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Jury Misconduct

Carter v Rafferty 631 F Supp 533

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4-11-1979

## **Jury Letters**

Lewis Steel '63

BURRELL IVES HUMPHREYS  
PASSAIC COUNTY PROSECUTOR  
COURT HOUSE  
PATERSON, NEW JERSEY 07505

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-PASSAIC COUNTY  
(Criminal)

THE STATE OF NEW JERSEY )

Plaintiff, )

V. )

RUBIN CARTER AND  
JOHN ARTIS, )

Defendants. )

Indictment No. 167-66

NOTICE OF MOTION

TO: Myron Beldock, Esq.  
Beldock, Levine and Hoffman  
565 Fifth Avenue  
New York, New York 10017  
Attorney for the Defendant Carter

Louis M. Steel, Esq.  
Eisner, Levy, Steel and Bellman  
351 Broadway  
New York, New York 10013  
Attorney for the Defendant Artis

SIRS:

PLEASE TAKE NOTICE that on Wednesday, April 11, 1979 at nine o'clock a.m. the undersigned attorney for the State of New Jersey will move before the Honorable Bruno Leopizzi, J.S.C., for an Order directing the defendants and their attorneys (including their agents, servants, employees, any member of the defense team, any persons acting on behalf of the defendants, the National Jury Project Inc., their officers, agents, servants, or employees and Barbara Hoekje) not to conduct any inquiries into the personal lives of the jurors in this matter and not to investigate or conduct inquiries of any kind into the background of the jurors, their families, relatives or friends, their occupations, associations, neighbors and employers, nor to interview or communicate with any of the foregoing.



The State will also move for an Order directing the defendants and their attorneys (including their agents, servants, employees, any member of the defense team, any persons acting on behalf of the defendants, the National Jury Project Inc., their officers, agents, servants, or employees and Barbara Hoekje) not to engage in any activity which would in any way harass the jurors in this matter and to provide such other relief as the Court may deem just and proper under the circumstances.

BURRELL IVES HUMPHREYS  
PASSAIC COUNTY PROSECUTOR

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Ronald G. Marmo  
Chief Assistant Prosecutor



BELDOCK LEVINE & HOFFMAN

565 FIFTH AVENUE

NEW YORK, N. Y. 10017

ELLIOT L. HOFFMAN  
LAWRENCE S. LEVINE  
MYRON BELDOCK  
BRUCE E. TRAUNER

ELLIOT G. SAGOR  
JON B. LEVISON  
KATHLEEN C. WRESIEN  
DANIEL E. GILIOLI  
Member Ohio & D.C. Bars Only  
PETER S. MATORIN  
CYNTHIA ROLLINGS

(212) 490-0400  
CABLES: TELHOFFLAW, N. Y.  
TELEX: 422046

VIALE MONTE SANTO, 4  
20124 MILAN, ITALY  
Counsel:  
GILBERTO GILIOLI  
Member Republic of Italy Bar Only

April 18, 1979

Hon. Bruno L. Leopizzi  
Passaic County Courthouse  
Paterson, N.J. 07505

Re: State v. Carter & Artis

Dear Judge Leopizzi:

In addition to the objections raised by Harold Cassidy, Esq. on April 12, 1979 concerning the State's application to prohibit the defense from conducting interviews and investigations of the trial jurors, I hereby object on behalf of both defendants to the language of your order of April 12th insofar as it refers to "the National Jury Project, Inc., their officers, agents, servants or employees and Barbara Hoejka". The language of your Order, on its face, makes it appear that those entities and persons are included under the the umbrella of "the defendants and their attorneys". We respectfully submit that the language to which we hereby object and your Honor's apparent related conclusion are incorrect and improper.

Respectfully yours,



Myron Beldock

MB/sjg

cc: Burrell Ives Humphreys, Esq.  
Lewis Steel, Esq.  
Ronald Busch, Esq.  
Jeffrey Fogel, Esq.  
Jimmy Meyerson, Esq.  
Prof. Leon Friedman  
Mr. Rubin Carter  
Mr. John Artis



RECEIVED APR 17 1979

BURRELL IVES HUMPHREYS  
PASSAIC COUNTY PROSECUTOR  
COURT HOUSE  
PATERSON, NEW JERSEY 07505  
(201) 345-8500

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: PASSAIC COUNTY  
(Criminal)

Ind.No. 167-66

THE STATE OF NEW JERSEY, :

