

A defendant was charged with the capital offense of first-degree murder, for which the only available penalties were death or life in prison without parole. During jury selection, the trial court, over the defendant's objection, granted the prosecution's for-cause challenge of five prospective jurors who indicated upon questioning by both parties that they personally were opposed to the death penalty and were unsure if they could ever vote to impose it. The jury convicted the defendant and, following a separate sentencing hearing, sentenced him to death.

On appeal, the defendant's only argument was that excusing the prospective jurors violated his federal constitutional right to be tried by a jury chosen from a fair cross section of the community.

How should the court of appeals rule on the conviction and the death sentence?

- A. Affirm both.
- B. Affirm the conviction, but reverse the death sentence and remand for a new sentencing hearing before a different jury.
- C. Affirm the conviction, but reverse the death sentence and remand for resentencing to life in prison.
- D. Reverse both.

Explanation:

An appellate court should **automatically reverse** a defendant's conviction and sentence if a **structural error**—eg, a violation of a defendant's **Sixth Amendment right to an impartial jury**—occurred before or during trial. Impartiality has two requirements:

the **jury pool** must be selected from a **fair cross-section of the community** *and*

the **impaneled jury** must be **unbiased** and able to decide the case based on the evidence presented at trial.

To ensure that the impaneled jury is impartial during the guilt and penalty phases of a **capital punishment** (ie, death penalty) case, the defense and prosecution can challenge potential jurors **for cause**. A for-cause challenge should be granted if a potential juror's **views would prevent or substantially impair** his/her ability to **impartially decide the case or impose the death penalty**.

Here, during jury selection, the judge granted the prosecution's for-cause challenge of five prospective jurors who were opposed to the death penalty and unsure if they could ever vote to impose it. Since those views would substantially impair the jurors' ability to impartially decide this **first-degree murder** (capital offense) case, they were properly excused. Therefore, the defendant's right to an impartial jury was not violated, and the appellate court should affirm his conviction and death sentence (**Choices B, C, & D**).

Educational objective:

The Sixth Amendment guarantees a criminal defendant the right to be tried by an impartial jury—ie, a jury pool selected from a fair cross-section of the community and an unbiased impaneled jury. Therefore, a potential juror whose views would substantially impair his/her ability to impartially decide the case can be challenged for cause.

References

U.S. Const. amend. VI (right to jury trial in criminal case).

Wainwright v. Witt, 469 U.S. 412, 424 (1985) (establishing the impartial juror standard in capital punishment cases).

Gray v. Mississippi, 481 U.S. 648, 668 (1987) (holding that the improper dismissal of a juror in a death penalty case is structural error).

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6th Amendment right to impartial jury

