

IN THE CIRCUIT COURT OF MAYCOMB COUNTY, ALABAMA

STATE OF ALABAMA,

*

*

v.

*

Case No. CC-00-0000

*

JOE CLIENT.

*

**MOTION TO DISCLOSE RELATIONSHIPS, ASSOCIATIONS, AND TIES
BETWEEN DISTRICT ATTORNEY'S OFFICE AND PROSPECTIVE JURORS**

Joe Client respectfully moves this Court for an order requiring the District Attorney's office to reveal any and all relationships, associations, and ties with any prospective jurors, and to disclose any and all notes, memoranda, and records in the possession of the State concerning any relationships, associations, and ties between the District Attorney's office and persons called for jury duty in this case. In support of this motion, Mr. Client submits the following:

1. Mr. Client has been charged with capital murder pursuant to Alabama Code section 13A-5-40(a)(3). The State is seeking the death penalty.

2. Mr. Client is entitled to be tried by impartial, fair-minded jurors. Ala. Const. art. I, § 6; Irvin v. Dowd, 366 U.S. 717, 721 (1961); Ex parte Colby, 41 So. 3d 1 (Ala. 2009). Given the relatively small size of the community, any personal ties with the District Attorney's office would impede prospective jurors' ability to make fair and impartial determinations in this case. Additionally, if relationships, associations, or ties are not made known to the defense, counsel will be unable to intelligently exercise Mr. Client's peremptory challenges. See, e.g., Ex parte Pilley, 789 So. 2d 888, 893 (Ala. 2000) (reversing where juror attended church with deputy district attorney not assigned to case and two spoke briefly of juror's having been selected to serve).

3. The District Attorney has run for office several times and has solicited funds and votes from members of this community. Any such tie between a juror and the prosecutor would obviously impinge upon that individual's fitness to serve. Discovery of religious, social, business, professional, recreational, and political associations, and previous employment by or dealings with the criminal justice system, is essential to the selection of an impartial jury.

4. If the District Attorney knows of any reason why a juror would be particularly favorable or unfavorable to the defense, or why a particular juror should not serve, he is

under a constitutional obligation to disclose that reason to the defense. See Brady v. Maryland, 373 U.S. 83 (1963). See also, e.g., Ex parte Dixon, 55 So. 3d 1257, 1262 (Ala. 2010) (reversing where juror failed to disclose information during voir dire and State, aware of failure, was silent); Ex parte Colby, 41 So. 3d 1, 7 (Ala. 2009) (reversible error in failure to excuse for cause prospective jurors revealing prejudice against defendant); Ex parte Monk, 557 So. 2d 832 (Ala. 1989) (death is sufficiently different to justify broad discovery).

5. “The right of peremptory challenge implies the right to make an intelligent judgment as to whether a juror should be excused.” Knight v. State, 675 So. 2d 487, 494 (Ala. Crim. App. 1995) (quoting Mitchell v. State, 458 So. 2d 819, 821 (Fla. Dist. Ct. App. 1984)). “Counsel have the right to truthful information in making that judgment.” Id. (emphasis omitted); see also Ala. Code § 12-16-100(a) (granting statutory right to peremptory challenge). Requiring disclosure of any ties between the prosecution and members of the jury pool is necessary to ensure that Mr. Client has an impartial jury and disclosure now will prevent tainting the jury venire.

6. Because this is a capital prosecution, exacting standards must be met to assure that it is fair. “The fundamental respect for humanity” underlying the Eighth Amendment’s prohibition against cruel and unusual punishment gives rise to a special need for reliability in determining whether the death penalty is appropriate. Johnson v. Mississippi, 486 U.S. 578, 584 (1988); see also Pilley, 789 So. 2d at 893 (finding contact between juror and prosecutor “intolerable” specifically because of heightened stakes of capital trial).

7. Disclosure of this information is necessary to ensure Mr. Client’s rights to due process, a fair trial, and a reliable sentencing, as guaranteed by the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Alabama law.

For these reasons, Mr. Client respectfully moves this Court to enter an order granting this motion.

Respectfully submitted,

/s/ Linda Lawyer
Linda Lawyer
123 Main Street
Maycomb, AL 54321
(334) 987-6543
lawyer@email.com

Counsel for Joe Client

[CERTIFICATE OF SERVICE]

[MOTION UPDATED ON 10/11/17]