

SUPREME COURT OF SOUTH CAROLINA

State v. Coaxum

410 S.C. 320 (2014) · No. Appellate Case No. 2012-206607 · Decided October 8, 2014

SUMMARY

The South Carolina Supreme Court reversed the Court of Appeals and upheld William Coaxum's convictions for armed robbery and possession of a firearm during the commission of a violent crime. The court held that a trial judge may, in the exercise of discretion, replace a juror midtrial for an unintentional nondisclosure during voir dire when the concealed information would have been material to a party's exercise of peremptory challenges. Because the jury remained impartial after the substitution and Coaxum failed to show prejudicial abuse of discretion, a new trial was not warranted.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Pleicones; Justice Kittredge; Justice Hearn; Acting Justice James E. Moore
JURISDICTION	South Carolina
DECIDED	October 8, 2014
DOCKET	Appellate Case No. 2012-206607
DISPOSITION	reversed
PROCEDURAL POSTURE	The State petitioned for a writ of certiorari to review the South Carolina Court of Appeals' decision reversing Respondent's convictions and remanding for a new trial.
STANDARD OF REVIEW	In a criminal case, the appellate court reviews errors of law only and is bound by the trial court's factual findings unless clearly erroneous. A defendant seeking a new trial based on the juror-removal decision must show a prejudicial abuse of discretion.
PRECEDENTIAL VALUE	Published South Carolina Supreme Court opinion; precedential.
PARTIES	The State of South Carolina v. William Coaxum, Sr.

TOPICS

- jury selection
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by removing Juror #7 during trial for her unintentional failure to disclose a relationship with a member of the defendant's family during voir dire.
2. What showing is required when a juror unintentionally fails to disclose information that might have affected a party's exercise of peremptory challenges.

HOLDINGS

1. When a juror's nondisclosure during voir dire is unintentional, the trial court has discretion to proceed with the jury as constituted, replace the juror with an alternate, or declare a mistrial. The court must determine whether the concealed information would have supported a challenge for cause or been a material factor in exercising a peremptory challenge.
2. The trial court did not abuse its discretion by removing Juror #7 and replacing her with the alternate juror, because it conducted a thorough inquiry and determined that the undisclosed relationship would have been a material factor in the State's exercise of its peremptory challenges.
3. State v. Burgess improperly read prior South Carolina precedent as prohibiting removal of a juror whenever the juror's nondisclosure was unintentional, without considering whether the information was material to a party's exercise of a peremptory challenge.

KEY QUOTATIONS

“In contrast, if a juror's nondisclosure is unintentional, the trial court may exercise its discretion in determining whether to proceed with the trial with the jury as is, replace the juror with an alternate, or declare a mistrial.” (Analysis)

“Accordingly, the moving party has a heightened burden to show that the concealed information indicates the juror is potentially biased, and that the concealed information would have been a material factor in the party's exercise of its peremptory challenges.” (Analysis)

“As there is no question the jury was impartial after Juror #7's removal, Respondent did not meet his burden, and therefore is not entitled to a new trial.” (Conclusion)

FACTUAL BACKGROUND

Two armed men robbed a Pizza Hut, and police soon pursued a vehicle matching the robbers' getaway-car description. Coaxum, the driver, led police on a high-speed chase, crashed, and attempted to flee; a search revealed a sawed-off shotgun and more than \$1,000 in cash. During trial, Juror #7 disclosed that she recognized one of Coaxum's family members in the courtroom and had a workplace relationship and possibly a distant familial connection with that person, although the trial court found her failure to disclose the relationship during voir dire was unintentional. After examining the prosecutor's peremptory-strike strategy, the trial court removed Juror #7 and substituted the alternate juror.

PROCEDURAL HISTORY

A Charleston County circuit court convicted William Coaxum, Sr. of armed robbery and possession of a firearm during the commission of a violent crime after replacing a juror with an alternate during trial. The Court of Appeals reversed and remanded, holding that the trial court improperly removed the juror for an unintentional failure to disclose information during voir dire. The Supreme Court of South Carolina reversed the Court of Appeals.

DISPOSITION

reversed

CASES CITED

- State v. Coaxum, Op. No. 2011-UP-496 (S.C. Ct. App. filed Nov. 7, 2011)
- State v. Woods, 345 S.C. 583, 550 S.E.2d 282 (2001)
- State v. Wilson, 345 S.C. 1, 545 S.E.2d 827 (2001)
- State v. Kelly, 331 S.C. 132, 502 S.E.2d 99 (1998)
- State v. Galbreath, 359 S.C. 398, 597 S.E.2d 845 (Ct. App. 2004)
- State v. Covington, 343 S.C. 157, 539 S.E.2d 67 (Ct. App. 2000)
- State v. Cameron, 311 S.C. 204, 428 S.E.2d 10 (Ct. App. 1993)
- State v. Gulledge, 277 S.C. 368, 287 S.E.2d 488 (1982)
- State v. Wasson, 299 S.C. 508, 386 S.E.2d 255 (1989)
- State v. Williams, 321 S.C. 455, 469 S.E.2d 49 (1996)
- State v. McDaniel, 275 S.C. 222, 268 S.E.2d 585 (1980)
- State v. Sparkman, 358 S.C. 491, 596 S.E.2d 375 (2004)
- State v. Stone, 350 S.C. 442, 567 S.E.2d 244 (2002)
- State v. Burgess, 391 S.C. 15, 703 S.E.2d 512 (Ct. App. 2010)
- Doyle v. Kennedy Heating & Serv., Inc., 33 S.W.3d 199 (Mo. Ct. App. 2000)