Plaintiff, :

v. :

RUBIN CARTER and  
JOHN ARTIS, :

Defendants. :

TEMPORARY ORDER

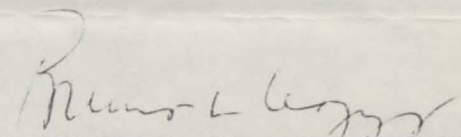
This matter having been brought before the Court *ex parte* by Assistant Passaic County Prosecutor Ronald G. Marmo, on behalf of the State of New Jersey, seeking a temporary order directing the defendants, their attorneys and those acting on their behalf, from conducting interviews of the trial jurors in this matter, and conducting background investigations of the trial jurors in this matter, and good cause appearing;

It is on this 12<sup>th</sup> day of April, 1979 ORDERED that the defendants and their attorneys (including their agents, servants, employees, any member of the defense team, any persons acting on behalf of the defendants, the National Jury Project, Inc., their

officers, agents, servants, or employees and Barbara Hoekje) are hereby directed not to conduct any inquiries into the personal lives of the jurors in this matter and not to investigate or conduct inquiries of any kind into the background of the jurors, their families, relatives or friends, their occupations, associations, neighbors and employers, nor to interview or communicate with any of the foregoing;

And it is FURTHER ORDERED that the defendants and their attorneys (including their agents, servants, employees, any member of the defense team, any persons acting on behalf of the defendants, the National Jury Project, Inc., their officers, agents, servants, or employees and Barbara Hoekje) are hereby directed not to engage in any activity which would in any way harass the trial jurors in this matter;

And it is FURTHER ORDERED that this temporary order shall remain in effect until the State's application for a permanent order in this regard, which is presently scheduled to be heard on April 27, 1979, is in fact, heard and decided.

  
\_\_\_\_\_  
Bruno L. Leopizzi, J.S.C.



SUPERIOR COURT OF NEW JERSEY

BRUNO L. LEOPIZZI  
JUDGE

COURTHOUSE  
PATERSON, NEW JERSEY 07505



Date: March 5, 1979

Re: State v. Carter & Artis

Gentlemen:

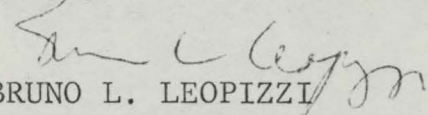
This will serve to confirm my telephone conversation with you concerning the remand by the Appellate Division with reference to the above matter.

In accordance with our conversation, the matter has been scheduled for Monday, March 12, 1979 at 9:00 A.M. at the Administration Building, 595 Newark Avenue, Jersey City in Room #713 on the 7th floor.

With the exception of Mr. Adamo, I have asked the jurors to report at 10:00 A.M. Mr. Adamo has requested that I schedule him for a time separate and apart from the other jurors since he feels that it might create some embarrassment for him to be in their presence. I, therefore, have scheduled Mr. Adamo for the same day at 1:30 P.M. depending on the progress we make with the other jurors. I will have him on call in the event it becomes apparent that we will not reach him, or we will need him earlier.

As per our conversation, I am requesting the jurors to come in at 10:00 A.M. instead of 9:00 A.M. so that the attorneys and the court may formulate some ground rules for the proceedings.

I shall assume that this is agreeable to all concerned. However, if you have any other suggestions, please feel free to call me.

  
BRUNO L. LEOPIZZI

BLL:ss

cc: Burrell H. Humphreys, Pros.  
Ronald Marmo, Asst. Pros.  
John Goceljak, Asst. Pros.  
Myron Beldock, Esq.  
Lewis Steel, Esq.  
Jeffrey Fogel, Esq.  
Ronald Busch, Esq.

*Original retained*

PASSAIC COUNTY COURT

BRUNO L. LEOPIZZI  
JUDGE



COURT HOUSE  
PATERSON, NEW JERSEY 07505

October 10, 1978

Myron Beldock, Esq.  
565 Fifth Avenue  
New York, New York 10017

Re: State v. Carter & Artis  
Indt. 167-66

Dear Mr. Beldock:

Enclosed herewith is copy of order which I sent to the Hudson County Sheriff for personal service on each juror in the above matter.

