



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. DOUGLAS LEE EDDINGTON
CR-11-0040-PR**

PARTIES:

Petitioner: Douglas Lee Eddington

Respondent: State of Arizona

FACTS:

This case involves jury selection in a murder prosecution that was investigated by the Pima County Sheriff's Department. Petitioner was charged as an accomplice to the murder. During voir dire on the first day of Petitioner's trial, a venireman stated that he was a Pima County sheriff's deputy, had been with the department for twenty-four years, and was currently assigned to court security. He stated he knew about one-third to one-half of the witnesses through his position at work, including the lead detective, and he knew a few of the county attorneys in passing from working on prior cases. He said he had testified approximately fifteen to twenty times in the past in his capacity as a detective in a small Arizona community. He stated he was not familiar with Petitioner or the two other accomplices named in the case. He indicated he was aware that Petitioner was in custody at the time of the trial. Each time he was asked if he could remain fair and impartial despite his experiences (e.g. his familiarity with the witnesses, his having testified in court) he affirmatively stated that he could.

Petitioner moved to strike the deputy for cause based on his law enforcement background, his status as a co-worker with multiple witnesses who worked for the investigating sheriff's department, and his knowledge that Petitioner was in custody. The trial court denied the motion. Petitioner's counsel ultimately used a peremptory strike to remove the deputy from the panel; counsel asserted that Petitioner was prejudiced by the use of the strike because counsel otherwise would have struck a different juror who had previously found a defendant guilty in a different case.

Petitioner appealed his conviction. One issue on appeal was whether the trial court should have disqualified the deputy from serving as a juror pursuant to Arizona Revised Statutes (A.R.S.) § 21-211(2) (2002). That statute provides: "The following persons shall be disqualified to serve as jurors in any particular action: . . . 2. Persons interested directly or indirectly in the matter under investigation."

The court of appeals issued an opinion in which the majority held that "when a peace officer is currently employed by the same agency, office, or department that conducted the investigation in a criminal case," a peace officer working for that agency, office or department "has, at minimum, an indirect interest in the case and must therefore be stricken for cause from a venire panel under

[A.R.S.] § 21-211(2).” *State v. Eddington*, 226 Ariz. 72, 76 ¶ 8, 244 P.3d 76, 80 (App. 2010) (footnote omitted). One judge “disagree[d]” with the majority’s “creation of a new per se rule disqualifying peace officers from jury service when their agency conducted the investigation that is the subject of a criminal trial.” *Id.* at 83 ¶ 39, 244 P.3d at 87.

ISSUE:

Does Arizona Revised Statutes § 21-211(2) (2002) require the trial court to strike for cause all potential jurors who are members of the same law enforcement agency that investigated the case, regardless of their knowledge about the case?

DEFINITIONS:

1. Peremptory strike: to remove a prospective juror from a jury panel by using one of a party’s limited number of challenges to prospective jurors; such a strike need not be supported by any reason.
2. Venireman: a prospective juror.
3. Venire panel: a jury pool; a panel of persons who have been selected for jury duty and from which the jurors are to be chosen.
4. Voir dire: a preliminary examination of a prospective juror by a judge or lawyer to decide whether the prospect is qualified and suitable to serve on a jury.

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