

National origin can't exclude jurors

by UPI

NEW YORK - A federal judge in New York has affirmed a magistrate's ruling that prospective jurors cannot be excluded solely on the basis of their national origin. The decision by Judge William H. Pauley III means prosecutors from the Bronx District Attorney's Office will have to prove at a hearing that national origin wasn't the reason four Jamaicans and one Trinidad native were excluded from a jury in 2000, The New York Times reported Wednesday. The ruling came in the case of Mark Watson, a Jamaican-born man currently serving a prison sentence for rape, sodomy and burglary. A challenge to Watson's conviction based on peremptory challenges during the jury selection process was filed by the Legal Aid Society in 2005. The Times says it is arguable whether the inclusion of the West Indians on Watson's jury would have affected the outcome. The United States Supreme Court has held that peremptory challenges can be exercised by the prosecution only "to secure a fair and impartial jury."

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