

Jurors Accessing Case Information from the Internet Was Not Enough for the Eleventh Circuit to Grant Siegelman and Scrushy a New Trial

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An Alabama federal jury found the former Governor of Alabama, Don Eugene Siegelman, and the former CEO of HealthSouth Corporation, Richard Scrushy, guilty of bribery and other related crimes in 2006. The defendants appealed their convictions, arguing, among other things, that they were entitled to a new trial due to juror misconduct resulting from juror exposure to extraneous information. *United States v. Siegelman*, 561 F.3d 1215 (11th Cir. 2009).

During the 2006 trial, the District Court granted the Government's motion to strike certain multiplicitous charges from the indictment. For its deliberations, the jury was provided with a copy of the resulting, redacted, second superseding indictment. However, two of the jurors accessed a copy of the unredacted indictment from the Court's own webpage early in the course of the jury's deliberations. The two jurors reviewed the unredacted indictment outside the deliberation room, but informed the rest of the jury that they had accessed and reviewed the document. It was not clear from the record, however, that either of the two jurors ever fully understood what the difference was between the indictment they accessed from the Court's webpage and the indictment that had been provided to the jury for deliberations.

The District Court found that, given the substantial evidence of the Defendants' guilt and the totality of the circumstances,

the jury's exposure to the unredacted indictment was harmless. The Court of Appeals for the Eleventh Circuit agreed, noting that "the District Court specifically found that the exposure of any juror to the unredacted indictment would not have provided that juror with actual information to which the juror did not already properly have access, nor would it have provided that juror with any legal knowledge different from that provided to the jury as a whole." *Id.* at 1329. The Court of Appeals also noted that "the jury was repeatedly instructed that the indictment was not evidence of guilt, and that it must decide the case solely on the evidence properly admitted during the trial." In part because "the jury is presumed to follow the District Court's instructions," the Court of Appeals ultimately held that "the District Court did not abuse its discretion in denying defendants a new trial for this reason." *Id.*

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United States v. Siegelman, 561 F.3d at 1329.
