was passed by Congress to allow federal district courts some discretion in releasing juror information. Each district may have adopted a local rule that interprets the act in its district. The District of Connecticut, for example, prohibits the release of juror information. *See* D. Conn. R. 12(f)(2).

First Circuit

U.S. v. Collazo-Aponte, 216 F.3d 163 (1st Cir. 2000) (allowed anonymous jury)

U.S. v. Marrero-Ortiz, 160 F.3d 768 (1st Cir. 1998) (allowed anonymous jury)

U.S. v. DeLuca, 137 F.3d 24 (1st Cir. 1997) (allowed anonymous jury)

In re Globe Newspaper Co., 920 F.2d 88 (1st Cir. 1990) (finding that federal Jury Selection and Service Act as adopted by the District of Massachusetts required disclosure of jurors name and addresses)

Second Circuit

This circuit has addressed the issue more often than any other perhaps because many of the criminal defendants are alleged drug kingpins or mafia figures. The two most frequently cited cases are:

U.S. v. Paccione, 949 F.2d 1183 (2d Cir. 1991) (allowed anonymous jury)

U.S. v. Barnes, 604 F.2d 121 (2d Cir. 1979) (first case in the U.S. to allow a fully anonymous jury)

Third Circuit

U.S. v. Thornton, 1 F.3d 149 (3d Cir. 1993) (allowed anonymous jury)

U.S. v. Scarfo, 850 F.2d 1015 (3d Cir. 1988) (allowed anonymous jury)

Fourth Circuit

There are no cases in the Fourth Circuit that specifically authorize or reject the use of anonymous juries. However, *In re Baltimore Sun Co.*, 841 F.2d 74 (4th Cir. 1988), addressed the issue of whether jury lists were part of the public court record. The Fourth Circuit ordered the release of juror names to the newspaper, finding that juror names were part of the public record. However, the court specifically noted that it was not a case involving a real threat of violence or corruption, citing the *Barnes* case from the Second Circuit and implying that it might uphold an anonymous jury if there were a threat of juror safety.

Fifth Circuit

U.S. v. Salvatore, 110 F.3d 1131 (5th Cir. 1997) (allowed anonymous jury)

U.S. v. Sanchez, 74 F.3d 562 (5th Cir. 1996) (struck down anonymous jury because there were no factors that would justify it)

U.S. v. Kraut, 66 F.3d 1420 (5th Cir. 1995) (allowed anonymous jury)

Sixth Circuit

U.S. v. Talley, 164 F.3d 989 (6th Cir. 1999) (allowed anonymous jury)

Seventh Circuit

U.S. v. Crockett, 979 F.2d 1204 (7th Cir. 1992) (allowed anonymous jury)

Eighth Circuit

U.S. v. Darden, 70 F.3d 1507 (8th Cir. 1995) (allowed anonymous jury)

Ninth Circuit

The Unabom Trial Media Coalition v. U.S. Dist. Court for the Eastern District of California, 183 F.3d 949 (9th Cir. 1999) (implicitly authorized the use of anonymous jury, but issue became moot when defendant pleaded guilty)

Johnson v. U.S., 270 F.2d 721 (9th Cir. 1959) (it was not erroneous to withhold the exact address of jurors)

Hamer v. U.S., 259 F.2d 274 (9th Cir. 1958) (local rule requires providing defendant with names and addresses of jurors only in capital cases, but no requirement they be provided in non-capital cases)

Tenth Circuit

There are no cases in the Tenth Circuit that specifically authorize or reject the use of anonymous juries.

AP PHOTO

Edwards: "This business of anonymous juries ... is contrary to the concept of being tried by your peers in a community where you know the jurors and they know you."

Eleventh Circuit

U.S. v. Ross, 33 F.3d 1507 (11th Cir. 1994) (allowed anonymous jury)

DC Circuit

U.S. v. Wilson, 160 F.3d 732 (D.C. Cir. 1998) (allowed anonymous jury)

U.S. v. Edmond, 52 F.3d 1080 (D.C. Cir. 1995) (allowed anonymous jury)

State Courts:

California

California Code of Civil Procedure § 237 (allowing juror information to be sealed in criminal cases and making it a misdemeanor to improperly obtain or release sealed juror information)

People v. Goodwin, 69 Cal. Rptr. 2d 576 (Cal. App. 1997) (finding that an anonymous jury would be constitutional in certain circumstances, but finding that "the jury was not anonymous, as the court and counsel had available to

them a documents identifying jurors by name" even though juror names were never read into court's record)

