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## Racial makeup of juries goes before state Supreme Court

By DAVE ALTIMARI

As jury selection began in the murder trial of Darnell Moore in New London Superior Court, his attorney, Norm Pattis, noticed something about the first three groups of possible jurors - there were very few African Americans in fact only three out of the 117 people on the panels.

Pattis argued to the judge that Moore, who is African-American, had his right to a fair trial violated because the jury wasn't a representative cross section of his peers. The judge ruled against him, Moore was found guilty of murder and sentenced to 53 years in prison.

But the state Supreme Court Friday took another look at his case and depending on how the court rules it could impact the way juries are chosen in Connecticut for criminal trials in the future.

The state Judicial Department doesn't keep statistics on the racial makeup of jurors. When people arrive for jury duty they are asked to complete a "confidential

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juror questionnaire" which in addition to their name, address and occupation, asks them to complete information about race. Under state statute's it is not mandatory for them to complete the information about race.

The questionnaires are not public record. Confidential questionnaires are to be destroyed after 20 days if no appeal has been filed.

Attorney Ken Rosenthal, who argued on Moore's behalf, said that shredding the questionnaires makes it impossible to review who is on a jury pool.

"He didn't have an opportunity to challenge whether he had a representative jury because of the system in place," Rosenthal said. "The data is either not available or insufficient."

But several justices questioned Rosenthal on whether the case belongs before the court or the legislature.

"This sounds like an issue for either the legislature or the

Judicial Branch administration,” Chief Justice Richard Robinson said.

The judicial department creates the jury list from four sources; Department of Motor Vehicle records, Department of Revenue Services, the Department of Labor and Registrar of Voters.

Assistant State’s Attorney Harry Weller argued that the system in place works fine and that the jury pool draws from a wide area but that part of the problem is who actually shows up for jury duty. Weller said the system draws from more than two million names.

“It’s not valid to take the general population and compare it to who shows up for jury duty,” Weller said.

The 29-year-old Moore is serving a 53-year prison sentence for gunning down 31-year-old Nambi Smart shortly before 11 p.m. the night of Aug. 26, 2010 following an argument. Smart was shot outside his home on Lake Street in Norwich.

According to testimony at Moore’s 2012 trial, the two men got into an argument earlier in the evening and Smart ripped Moore’s t-shirt. Moore then called Samuel Gomez, of Montville, and asked him to bring him a gun and then he drove to Smart’s home and shot him.

After Moore was found guilty

Judge Barbara Jungblood sentenced him to 53 years.

Rosenthal is asking the Supreme Court to overturn the conviction and remand the case back to New London Superior Court for a new trial. ■