

SUPREME COURT OF NEW HAMPSHIRE

State v. Addison

161 N.H. 300 (2010) · Decided December 22, 2010

SUMMARY

The New Hampshire Supreme Court affirmed Michael Addison’s convictions for conspiracy to commit criminal threatening and reckless conduct. The court held that informing prospective jurors about Addison’s unrelated pending murder charge did not violate his rights to due process or an impartial jury. It also held that the jury-selection method complied with RSA chapter 500-A’s requirement that prospective jurors be selected at random, rejecting an equal-probability definition of randomness.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Conboy, J.; Dalianis, C.J.; Duggan, J.; Hicks, J.
JURISDICTION	New Hampshire
DECIDED	December 22, 2010
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed jury convictions for conspiracy to commit criminal threatening and reckless conduct, challenging the trial court's use of a voir dire instruction informing prospective jurors of his separate indictment for the murder of a police officer and challenging the statutory randomness of the grand- and petit-jury selection process.
STANDARD OF REVIEW	The manner and questions used in voir dire are reviewed for an unsustainable exercise of discretion or a decision against the weight of the evidence. Statutory interpretation is reviewed de novo. A defendant challenging jury-selection procedures bears the burden of establishing a prima facie case of substantial statutory noncompliance.
PRECEDENTIAL VALUE	Published New Hampshire Supreme Court opinion; precedential.
PARTIES	Michael Addison v. State of New Hampshire

TOPICS

- criminal procedure
- jury selection
- jury instructions
- due process
- statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the trial court violated Addison's due-process and fair-and-impartial-jury rights by informing the venire that he had been indicted for the murder of Officer Michael Briggs and by using a VandeBogart-based instruction.
2. Whether the method used to select prospective grand and petit jurors violated RSA chapter 500-A's requirement that jurors be selected at random.

HOLDINGS

1. The trial court's use of an instruction informing the venire about Addison's separate, highly publicized murder indictment did not violate the State or Federal Constitutions. Even assuming a heightened level of due process applied, the instruction satisfied due process because it disclosed the source of potential publicity, explained the presumption of innocence and the jurors' duty of impartiality, and allowed jurors to reveal any inability to set aside bias.
2. RSA chapter 500-A does not require an equal-probability or statistically random selection process. The jury-selection method used in Addison's case, including the use of blended source lists, possible duplicate names, and an every-nth selection interval, did not violate the statute.

KEY QUOTATIONS

"It is sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence presented in court." (161 N.H. at 304)

"Therefore, in construing the requirement under RSA chapter 500-A that prospective jurors be drawn at "random," we decline to adopt an "equal odds" definition of the term." (161 N.H. at 311)

FACTUAL BACKGROUND

Addison was convicted of conspiracy to commit criminal threatening and reckless conduct arising from a shooting at an apartment building on Roy Drive in Manchester. The shooting occurred less than twenty-four hours before the murder of Manchester Police Officer Michael Briggs, and the same weapon was allegedly involved in both incidents. The Briggs murder received extensive publicity, and Addison was separately indicted and later convicted in that case. The State later used the convictions in the present case as aggravating factors in seeking the death penalty in the Briggs case.

PROCEDURAL HISTORY

Addison was convicted by a jury in the Superior Court of conspiracy to commit criminal threatening and reckless conduct. The trial court used a VandeBogart-based instruction regarding Addison's unrelated, highly publicized murder indictment and empanelled the jury after individual voir dire. Addison also challenged the jury-selection method under RSA chapter 500-A. The Supreme Court of New Hampshire affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Addison, 159 N.H. 87 (2009)
- State v. VandeBogart, 136 N.H. 107 (1992)
- State v. Ball, 124 N.H. 226, 231-33 (1983)
- State v. Goupil, 154 N.H. 208, 218 (2006)
- State v. Rideout, 143 N.H. 363, 365 (1999)
- State v. Weir, 138 N.H. 671, 673 (1994)
- State v. Wamala, 158 N.H. 583, 594 (2009)
- State v. Gullick, 120 N.H. 99, 102 (1980), cert. denied, 449 U.S. 879 (1980)
- State v. Lambert, 147 N.H. 295, 296 (2001)
- State v. Addison, 160 N.H. 493, 497-500 (2010)
- State v. Addison, 160 N.H. 792 (2010)
- Kenison v. Dubois, 152 N.H. 448, 451 (2005)
- Dalton Hydro v. Town of Dalton, 153 N.H. 75, 78 (2005)
- Appeal of Parkland Med. Ctr., 158 N.H. 67, 72 (2008)
- In re Alexis O., 157 N.H. 781, 785 (2008)
- State v. Ayer, 150 N.H. 14, 33 (2003), cert. denied, 541 U.S. 942 (2004)
- United States v. Butts, 514 F. Supp. 1225, 1234-35 (D. Fla. 1981)
- United States v. Gregory, 730 F.2d 692, 699 (11th Cir. 1984), cert. denied, 469 U.S. 1208 (1985)
- United States v. Bearden, 659 F.2d 590, 602-03 (5th Cir. 1981), cert. denied, 456 U.S. 936 (1982)
- McClendon v. United States, 587 F.2d 384, 387 (8th Cir. 1978), cert. denied, 440 U.S. 983 (1979)
- In re United States, 426 F.3d 1, 6 (1st Cir. 2005)
- State v. Russo, 516 A.2d 1161, 1163-65 (N.J. Super. Ct. Law Div. 1986)
- Azania v. State, 778 N.E.2d 1253, 1257, 1260 (Ind. 2002)