

SUPREME COURT OF MINNESOTA

State v. Costello

646 N.W.2d 204 (Minn. 2002) · No. C7-00-436 · Decided June 13, 2002

SUMMARY

The Minnesota Supreme Court held that jurors may not question witnesses in a criminal trial. The court concluded that juror questioning threatens juror neutrality, may encourage premature formation of opinions, and can affect the state's burden of proof in the adversarial system. The court reversed Gerard J. Costello's convictions and remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Blatz, Chief Justice; Anderson, Justice; Stringer, Justice
JURISDICTION	Minnesota
DECIDED	June 13, 2002
DOCKET	C7-00-436
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Gerard J. Costello sought review of a Minnesota Court of Appeals decision affirming his convictions after the district court permitted jurors to submit questions to witnesses during his criminal trial.
STANDARD OF REVIEW	De novo review of the legal question whether juror questioning of witnesses is permissible in criminal trials; the court declined to apply harmless-error analysis to the preserved error.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Minnesota; binding statewide authority on juror questioning in criminal trials.
PARTIES	Gerard J. Costello v. State of Minnesota

TOPICS

- criminal procedure
- due process
- sixth amendment
- evidence

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence

QUESTIONS PRESENTED

1. Whether a Minnesota district court may permit jurors to question witnesses during a criminal trial.
2. Whether permitting juror questioning undermines juror neutrality and the adversarial allocation of the burden of proof.
3. Whether the preserved error required a new trial or could be deemed harmless.

HOLDINGS

1. Under its supervisory power, the Minnesota Supreme Court held that no court shall permit jurors to question witnesses during a criminal trial.
2. Because Costello timely objected and the effects of juror questioning on the evidence, advocacy, and deliberations could not be quantified, the error was not subject to harmless-error analysis and Costello was entitled to a new trial.
3. The court did not reach Costello's state and federal constitutional claims because it resolved the issue under its supervisory power.

KEY QUOTATIONS

“Therefore, to protect the neutrality and impartiality of jurors—both critical to the fair administration of justice—we exercise our supervisory power and hold that no court shall permit jurors to question witnesses in a criminal trial.” (646 N.W.2d at 214-15)

“Further, because the effect of such questioning is not quantifiable and the appellant raised a timely objection to the district court’s practice, thereby preserving the issue for appeal, the defendant must be given a new trial.” (646 N.W.2d at 215)

FACTUAL BACKGROUND

Police responding to a disturbance observed Costello backing a truck from a boarding-house parking space. The officer observed an open beer can, signs of intoxication, and learned that Costello's driver's license had been cancelled; Costello initially gave a false name. At trial, Costello asserted necessity, claiming he drove because other boarding-house tenants had threatened him. Over Costello's blanket objection, the district court allowed jurors to submit written questions, and the court asked three questions of witnesses, including Costello.

PROCEDURAL HISTORY

Costello was convicted in district court of aggravated driving under the influence of alcohol, driving under the influence of alcohol, driving after cancellation, and giving a false name to a peace officer. The court of appeals affirmed, holding that juror questioning fell within the district court's inherent trial-management authority and was subject to case-by-case review. The Minnesota Supreme Court granted review, reversed, and remanded for a new trial.

DISPOSITION

REMAND INSTRUCTIONS

The case was remanded to the district court for a new trial.

CASES CITED

- State v. Costello, 620 N.W.2d 924, 927-28 (Minn. App. 2001)
- State v. Crawford, 96 Minn. 95, 104 N.W. 822 (1905)
- In re Clerk of Lyon County Courts' Compensation, 308 Minn. 172, 176-77, 241 N.W.2d 781, 784 (1976)
- State v. Porter, 526 N.W.2d 359, 364, 366 (Minn. 1995)
- State v. Johnson, 324 N.W.2d 199, 202 (Minn. 1982)
- State v. Thompson, 578 N.W.2d 734, 742 (Minn. 1998)
- State v. Thaggard, 527 N.W.2d 804, 812 (Minn. 1995)
- United States v. Thompson, 76 F.3d 442, 448 (2d Cir. 1996)
- State v. Hays, 256 Kan. 48, 883 P.2d 1093, 1100, 1102 (1994)
- Johnson v. State, 270 Ga. 234, 507 S.E.2d 737, 742 (1998)
- Wharton v. State, 734 So. 2d 985, 990 (Miss. 1998)
- State v. Zima, 237 Neb. 952, 468 N.W.2d 377, 379-80 (1991)
- Morrison v. State, 845 S.W.2d 882, 884, 886-89 (Tex. Crim. App. 1992)
- State v. Salitros, 499 N.W.2d 815, 817, 819 (Minn. 1993)
- United States v. Johnson, 892 F.2d 707, 710-13 (8th Cir. 1989)
- In re Winship, 397 U.S. 358, 364 (1970)
- Mullaney v. Wilbur, 421 U.S. 684, 701-02 (1975)
- State v. Juarez, 572 N.W.2d 286, 292 (Minn. 1997)
- State v. Scales, 518 N.W.2d 587, 592 (Minn. 1994)
- State v. VanWagner, 504 N.W.2d 746, 750 (Minn. 1993)
- Gideon v. Wainwright, Gideon v. Wainwright, 372 U.S. 335, 344-45 (1963)
- State v. Borst, 278 Minn. 388, 397, 154 N.W.2d 888, 894 (1967)
- State v. Cheng, 623 N.W.2d 252, 257 (Minn. 2001)