Erickson v. Superior Court, 64 Cal. Rptr. 2d 230 (Cal. App. 1997) (local court policy of using anonymous juries in all civil and criminal trials was invalid)

Colorado

Colo. Rev. Stat. § 13-71-110(5) (granting discretion to trial court in whether to release jurors' names)

Delaware

10 Del. C. § 4513 (granting discretion to trial court in whether to release jurors' names)

Gannett Co., Inc. v. State of Delaware, 571 A.2d 735 (Del. 1990) (finding that newspaper does not have a First Amendment right to names of jurors)

Hawaii

Haw. Rev. Stat. § 612-18 & 27 (granting discretion to trial court in whether to release jurors' names)

State v. Villeza, 942 P.2d 522 (Hawaii 1997) (allowed court to redact addresses and phone numbers from juror information forms)

State v. Samonte, 928 P.2d 1 (Hawaii 1996) (allowed redaction of names, social security numbers, addresses and phone numbers)

Idaho

Id. Code § 2-210(5) (granting discretion to trial court in whether to release jurors' names)

Indiana

Ind. Code Ann. § 33-4-5.5-12(6) (granting discretion to trial court in whether to release jurors' names)

Maine

Me. Rev. Stat. Ann. § 1254-A (granting discretion to trial court in whether to release jurors' names)

Maryland

Md. Code Ann. § 8-202(3) (granting discretion to trial court in whether to release jurors' names)

Massachusetts

Commonwealth v. Angiulo, 615 N.E.2d 155 (Mass. 1993) (reversing a conviction and remanding case for new trial because court improperly used an anonymous jury; state statute requires that defendants in capital cases be given a list of jurors; court discusses when an anonymous jury might possibly be permissible)

Commonwealth v. DuPont, 1998 Mass. Super. LEXIS 476 (1998) (ordering new trial because there was no sufficient justification for an anonymous jury)

Michigan

People v. Williams, 616 N.W.2d 710 (Mich. App. 2000) (finding there was no prejudice in using numbers for jurors rather than their names)

Minnesota

Minn. Stat. Ann. § 593.42-5 (granting discretion to trial court in whether to release jurors' names)

State v. Bowles, 530 N.W.2d 521 (Minn. 1995) (allowed anonymous jury)

Mississippi

Miss. Code Ann. § 13-5-32 (granting discretion to trial court in whether to release jurors' names)

Valentine v. State, 396 So.2d 15 (1981) (jurors' names should be kept secret only in exceptional circumstances)

New Jersey

State v. Accetturo, 619 A.2d 272 (N.J. Super. 1992) (denied motion for an anonymous jury because there is no state law that would authorize it and because there is no evidence that defendants would attempt to tamper with the jury)

Acquittals in the police beating of Rodney King led to rioting, including the beating of Reginald Denny, above. Secret juries were used at trials of attackers of King and Denny.

New York

People v. Watts, 661 N.Y.S.2d 768 (NY App. 1997) (denying motion for anonymous jury because state law required that juror names be available and because state failed to show that defendant tampered with, or planned to tamper with, the jury)

North Dakota

N.D. Code § 27-09.1 (granting discretion to trial court in whether to release jurors' names)

Ohio

State v. Hill, 2000 Ohio App. LEXIS 2557 (Ohio App. 2000) (Trial court decision to use an anonymous jury was a structural error where the trial court did not inquire into any specific factors that would justify use of an anonymous jury) (currently on appeal to the Ohio Supreme Court)

Utah

Utah Code Ann. § 78-46-13(5) (granting discretion to trial court in whether to release jurors' names)

Wisconsin

State v. Castanon, 2000 Wisc. App. LEXIS 481 (Wisc. App. 2000) (allowing anonymous jury where *victim* posed a threat to the jury) (unpublished opinion)

State v. Britt, 553 N.W.2d 528 (Wisc. App. 1996) (allowing anonymous jury) ◆

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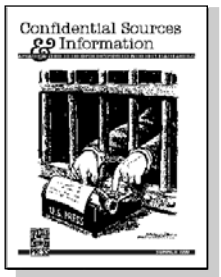

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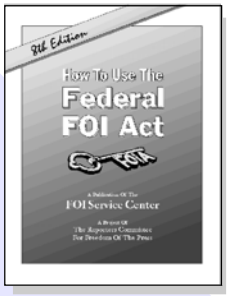

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