Very truly yours,

BRUNO L. LEOPIZZI

BLL:ss

cc: Lewis M. Steel, Esq.  
Jeffrey E. Fogel, Esq.  
Ronald J. Busch, Esq.  
Burrell Ives Humphreys, Pros.  
Ronald Marmo, Asst. Pros.  
John Goceljak, App. Section



SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: CRIMINAL  
INDT. NO. 167-66

THE STATE OF NEW JERSEY :

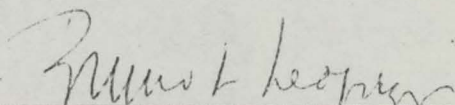
v. :

ORDER

RUBIN CARTER and :  
JOHN ARTIS, :

Defendants. :  
----- :

You are hereby ORDERED and directed not to discuss or permit any interview(s) with anyone including members of your immediate family, relatives, friends or any other person(s) or any other juror(s) with reference to the above captioned matter in which you participated as a juror until further order of the court.

  
BRUNO L. LEOPIZZI, J.C.C.t/a

Dated: October 6, 1978

SUPERIOR COURT OF NEW JERSEY

BRUNO L. LEOPIZZI  
JUDGE



COURT HOUSE  
PATERSON, NEW JERSEY 07505

March 5, 1979

Mr. John T. Adamo, Jr.  
509 - 43rd Street  
Union City, New Jersey 07087

Re: State v. Carter & Artis

Dear Mr. Adamo:

This will serve to confirm my conversation wherein you have been advised that I have been directed by the Appellate Division to interview jurors in connection with the above.

The matter has been scheduled for Monday, March 12, 1979 at 10:00 A.M. at the Administration Building, 595 Newark Avenue, Jersey City. You are to report to Room #713 on the 7th floor.

I have, however, scheduled your appearance for 1:30 P.M. I will call you in the event that we need you earlier or possibly at a later hour.

In the meantime, please do not discuss this matter with anyone, and do not contact any jurors who participated with you in the trial.

Very truly yours,

BRUNO L. LEOPIZZI

BLL:ss



SUPERIOR COURT OF NEW JERSEY



BRUNO L. LEOPIZZI

JUDGE

COURT HOUSE  
PATERSON, NEW JERSEY 07505

March 5, 1979

Mr. Gaetano R. Alario  
21 Wallis Avenue  
Jersey City, New Jersey 07306

Re: State v. Carter & Artis

Dear Mr. Alario:

This will serve to confirm my conversation wherein you have been advised that I have been directed by the Appellate Division to interview jurors in connection with the above.

The matter has been scheduled for Monday, March 12, 1979 at 10:00 A.M. at the Administration Building, 595 Newark Avenue, Jersey City. You are to report to Room #713 on the 7th floor.

In the meantime, please do not discuss this matter with anyone, and do not contact any jurors who participated with you in the trial.

Very truly yours,

BRUNO L. LEOPIZZI

BLL:ss

SUPERIOR COURT OF NEW JERSEY



BRUNO L. LEOPIZZI

JUDGE

COURT HOUSE  
PATERSON, NEW JERSEY 07505

March 5, 1979

Mr. John G. Armellino  
40 Romaine Avenue  
Jersey City, New Jersey 07306

Re: State v. Carter & Artis

Dear Mr. Armellino:

This will serve to confirm my conversation wherein you have been advised that I have been directed by the Appellate Division to interview jurors in connection with the above.

The matter has been scheduled for Monday, March 12, 1979 at 10:00 A.M. at the Administration Building, 595 Newark Avenue, Jersey City. You are to report to Room #713 on the 7th floor.

In the meantime, please do not discuss this matter with anyone, and do not contact any jurors who participated with you in the trial.

Very truly yours,

BRUNO L. LEOPIZZI

BLL:ss



SUPERIOR COURT OF NEW JERSEY



BRUNO L. LEOPIZZI

JUDGE

COURT HOUSE

PATERSON, NEW JERSEY 07505

March 5, 1979

Mr. George Demetriades  
8 Colonial Drive  
Bayonne, New Jersey 07002

Re: State v. Carter & Artis

Dear Mr. Demetriades:

This will serve to confirm my conversation wherein you have been advised that I have been directed by the Appellate Division to interview jurors in connection with the above.

The matter has been scheduled for Monday, March 12, 1979 at 10:00 A.M. at the Administration Building, 595 Newark Avenue, Jersey City. You are to report to Room #713 on the 7th floor.

In the meantime, please do not discuss this matter with anyone, and do not contact any jurors who participated with you in the trial.

Very truly yours,

BRUNO L. LEOPIZZI

BLL:ss