

JUROR MISSTATEMENTS OF LAW
(updated September 2010)

Rasbury v. State,
832 S.W.2d 398 (Tex. App. 1992).

First degree murder convict entitled to a new hearing on his motion for a new trial because first hearing excluded relevant evidence relating to one juror's misstatement of the law of self-defense as a fact, rather than an opinion and the juror indicated that he had been a magistrate, thus implying he knew the law. The court ruled that it appeared that jurors could testify to statements made by other jurors "if the statement is relevant to the validity of the verdict." *Id.* at 399.

Young v. Brunicardi,
232 Cal. Rptr. 588 (Cal. App. 1986).

Negligence judgment reversed and remanded for a new trial because juror erroneously stated the law of negligence in that he said defendant could not be negligent if he had not been ticketed for his actions.

Flores v. Doshier,
622 S.W.2d 573 (Tex. 1981).

Negligence judgment reversed and plaintiff's granted a new trial when juror erroneously told other jurors that it did not matter how they answered the special issues because plaintiffs would recover anyway.

Reese v. Britain,
570 S.W.2d 528 (Tex. App. 1978).

Will contest judgment was reversed when one juror gave other jurors erroneous instructions on the law of undue influence. In determining whether this was an "overt" act, the court listed the following factors as significant: nature of the conduct, significance of the conduct, presence or absence of a rebuff, whether the statements were asserted as matter of opinion or fact, the timing of the misconduct, duration of deliberations and any other matters occurring during trial that might have a bearing. *Id.* at 533.