

During jury selection in federal court, a prospective juror stated that her father and brother were federal agents and that she had met the agent who had arrested the defendant on a number of prior occasions because he played on her brother's softball team. When asked by the court whether she could judge the facts without being biased by knowing the arresting agent, the prospective juror expressed some doubt. The court nonetheless denied the defendant's request to dismiss the prospective juror. The defendant later exercised one of his peremptory challenges to remove the prospective juror from the jury.

The defendant was convicted. On appeal, he argues that the conviction should be reversed because the court erroneously failed to remove the prospective juror for cause.

How should the federal court of appeals decide the issue?

- A. Reverse the conviction, because the failure to remove the prospective juror violated the defendant's right to an unbiased jury.
- B. Reverse the conviction, because the failure to remove the prospective juror violated the defendant's right to exercise his peremptory challenges.
- C. Uphold the conviction, because the trial court did not abuse its discretion in denying the challenge for cause.
- D. Uphold the conviction, because the prospective juror did not serve on the jury.

Correct

Collecting Statistics

01 min, 47 secsTime Spent

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Explanation:

Jury panel challenges

Peremptory Disqualify potential juror for *any* reason except discrimination based on race, ethnicity, or sex

For cause Disqualify potential juror for a *stated* reason for believing juror cannot be fair or impartial (eg, bias, prejudice, past experience)

The **Sixth Amendment** guarantees a criminal defendant the **right to trial by an impartial jury**. Impartiality has two requirements:

The jury pool must be selected from a fair cross section of the community.

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 unbiased, 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. However, an **erroneous denial** of a for-cause challenge **does not warrant a reversal on appeal if the potential juror did not ultimately serve on the jury**—eg, was removed through a peremptory challenge.

Here, the prospective juror likely would have been biased in the defendant's criminal case because her father and brother were federal agents and she knew the agent who had arrested the defendant. And since the prospective juror admitted that she might not be impartial, the court erroneously failed to remove her for cause. However, the prospective juror did not serve on the jury since the defendant exercised one of his peremptory challenges to remove her. Therefore, the federal court of appeals should uphold the conviction.

(Choices A & B) The failure to remove the prospective juror for cause did not violate the defendant's right to an unbiased jury. That is because the potential juror was removed when the defendant exercised one of his peremptory challenges.

(Choice C) The court *did* abuse its discretion in denying the defendant's challenge for cause because the potential juror was biased. However, reversal on appeal still is unwarranted because the potential juror was removed via a peremptory challenge.

Educational objective:

To guarantee a criminal defendant's Sixth Amendment right to be tried by an impartial jury, a biased potential juror can be challenged for cause. However, an erroneous denial of a for-cause challenge does not warrant an appellate reversal if the potential juror did not ultimately serve on the jury—eg, was removed through a peremptory challenge.

References

United States v. Martinez-Salazar, 528 U.S. 304, 316–17 (2000) (explaining that an erroneous denial of a for-cause challenge does not warrant reversal on appeal if the potential juror does not ultimately serve on the jury).

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