

Brown v. State

During deliberations, the jury sent a note to the judge which stated that the jurors were in disagreement as to what facts a witness had testified in court. The portion of testimony dealt with the location of certain individuals in a house at the time the crime was being committed. The judge called the jury into the courtroom and read the reporter's notes concerning the portion of testimony in which the locations of various individuals were identified. The defendant objected on the grounds that the re-reading included additional facts which had been elicited from the witness while she was describing the locations of various people and that this additional information emphasized events in a manner which was prejudicial to the defendant. The appellate courts rejected this argument, finding that the portion of testimony which was provided by the court did not exceed the scope of the question provided by the jury and that any attempt to excise portions of the testimony would likely have confused the jurors by removing the statements from their context. In the absence of specific objections to the portions which were re-read but were not directly on point of the jury's question, the court held that the trial judge did not abuse his discretion in re-reading the entire passage.