



## **Introduction**

Before the Court is Defendant Joseph Murawski Sr.'s ("Defendant") Motion for Evidentiary Hearing. Defendant brought this motion in response to a juror contacting Jury Services after the verdict was returned in Defendant's trial with the claims regarding the jury's deliberation process. The Court has reviewed the parties' submissions. For the following reasons, the Defendant's Motion for Evidentiary Hearing is **DENIED**.

## **Findings of Fact**

On March 6, 2015, Defendant was charged with Driving a Vehicle Under the Influence of Alcohol, as well as five other Title 21 offenses. A jury trial for these charges was held before this Court on August 13-14, 2015. After deliberating for approximately an hour and a half, the jury returned a verdict of guilty on all six charges against Defendant.

On August 17, 2015, this Court notified defense counsel and the State that a juror contacted Jury Services indicating that the juror felt pressured into voting guilty and that he or she felt the other jurors wanted to "railroad" the defendant. This Court explained that, under Delaware Rule of Evidence 606(b), the Court would take no further action in response to the juror's claim because the juror failed to allege any extraneous prejudicial information.

## Discussion

“As a general rule, a juror may not impeach his own verdict once the jury has been discharged.”<sup>1</sup> Delaware law recognizes policy reasons “insulating a jury’s deliberative process from public scrutiny in order to ensure the finality of the verdict, as well as maintain a public confidence in the jury system.”<sup>2</sup> The trial judge has broad discretion in deciding whether to hold a hearing to determine juror misconduct or to summon a juror for further investigation due to alleged exposure to prejudicial information or improper influence.<sup>3</sup>

Under Rule 606(b), upon an inquiry into the validity of a verdict, a juror is prohibited from testifying

[A]s to any matter or statement occurring during the course of the jury’s deliberations or to the effect of anything upon his or any other juror’s mind or emotions as influencing him to assent to or dissent from the verdict or indictment or concerning his mental processes in connection therewith...<sup>4</sup>

There is, however, an exception under the rule that “a juror may testify on the question of whether *extraneous prejudicial information* was improperly brought to the jury’s attention or whether any *outside influence* was

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<sup>1</sup> *Sheeran v. State*, 526 A.2d 886, 894 (Del. 1987); *McLain v. General Motors Corp.*, 586 A.2d 647, 649-50 (Del. 1988).

<sup>2</sup> *State v. McGriff*, 2000 WL 1211139, \*2 (Del. Super. Jan. 31, 2000) (citing *Tanner v. United States*, 526 A.2d 886 (1987)).

<sup>3</sup> *Id.* (citing *Styler v. State*, 417 A.2d 948 (Del. 1987)).

<sup>4</sup> D.R.E. 606(b).

improperly brought to bear upon any juror.”<sup>5</sup> The court’s decision “must rest primarily on the evidence submitted as to an outside influence on the jury’s deliberations.”<sup>6</sup>

Delaware courts have distinguished between extrinsic and intrinsic influences in order to preserve both the sanctity of the jury’s deliberations and ensure the defendant’s right to a verdict based on competent evidence.<sup>7</sup> Extrinsic influences would justify an inquiry into the validity of a verdict, whereas intrinsic influences would not.<sup>8</sup> Delaware courts have construed extrinsic, or extraneous, influences to include:

- (1) exposure of jurors to news items about matters pending before the jury;
- (2) consideration by the jury of extra-record facts about the case;
- (3) communications relevant to the case to be decided between third parties and jurors; and
- (4) pressures or partiality on the part of the court.<sup>9</sup>

On the other hand, discussions among jurors, and intimidation or harassment of one juror by another have been construed as intrinsic influences.<sup>10</sup> As such, under Delaware law, these are areas about which a juror is not competent to testify.<sup>11</sup>

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<sup>5</sup> *Id.* (emphasis added).

<sup>6</sup> *McGriff*, 2000 WL 1211139, at \*2.

<sup>7</sup> *Id.* at 3.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* (citing *Sheeran*, 526 A.2d at 894-95).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

In this case, the juror who contacted Jury Services after the jury had been discharged alleged only intrinsic influences during the deliberation process. The juror claimed that he or she felt pressured into voting guilty and that the other jurors wanted to “railroad” Defendant. “During the course of jury deliberations there are numerous pressures which are brought to bear upon the jurors, particularly those who find themselves in a minority position.”<sup>12</sup> Those pressures that the juror in this case refers to are an inherent and intrinsic part of the deliberative process.<sup>13</sup>

Delaware courts have held, however, that jurors may not impeach their verdict by testimony that resulted from coercion or majority vote.<sup>14</sup> Here, the juror does not suggest that anyone attempted to threaten or injure him or her. Nor does the juror complain that any extraneous or outside information was presented. The only allegations the juror made fall squarely within the intrinsic influences enumerated under Delaware law. Consequently, it does not appear that the jury deliberations involved prejudice, partiality, corruption, or a disregard of the evidence or applicable rules of law. Moreover, absent an allegation by the juror of an extraneous influence, Rule 606(b) prohibits the Court’s inquiry into the deliberative

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<sup>12</sup> *Id.*

<sup>13</sup> *See id.*

<sup>14</sup> *Id.* (citing *Sheeran*, 526 A.2d at 896).

process. Accordingly, the Court finds an evidentiary hearing would not be permitted under Delaware law.

**Conclusion**

For the foregoing reasons, Defendant's Motion for Evidentiary Hearing is hereby **DENIED**.

**IT IS SO ORDERED.**

*/s/Calvin L. Scott*  
**Judge Calvin L. Scott, Jr.**