

MISSING JURORS
(updated September 2010)

State v. Poindexter,
545 S. E 2d 414 (N.C. 2001).

Reversal in capital case where juror was removed after guilt phase following remarks to other jurors about alleged threats by defendant's family; removal violated defendant's right to trial by jury of twelve.

State v. Cleveland,
959 S.W.2d 548 (Tenn. 1997).

Missing juror during trial for aggravated assault was replaced by alternate, but when absent juror returned during closing arguments, court removed alternate and returned missing juror; Tennessee Supreme Court held that the juror's absence during closing argument was fundamental error under its constitution and therefore not subject to harmless error analysis.

State v. Thompson,
955 S.W.2d 828 (Mo.App. 1997).

Trial court erred in failing to hold a hearing to determine if two jurors were absent during deliberations where two correctional officers informed defense counsel that they had seen two jurors had left the floor.