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DISTRICT OF COLUMBIA COURT OF APPEALS

Nos. 99-CF-809 & 00-CO-1227

KENNETH E. BARNES, APPELLANT,

v.

UNITED STATES, APPELLEE.

Before: STEADMAN and GLICKMAN, *Associate Judges*, and NEBEKER, *Senior Judge*.

ORDER

(Filed June 5, 2003)

On consideration of appellee's unopposed motion to amend the opinion herein decided by this court on May 8, 2003, it is

ORDERED that the motion is granted and the name of Darryl Blane Brooks is added to the list of names of government counsel by inserting said name immediately following that of Leutrell M.C. Osborne. It is

FURTHER ORDERED that the last paragraph of the opinion is amended to read as follows:

Superior Court Administrative Order 95-11⁷ prohibits attorneys from using the juror list (termed the "Jury Panel Roster") to contact jurors absent a showing of good cause. This court has stated that intra-jury influence, such as Juror 55's alleged discussion during deliberations of her assault, is allowed and is not considered an extraneous influence. *Khaalis v. United States*, 408 A.2d 313, 359

⁷ Appellant contends that the Superior Court Administrative Order No. 95-11 unconstitutionally infringes on the appellant's right to trial by a fair and impartial jury. This argument is without merit because limitations on juror contact do not violate the Sixth Amendment. *State v. Cheney*, 16 P.3d 1164, 1170 (Or. Ct. App. 2000) (holding that motion to contact jurors after trial was properly denied); *Gibson v. State*, 569 N.W.2d 421, 423 (Minn. Ct. App. 1997) (rejecting Sixth Amendment challenge to limit on contact with jurors after trial). Moreover, this Order, which is similar to the District of Columbia District Court Local Rule 47.2 (b), does allow contact with jurors when the movant can show good cause.

(D.C. 1979) (quoting *Government of Virgin Islands v. Gereau*, 523 F.2d 140, 149-50 (3d Cir. 1975), *cert. denied*, 424 U.S. 917 (1976)) (“evidence of discussions among jurors, intimidation or harassment of one juror by another, and other intra-jury influences on the verdict is within the rule, rather than the exception, and is not competent to impeach a verdict.”). Therefore, the trial court did not abuse its discretion in denying appellant’s motion to release the jury list because appellant failed to show good cause.

PER CURIAM.