

SUPREME COURT OF NEW JERSEY

State v. Artwell, 177 N.J. 526

832 A.2d 295 (2003) · Decided July 2, 2003

SUMMARY

The Supreme Court of New Jersey held that requiring a defense witness to testify in handcuffs without a recorded justification violated the defendant's right to a fair trial. The Court also ruled that defense witnesses may not be required to appear in prison garb because the practice serves no essential state interest. The court reversed the judgment and remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of New Jersey
WRITING FOR THE COURT	Zazzali, J.; Poritz, C.J.; Coleman, J.; Long, J.; Verniero, J.; LaVecchia, J.
JURISDICTION	New Jersey
DECIDED	July 2, 2003
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed his criminal convictions and sentence, asserting that requiring a defense witness to testify in handcuffs and prison garb violated his right to a fair trial. The Appellate Division found error but affirmed on harmless-error grounds. The Supreme Court of New Jersey granted certification.
STANDARD OF REVIEW	The trial court's decision to restrain a witness is reviewed for abuse of discretion, subject to the requirement that the record demonstrate a specific necessity for the restraint. Constitutional fair-trial prejudice must be justified by an essential state interest.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of New Jersey
PARTIES	Sherman Artwell, a/k/a Timothy Harris v. State of New Jersey

TOPICS

- criminal procedure
- due process
- fourteenth amendment
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether requiring a defense witness to testify before the jury in handcuffs without stating reasons on the record violated the defendant's right to a fair trial.
2. Whether requiring a defense witness to testify in distinctive prison garb violated the defendant's right to a fair trial.
3. Whether the trial court's errors were harmless or required reversal and a new trial.

HOLDINGS

1. A trial court may require a defense witness to testify in physical restraints only when it has reason to believe restraints are necessary to maintain courtroom security, and the court must hold a hearing or otherwise state on the record, outside the jury's presence, the reasons for the restraint. The trial court's failure to make that record was reversible error.
2. A trial court may not require a defense witness to appear at trial in distinctive prison garb. Defense witnesses who are incarcerated should generally be provided civilian clothing, and the defendant need not make an affirmative request for civilian clothing.

KEY QUOTATIONS

"Because the appearance of a defense witness in restraints presents a risk of unfair prejudice to a defendant, the trial court may subject a witness to physical restraint only when it "has reason to believe it is necessary to maintain the security of the courtroom." (177 N.J. at 542)

"Unlike the use of restraints, requiring a witness to testify in prison clothing "further[s] no vital State interest." (177 N.J. at 543)

"In future cases, a defendant therefore need not make an affirmative request of the trial court that his or her witnesses appear in civilian clothing." (177 N.J. at 544)

FACTUAL BACKGROUND

Police officers testified that they observed Artwell engage in several apparent drug transactions, flee when approached, discard a bag containing twenty-four packets of cocaine, and then get apprehended. Artwell testified that undercover officers attacked and arrested him after he mistook them for robbers. His defense witness Herbert Boone, who was incarcerated on unrelated charges, was required over objection to testify before the jury wearing handcuffs and prison garb; the trial court gave no reason for the restraints beyond stating that there was no requirement that Boone testify without them.

PROCEDURAL HISTORY

Artwell was convicted of third-degree cocaine possession and third-degree possession of cocaine with intent to distribute and received an extended seven-year sentence with three years of parole ineligibility. The Appellate Division held that the trial court erred by requiring defense witness Herbert Boone to testify in restraints and

prison garb without a demonstrated necessity, but deemed the error harmless because Boone's testimony was peripheral. The Supreme Court reversed, vacated the conviction, and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The conviction was vacated and the matter was remanded for a new trial.

CASES CITED

- State v. Zhu, 165 N.J. 544, 761 A.2d 523 (2000)
- Taylor v. Kentucky, 436 U.S. 478, 485 (1978)
- Holbrook v. Flynn, 475 U.S. 560, 568-70 (1986)
- Estelle v. Williams, 425 U.S. 501, 504-05 (1976)
- State v. Damon, 286 N.J. Super. 492, 498-99, 669 A.2d 860 (App. Div. 1996)
- State v. Roberts, 86 N.J. Super. 159, 162-68, 206 A.2d 200 (App. Div. 1965)
- State v. Carrion-Collazo, 221 N.J. Super. 103, 109, 112, 534 A.2d 21 (App. Div. 1987)
- State v. Smith, 346 N.J. Super. 233, 239-41, 787 A.2d 276 (App. Div. 2002)
- Harrell v. Israel, 672 F.2d 632, 635 (7th Cir. 1982)
- Williams v. State, 629 P.2d 54, 57-58 (Alaska 1981)
- Commonwealth v. Brown, 364 Mass. 471, 305 N.E.2d 830, 834 (1973)
- State v. Coursolle, 255 Minn. 384, 97 N.W.2d 472, 476 (1959)
- State v. Maisonet, 166 N.J. 9, 17, 763 A.2d 1254 (2001)
- State v. Rodriguez, 146 Wash. 2d 260, 45 P.3d 541, 543-44 (2002)
- State v. Yates, 174 Conn. 16, 381 A.2d 536, 537 (1977)
- United States v. Carter, 522 F.2d 666, 677 (D.C. Cir. 1975)
- State ex rel. McMannis v. Mohn, 163 W. Va. 129, 254 S.E.2d 805, 808-11 (1979)
- State v. Allah Jamaal W., 209 W. Va. 1, 543 S.E.2d 282, 286, 288 (2001)