

SUPREME COURT OF ARKANSAS

Ingram v. State

2013 Ark. 446 (2013) · No. CR-13-270 · Decided November 7, 2013

SUMMARY

The Arkansas Supreme Court affirmed Richard Ingram’s capital-murder conviction and life-without-parole sentence. The court held that the trial court did not abuse its discretion by removing a juror who had spoken with potential witnesses and seating an alternate, and it rejected Ingram’s claim that the removal constituted structural error.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Paul E. Danielson; Karen R. Baker; Hart
JURISDICTION	Arkansas
DECIDED	November 7, 2013
DOCKET	CR-13-270
DISPOSITION	affirmed
PROCEDURAL POSTURE	Richard Ingram appealed his conviction for capital murder and sentence of life imprisonment without parole, challenging the circuit court's removal of a juror and seating of an alternate juror.
STANDARD OF REVIEW	A circuit court's decision to remove a juror and seat an alternate juror is reviewed for abuse of discretion. The appellant must demonstrate prejudice, and whether prejudice occurred is also within the circuit court's sound discretion.
PRECEDENTIAL VALUE	published Arkansas Supreme Court opinion
PARTIES	Richard Ingram v. State of Arkansas

TOPICS

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

PRACTICE AREAS

- criminal procedure
- appellate procedure
- jury administration

QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by removing a juror and seating an alternate juror.
2. Whether the juror's removal constituted structural error requiring automatic reversal without a showing of prejudice.
3. Whether the Arkansas Supreme Court should consider the structural-error argument when it was not raised below.

HOLDINGS

1. The circuit court did not abuse its discretion in removing the juror and seating an alternate because the court had a reasonable basis to be concerned that the juror violated its instruction against speaking with potential witnesses and because the accounts of the interaction varied.
2. An appellant challenging the removal of a juror and seating of an alternate must demonstrate prejudice.
3. The court would not consider Ingram's structural-error argument because he did not raise that argument below.
4. The court declined to apply a presumption of prejudice or automatic-reversal rule to the juror-removal issue because the case did not involve the use of a suspect classification such as race in jury selection.

KEY QUOTATIONS

“[D]uring any recess or adjournment you must not talk to any one of the attorneys, parties, or witnesses about anything. You should not even pass the time of day with them in the courthouse or anywhere else.”
(2013 Ark. 446 at 1-2)

“This court cannot possibly hold on the record and argument before it that the circuit court abused its discretion in removing the juror and seating an alternate; therefore, we affirm.” (2013 Ark. 446 at 3)

FACTUAL BACKGROUND

Ingram was convicted of capital murder for the death of his twenty-three-month-old son. During trial, a bailiff reported seeing a juror speaking with individuals who included potential witnesses and members of Ingram's family, despite the court's instruction that jurors not speak with parties, attorneys, or witnesses. The witnesses and juror gave differing accounts of the interaction, and the circuit court removed the juror and replaced her with an alternate.

PROCEDURAL HISTORY

The Jackson County Circuit Court convicted Ingram of capital murder in connection with the death of his twenty-three-month-old son and sentenced him to life imprisonment without parole. During trial, the court removed a juror after evidence indicated that she had spoken with potential witnesses in violation of the court's instructions and after inconsistencies emerged between the witnesses' accounts and the juror's account. The Arkansas Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Smith v. State, 343 Ark. 552, 39 S.W.3d 739 (2001)
- Lee v. State, 340 Ark. 504, 11 S.W.3d 553 (2000)
- Dillard v. State, 313 Ark. 439, 855 S.W.2d 909 (1993)
- Sullivan v. State, 2012 Ark. 178
- Adams v. State, 2013 Ark. 174, ____ S.W.3d ____
- Vasquez v. Hillery, 474 U.S. 254 (1986)
- Kelly v. State, 350 Ark. 238, 85 S.W.3d 893 (2002)
- Scamardo v. State, 2013 Ark. 163, ____ S.W.3d ____
- Langston v. Hileman, 284 Ark. 140, 680 S.W.2d 89 (1984)
- Bradley v. State, 320 Ark. 100, 896 S.W.2d 425 (1995)
- Ruiz v. State, 273 Ark. 94, 617 S.W.2d 6 (1981)