

SUPREME COURT OF IDAHO

Hall v. State, 151 Idaho 42

253 P.3d 716 (2011) · No. No. 35055 · Decided May 27, 2011

SUMMARY

The Idaho Supreme Court considered a permissive appeal from interlocutory orders in capital post-conviction proceedings involving restrictions on post-verdict contact with jurors and denial of a request to depose a trial investigator. The court held that district courts have inherent authority to restrict post-verdict juror contact and that such restrictions did not violate counsel's First Amendment rights. Although the district court incorrectly treated Idaho Rule of Evidence 606(b) as limiting the permissible scope of juror interviews, the Supreme Court affirmed because the denial was also supported by the absence of good cause indicating juror misconduct.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Burdick, Justice; Burdick; Eismann; J. Jones; W. Jones; Horton
JURISDICTION	Idaho
DECIDED	May 27, 2011
DOCKET	No. 35055
DISPOSITION	affirmed
PROCEDURAL POSTURE	Permissive appeal from two interlocutory orders entered during capital post-conviction proceedings, concerning post-verdict contact with jurors and a deposition of trial counsel's investigator.
STANDARD OF REVIEW	Constitutional questions are reviewed freely in light of factual findings, which are upheld unless clearly erroneous. Post-conviction discovery decisions are reviewed for abuse of discretion; the applicant must show that discovery is necessary to protect substantial rights.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential
PARTIES	Erick Virgil Hall v. State of Idaho

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QUESTIONS PRESENTED

1. Whether the district court had inherent authority to restrict post-verdict contact between Hall's appellate counsel and the trial jurors absent prior court approval.
2. Whether the restriction on counsel's contact with the jurors violated the attorneys' First Amendment rights as applied through the Fourteenth Amendment.
3. Whether the district court abused its discretion by denying Hall's motion for post-verdict juror contact.
4. Whether the district court abused its discretion by denying Hall's motion to depose trial counsel's investigator in the post-conviction proceeding.

HOLDINGS

1. A district court has inherent authority to restrict contact with trial jurors, including post-verdict contact, and may require prior court approval before such contact occurs.
2. An order prohibiting attorneys from contacting post-verdict jurors absent court approval does not violate the attorneys' First Amendment rights.
3. A court should permit post-verdict juror contact when the applicant shows good cause to believe juror misconduct occurred, with the contact limited to investigating that misconduct; the court may not categorically limit permissible inquiry to matters on which jurors themselves could testify under Idaho Rule of Evidence 606(b).
4. The district court did not abuse its discretion in denying Hall's request to depose trial counsel's investigator because the discovery already authorized and available alternative evidence were sufficient to protect Hall's substantial rights.

KEY QUOTATIONS

"We find that a district court has the inherent authority to enter an order restricting contact with the jury, including post-verdict contact." (at 720)

"Therefore, we hold that the district court did not err in using its inherent authority to enter an order prohibiting post-verdict juror contacts absent a showing of good cause to believe that juror misconduct occurred." (at 722)

"The appropriate test is whether Hall had shown that there was good cause to believe that juror misconduct had occurred." (at 725)

FACTUAL BACKGROUND

In 2004, a jury convicted Hall of first-degree murder, first-degree kidnapping, and rape, found four statutory aggravating factors, and determined that imposing the death penalty would not be unjust. During the ensuing capital post-conviction proceedings, Hall sought permission to contact the jurors about possible misconduct and

sought to depose Glenn Elam, the investigator employed by his trial counsel, in support of an ineffective-assistance claim concerning an alternate-perpetrator theory. The district court denied juror contact and denied the investigator's deposition while allowing depositions of Hall's trial attorneys.

PROCEDURAL HISTORY

Hall was convicted of first-degree murder, first-degree kidnapping, and rape and was sentenced to death for murder. During his Idaho post-conviction proceedings, the district court restricted counsel's contact with the trial jurors absent prior court approval and denied Hall's request to depose trial counsel's investigator. The Idaho Supreme Court granted permission to appeal and affirmed both orders.

DISPOSITION

affirmed

CASES CITED

- Kelly v. State, 149 Idaho 517, 521, 236 P.3d 1277, 1281 (2010)
- State v. Thorngren, 149 Idaho 729, 735, 240 P.3d 575, 581 (2010)
- Baldwin v. State, 145 Idaho 148, 157, 177 P.3d 362, 371 (2008)
- State v. LePage, 138 Idaho 803, 810, 69 P.3d 1064, 1071 (Ct. App. 2003)
- Henderson v. Henderson Investment Properties, L.L.C., 148 Idaho 638, 639-40, 227 P.3d 568, 569-70 (2010)
- Townsel v. Superior Court, 20 Cal. 4th 1084, 86 Cal. Rptr. 2d 602, 979 P.2d 963 (1999)
- Sheppard v. Maxwell, 384 U.S. 333, 363 (1966)
- Talbot v. Ames Construction, 127 Idaho 648, 652, 904 P.2d 560, 564 (1995)
- Alexander v. United States, 509 U.S. 544, 550 (1993)
- Gentile v. State Bar of Nevada, 501 U.S. 1030 (1991)
- In re Rouss, 221 N.Y. 81, 116 N.E. 782 (1917)
- In re Sawyer, 360 U.S. 622, 646-47 (1959) (Stewart, J., concurring)
- Haerberle v. Texas International Airlines, 739 F.2d 1019, 1020-22 (5th Cir. 1984)
- Commission for Lawyer Discipline v. Benton, 980 S.W.2d 425, 431-32 (Tex. 1998)
- Gagliano v. Ford Motor Co., 551 F. Supp. 1077, 1079 (D. Kan. 1982)
- King v. United States, 576 F.2d 432, 438 (2d Cir. 1978), cert. denied, 439 U.S. 850 (1978)
- United States v. Franks, 511 F.2d 25, 38 (6th Cir. 1975)
- United States v. Kepreos, 759 F.2d 961, 967 (1st Cir. 1985)
- Rakes v. United States, 169 F.2d 739, 745-46 (4th Cir. 1948)
- Tanner v. United States, 483 U.S. 107, 112-27 (1987)
- Levinger v. Mercy Medical Center, Nampa, 139 Idaho 192, 197, 75 P.3d 1202, 1207 (2003)
- Payne v. Bell, 89 F. Supp. 2d 967 (W.D. Tenn. 2000)
- Fields v. State, 135 Idaho 286, 291, 17 P.3d 230, 235 (2000)

- State v. Porter, 130 Idaho 772, 782, 948 P.2d 127, 137 (1997)
- Strickland v. Washington, 466 U.S. 668 (1984)

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