NEW YORK LAW SCHOOL

NYLS Law Review
Vols. 22-63 (1976-2019)

Volume 47
Issue 2 *VOLUME 47, NUMBERS 2-3, FALL 2003*

Article 12

January 2003

NEW YORK COURT OF APPEALS CASE COMPILATIONS: PEOPLE V. CHAMBERS

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Recommended Citation

Kiriaki Tourikis, *NEW YORK COURT OF APPEALS CASE COMPILATIONS: PEOPLE V. CHAMBERS*, 47 N.Y.L. SCH. L. REV. 501 (2003).

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PEOPLE V. CHAMBERS[1]
(decided March 19, 2002)

I. SYNOPSIS

In an unanimous per curiam decision, the New York Court of Appeals held that a prospective juror could not be removed for cause for initial statements exhibiting a propensity to believe police testimony made during *voir dire* when subsequent statements of that prospective juror unequivocally demonstrated that the prospective juror could be fair and impartial.[2]

II. BACKGROUND

Defendant, Quintin Chambers, was indicted and tried in Monroe County Court for second-degree murder.[3] During jury selection, both the trial court and defense counsel asked prospective jurors collectively whether they would be affording "'greater weight to the testimony of a police officer as opposed to any other witness who testifies.'"[4] None of the potential jurors responded to the questions in the affirmative.[5]

During *voir dire*, a prospective juror admitted that in his opinion, "'trained police officers are good observers'" and that he didn't "'think it would necessarily behoove them to exaggerate a whole lot about things. They're doing their job.'"[6] The following colloquy between defense counsel and the prospective juror occurred:

> Counsel: Okay. Well, do you think that— then it's your belief that a police officer wouldn't get on the stand and lie about anything; is that right?

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1. 7 N.Y.2d 417 (2002).
2. *Id.* at 419.
3. *Id.* at 418.
4. People v. Chambers, 727 N.Y.S.2d 210, 211 (App. Div. 2001).
5. *Id.*
6. *Id.* at 211-12.

Juror: I don't know. I don't know how to answer that particular question. I guess just thinking that, I would tend to believe police testimony to some degree.

Counsel: Well, to some degree more than other testimony?

Juror: Well, I'd like to think I'm fair, but that's just popped into my head when you were talking about that.

Counsel: That's what I'm looking for because, I mean, you'll hear police officers. I don't know if they're going to be telling the truth or not.

Juror: Sure.

Counsel: I just want to be sure a juror isn't going to give their testimony any more weight than anyone else. Are you telling me you would do that?

Juror: I would try not to let it affect that. I don't think it would be a problem.

Counsel: Well, I think if it is on your mind, it may be a problem. *Do you think* that it could affect you, your ability to be fair and listen fairly to police testimony [emphasis added].

Juror: *No, I don't think so.* [Emphasis added][7]

Contending that the prospective juror indicated a bias toward police testimony thereby precluding his service as an impartial juror, defense counsel moved to excuse the prospective juror for cause.[8] The trial court denied defendant's challenge.[9] Defense counsel used a peremptory challenge to remove the potential juror, subsequently exhausting all his peremptory challenges.[10] A jury convicted defendant of murder in the second degree.[11] Defendant appealed to the appellate division.

A divided Appellate Division, Fourth Department, in a 3-2 vote, affirmed the conviction. The majority held that the trial court did not abuse its discretion by denying defendant's challenge for cause.[12] According to the appellate division, the potential juror's

7. *Chambers*, 97 N.Y.2d at 212.
8. *Id.* at 418.
9. *Id.*
10. *Id.* at 418-19.
11. *Id.* at 418.
12. *Chambers*, 727 N.Y.S.2d at 211.

statements that he would "'tend to believe police testimony to some degree'" did not demonstrate "'knowledge or opinions reflecting a state of mind likely to preclude impartial service.'"[13] The court did not find the juror to have revealed actual bias or a "'state of mind that would prevent [him] from rendering an impartial verdict based on the evidence at trial.'"[14] Furthermore, the prospective juror's addition of "I don't think so" to his unequivocal "no," "simply mirror[ed] defense counsel's question" as to whether the potential juror "thought" his ability to remain impartial would be affected.[15]

Noting that most jurors have predispositions when they enter the jury box, the appellate division stated that a potential juror should be excused only when it is established that exists a substantial risk that the potential juror's predisposition will affect his or her obligation to be impartial.[16] Given the trial court's peculiar opportunity to evaluate the juror's statement, the appellate division deferred to the trial court's determination to deny defendant's challenge for cause.[17]

