

COURT OF APPEALS OF THE STATE OF NEW YORK

People v. Nicholas

98 N.Y.2d 749 (2002) · Decided October 17, 2002

SUMMARY

The New York Court of Appeals affirmed the reversal of the defendant’s conviction because the trial court denied challenges for cause to prospective jurors who indicated possible bias in favor of police testimony. The court held that such jurors must be excused unless they provide unequivocal assurances that they can set aside the bias and render an impartial verdict, particularly where the defendant ultimately exhausts peremptory challenges.

CASE DETAILS

COURT	Court of Appeals of the State of New York
WRITING FOR THE COURT	Chief Judge Kaye; Judge Smith; Judge Levine; Judge Ciparick; Judge Wesley; Judge Rosenblatt; Judge Graffeo
JURISDICTION	New York
DECIDED	October 17, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	The People appealed from an Appellate Division order reversing defendant's conviction. The Court of Appeals affirmed the Appellate Division's order.
STANDARD OF REVIEW	The Court of Appeals reviewed whether the record sufficiently identified the prospective jurors challenged for cause and whether the trial court's denial of those challenges constituted reversible error under CPL 270.20.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	The People of the State of New York v. Pete Nicholas, also known as Pete Nichols

TOPICS

- jury selection
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the voir dire record was sufficient to identify the prospective jurors challenged for bias in favor of police testimony.
2. Whether the trial court committed reversible error by denying challenges for cause to prospective jurors who indicated possible bias but did not provide unequivocal assurances of impartiality after exhausting defendant's peremptory challenges.

HOLDINGS

1. Prospective jurors who indicate possible bias must be excused for cause unless they provide an unequivocal assurance that they can set aside the bias and render an impartial verdict based on the evidence.
2. The record was sufficient to identify which prospective jurors were being challenged for bias in favor of police testimony.

KEY QUOTATIONS

“Once again we emphasize that prospective jurors who give some indication of bias but do not provide an unequivocal assurance of impartiality must be excused for cause.” (750)

“We have repeatedly stated that potential jurors who express possible bias must be excused unless they provide “unequivocal assurance that they can set aside any bias and render an impartial verdict based on the evidence.”” (752)

FACTUAL BACKGROUND

During voir dire, several prospective jurors indicated by raising their hands and nodding affirmatively that they would tend to believe a police officer's account because the witness was a police officer. The trial court did not obtain unequivocal assurances from those jurors that they could set aside that bias and evaluate police testimony impartially. Defendant challenged the jurors for cause, was denied, used peremptory challenges to remove them, and exhausted his peremptory challenges.

PROCEDURAL HISTORY

During voir dire, the trial court denied defendant's challenges for cause to prospective jurors who indicated a tendency to credit police testimony merely because the witness was a police officer. Defendant used peremptory challenges to remove the jurors and ultimately exhausted those challenges. The Appellate Division reversed the conviction, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Johnson, 94 N.Y.2d 600, 614 (2000)
- People v. Chambers, 97 N.Y.2d 417, 419 (2002)
- People v. Arnold, 96 N.Y.2d 358, 362 (2001)

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