

State ex rel Curry v. Bowman

During jury selection, the defense challenged two of the State's peremptory challenges of venire members. Following a Batson hearing, the court ordered the two struck jurors reinstated. The State objected, maintaining that an entirely new array should be called. On appeal, the court held that dismissing the entire array was not a just and reasonable means of protecting constitutionally guaranteed rights of the other jury members and that in a case where a juror has been improperly excluded, the court retains the power to fashion whatever remedy is appropriate under the circumstances.