Justice Green and Justice Pine dissented, asserting that the prospective juror's statements did not constitute an "unequivocal declaration of impartiality."[18] This bias demonstrated that it was likely that the juror's state of mind would preclude him from being impartial. The dissenters contended that the juror "expressed his bias in favor of the testimony of police officers" and should have been removed for cause.[19] Since defendant exercised all his peremptory challenges prior to the completion of jury selection, the dissenters maintained that the appellate division should have ordered a new trial.[20]

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13. *Chambers*, 727 N.Y.S.2d at 211. (quoting People v. Johnson, 94 N.Y.2d 600, 614 (2000)).

14. *Id.* at 212 (quoting People v. Bludson, 97 N.Y.2d 644 (2001); People v. Wiegert, 670 N.Y.S.2d 128 (App. Div. 1998)).

15. *Id.* (citing People v. Johnson, 94 N.Y.2d 600, 614 (2000)).

16. *Id.* (quoting People v. Williams, 63 N.Y.2d 882, 885 (1984)).

17. *Id.* (quoting People Chatman, 722 N.Y.S.2d 329 (App. Div. 2001); citing People v. Hagenbuch, 701 N.Y.S.2d 213 (App. Div. 1999)).

18. *Id.* at 213.

19. *Chambers*, 727 N.Y.S.2d at 212.

20. *Id.* at 213 (citing CPLR 270.20[2]; People v. White, 714 N.Y.S.2d 179 (App. Div. 2000)).

Defendant appealed to the New York Court of Appeals. The issue confronting the court of appeals was whether a prospective juror who qualifies a response to a question regarding his ability to be impartial with "I think" gives an equivocal response insufficient to alleviate doubts regarding his impartiality, requiring the trial court to excuse the prospective juror for cause.[21]

III. Discussion

The New York Court of Appeals began its decision by reiterating the proposition that "a prospective juror whose statements raise a serious doubt regarding the ability to be impartial must be excused unless the juror states unequivocally on the record that he or she can be fair and impartial."[22]

The court agreed with the majority of the appellate division. According to the court, in this case, even if the potential juror's statements created serious doubts as to his capability to be impartial, he ultimately and unequivocally declared that he could be fair and impartial.[23]

The court then rejected defendant's argument that the word "think" served as a talismanic word that transformed the potential juror's response "no" into an equivocal response to questions regarding his ability to be impartial.[24] Relying on *People v. Blyden*,[25] the court concluded that adding the words "I think so" did not automatically alter the prospective juror's unequivocal "no" into an equivocal response.[26]

In *Blyden*, the court of appeals held that in an assault prosecution of a black defendant, the trial court abused its discretion by denying defendant's challenge to excuse a prospective juror who voiced hostility to racial minorities for cause.[27] The court in *Blyden* stated that in determining whether the prospective juror's statement is unequivocal, the juror's testimony should be taken as a whole, in context.2 According to the *Blyden* court, the prospective

21. People v. Chambers, 97 N.Y.2d 417, 418 (2002).
22. *Id.* at 419.
23. *Id.*
24. *Id.*
25. 55 N.Y.2d 73 (1982).
26. *Chambers*, 97 N.Y.2d at 419.
27. *Blyden*, 55 N.Y.2d 73, 74 (1982).

juror's responses that he thought he could put aside his personal feelings and remain impartial, after expressing hostility toward racial minorities, "fell short" of the required express and unequivocal declarations.[28]

The court stated that mere words do not contain a talismanic power to transform bias into impartiality.[29] Words must be taken in context. If any doubt remains subsequent to statements concerning the ability to be impartial when considered in light of the all the potential juror's responses, the potential juror should be excused for cause.[30] "The costs to society and the criminal justice system of discharging the juror are comparatively slight, while the costs in fairness to the defendant and the general perception of fairness of not discharging such a juror are great."[31] Applying the principles of *Blyden*, the *Chambers* court stated that taken as a whole and considering the entire the context of the prospective juror's testimony, the juror's statements, regarding his ability to render a fair verdict, were unequivocal.[32]

The court's final observation served as a reminder to trial courts concerning their responsibility during *voir dire*. Citing several cases, the court of appeals noted that it has repeatedly been asked to evaluate a particular statement made by a prospective juror against "the clear legal standard requiring an unequivocal assertion of impartiality."[33]

In *People v. Bludson*, the court of appeals held that the trial court abused its discretion in denying defendant's challenges for cause as to two potential jurors.[34] The trial court had collectively instructed prospective jurors as to the presumption of defendant's innocence, the People's burden of proof, and defendant's right not to testify.[35] During *voir dire*, one potential juror stated that in order to acquit the defendant, she would need defense counsel to prove

28. *Blyden*, 55 N.Y.2d at 79.

