

Proposed Revisions to TRE 606

By Tracy Christopher

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I know this was not referred to me to accomplish but in order to address concerns about juror note-taking, I propose the following language be added to TRE 606(b), as we voted in favor of this change in the November 2008, SCAC meeting.

(b) Inquiry into validity of verdict of indictment. Upon an inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during jury deliberations, or to the effect of anything in a juror's notes, or on any juror's mind, , or emotions or mental processes, as influencing any juror's assent to or dissent from the verdict or indictment. Nor may a juror's affidavit, a juror's notes, or any statement by a juror concerning any matter about which the juror would be precluded from testifying be admitted in evidence for any of these reasons. However, a juror may testify: (1) whether any outside influence was improperly brought to bear upon any juror; or (2) to rebut a claim that the juror was not qualified to serve.