

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-031021-001 DT

12/03/2013

HON. SHERRY K. STEPHENS

CLERK OF THE COURT  
C. Harrington  
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ

v.

JODI ANN ARIAS (001)

KIRK NURMI  
JENNIFER L WILLMOTT

CAPITAL CASE MANAGER

MINUTE ENTRY

The Court has considered the Defendant's Motion to Compel Juror Twitter Accounts filed August 21, 2013, the Objection to Defendant's Motion to Compel Juror Twitter Accounts filed August 30, 2013 and the oral argument conducted on November 26, 2013.

In the motion, Defendant Arias requests the Court order all jurors seated in her case to disclose their Twitter accounts and/or Twitter handles. Defendant claims the disclosure of this information will assist in investigating whether the jurors have been subjected to any extraneous influences during jury service. Defendant argues that improper communication between jurors and third parties can invalidate a verdict, citing *Mattox v. United States*, 146 U.S. 140, 150, 13 S. Ct. 50, 53 (1982). Thus, Defendant asserts obtaining information from the jurors regarding their Twitter accounts will allow the parties to monitor the jurors to assure there is no violation of the Court's admonition. To protect their privacy rights, Defendant suggests the Court seal the jurors' Twitter account information.

The Court can find no legal authority supporting an order that all jurors provide their Twitter account information to the Court. Access to social media and a particular juror's frequent use of social media may be appropriate topics for jury selection. The parties may include

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questions in the jury questionnaire regarding use of social media and whether a juror is willing to cease or limit accessing social media during the trial. This information may assist the parties in discovering concerns about prospective jurors.

There is no lawful basis for the Court or parties to investigate or monitor jurors absent a credible allegation that juror misconduct has occurred. If a juror is inclined to violate the Court's admonition (provided orally during court proceedings and in writing in the Preliminary Jury Instructions given to each juror), there are numerous ways such a violation could occur. Requiring jurors to provide Twitter account information would not limit or reduce in any meaningful way the possibility that a juror will be exposed to extraneous information about the case or assist in preventing or proving a violation of the Court's admonition. Further, informing jurors they are required to provide information about their social media accounts may result in a prospective juror refusing to participate as a juror on the case because he or she deem such a requirement to be a violation of his or her privacy rights.

The Court will not presume juror misconduct will occur. The Court will not require all jurors to provide their social media account information to the Court.

**IT IS ORDERED** denying the Defendant's Motion to Compel Juror Twitter Accounts.