

Moore v. State

During deliberations, the jury sent a note to the judge requesting that a portion of testimony be re-read. The defense requested that the judge require the jury to certify that there was a dispute between jury members concerning the requested testimony. The judge refused the request and the testimony was read to the jury. The court of appeals reversed the conviction on the grounds that the statute permitting testimony to be read to the jury from the reporter's notes required that there be a point of disagreement among the jurors. The State sought review of this decision. The Court of Criminal Appeals affirmed, holding that the clear language of the statute requires evidence of disagreement rather than speculation as to whether a disagreement exists.