29. *Id.* at 78.

30. *Id.*

31. *Id.*

32. *Chambers*, 97 N.Y.2d at 419.

33. *Id.* at 419.(citing People v. Bludson, 97 N.Y.2d 644 (2001); People v. Arnold, 96 N.Y.2d 358 (2001); People v. Johnson, 94 N.Y.2d 600 (2000)).

34. *Bludson*, 97 N.Y.2d 644, 645 (2001).

35. *Id.*

defendant's innocence.[36] Another juror stated that defendant's failure to testify "might influence his decision" and "'might make it hard'" for him to acquit the defendant.[37] The court of appeals found that these statements cast serious doubt on their ability to render a fair verdict.[38] The court held that the trial court's failure to elicit unequivocal assurance from the potential juror that he would be able to render a fair verdict warranted removal for cause.[39] The court also stated that the jury panel's prior collective instructions were insufficient to constitute an unequivocal declaration.[40]

In *Arnold*, the New York Court of Appeals held that the trial court erred by not obtaining unequivocal assurance that a prospective juror could be fair and warranted removal for cause.[41] *Arnold* involved a prosecution of a defendant for assault of his former girlfriend.[42] A potential juror stated during *voir dire* that she had done a lot of research on domestic violence and battered women's syndrome and that she had a "problem" and did not think that she should be sitting on the case because of her experience.[43] The Court of Appeals found that the collective acknowledgment by the entire jury panel that they would follow the judge's instructions did not constitute an unequivocal declaration of impartiality of a prospective juror.[44]

The New York Court of Appeals, in *People v. Johnson* and its companion case, *People v. Reyes*, held that the trial court should have either excused a potential juror or obtained an unequivocal response from the juror.[45] The trial court's failure to do so warranted a new trial.[46] In *Johnson*, a potential juror stated that he had dealt with police through his job at Bellevue Hospital and that he would

36. *Bludson*, 97 N.Y.2d at 646.
37. *Id.*
38. *Id.* at 646.
39. *Id.*
40. *Id.*
41. People v. Arnold, 96 N.Y.2d 358, 368 (2001).
42. *Id.* at 360.
43. *Id.* at 360-1.
44. *Id.* at 363.
45. People v. Johnson, 94 N.Y.2d 600, 603, 614-15 (2000).
46. *Id.* at 603.

give policy officers the benefit of the doubt.[47] The companion case, *People v. Reyes*, involved a prosecution for the sale of heroin, a potential juror stated that as a parent she was particularly upset by drug abuse and could "only try" to be fair and impartial.[48] Furthermore, the potential juror stated that although defendant's criminal records didn't automatically make him guilty, it "might be difficult" for her to be open-minded.[49]

In *Chambers*, the court observed that for over a century, the use of the word "think" by a prosecution juror has been challenged as equivocal.[50] The court of appeals reminded trial courts to conduct additional questioning when a prospective juror qualifies an unequivocal "yes" or "no" response to a question regarding impartiality with words like "I think" or "I'll try."[51] An additional question or two could easily eliminate any doubt as to equivocation, ensure a fair and impartial jury, and would avoid the possibility and delay of appeals.[52]

IV. CONCLUSION

In an unanimous decision, the New York Court of Appeals ruled that a prospective juror who qualifies a response to a questions regarding his ability to be impartial with "I think" does not give an equivocal response and therefore does not require the trial court to excuse the prospective juror.[53] The Court of Appeals reminded trial courts when doubts arise regarding the equivocation of a juror's statement, the trial court must conduct further inquiry.[54]

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47. *Johnson*, 94 N.Y.2d at 605.
48. *Id.* at 606-7.
49. *Id.* at 609.
50. People v. Chambers, 97 N.Y.2d 417, 419 (2002).
51. *Id.*
52. *Id.*
53. *Id.* at 418.
54. *Id.* at 419.