



News

[Politics \(/News/Topic/Politics/\)](#) | [Local \(/News/Topic/Local/\)](#) | [News \(/News/Topic/News/\)](#)

Oregon Court Of Appeals Ruling Upholds State's Nonunanimous Juries

by [Conrad Wilson \(/contributor/conrad-wilson/\)](#) [Follow](#) OPB April 10, 2019 8:28 a.m. | Updated: April 10, 2019 2:24 p.m. | Portland, Ore.

In a ruling Wednesday, the Oregon Court of Appeals upheld the state's unique nonunanimous jury law.

The case stemmed from the 2017 conviction of Olan Williams, an African American man. Williams was convicted of sodomy by a jury in Multnomah County. The verdict was split, with 10 jurors voting to convict and two dissenting. One of the dissenting jurors was an African American woman.

Effectively, Williams argued he was denied a jury of his peers. In his appeal, he said the nonunanimous provision of the Oregon Constitution violated the Equal Protection Clause of the 14th Amendment of the U.S. Constitution.

The Oregon Court of Appeals ruled it couldn't review the case.

RELATED COVERAGE



[\(/news/article/oregon-non-unanimous-juries-exonerations/\)](#)

Exonerations Raise Questions About Oregon's Controversial Jury System

"We may only review the denial of a motion for a new trial if 'the motion is based upon juror misconduct or newly discovered evidence,'" Judge Darleen Ortega wrote in the five-page opinion

THANKS TO OUR SPONSORS:

[become a sponsor \(/support/partners/\)](#)



Related Content



[\(/news/article/oregon-salem-appeals-court-non-unanimous-juries/\)](#)

Oregon Appeals Court To Hear Case Contesting Non-Unanimous Juries ([/news/article/oregon-salem-appeals-court-non-unanimous-juries/](#))

OPB

[\(/news/article/oregon-non-unanimous-juries-exonerations/\)](#)

<https://cdm17027.contentdm.oclc.org/digital/pdf.js/web/viewer.html?file=/digital/api/collection/p17027coll5/id/22564/download#page=1&zoo>
“Therefore, defendant’s constitutional challenge to the non-unanimous jury provision as applied to his criminal case is not reviewable on appeal.”

Williams wanted the court to grant him a new trial, but require the jury to reach a unanimous verdict, effectively overturning the state’s nonunanimous jury law.

Marc Brown is Williams’ attorney and the chief deputy defender with the state’s Office of Public Defense Service.

“For the law, it doesn’t mean much in that it did not really blaze new ground,” Brown said. “For Mr. Williams, it means we’ll continue our appeal at the Oregon Supreme Court and potentially for certiorari at the U.S. Supreme Court.”

In 1972, the nation’s highest court ruled 5-4 in a case out of Oregon, that the right to a jury trial doesn’t require unanimous verdicts. In March, the U.S. Supreme Court agreed to hear a case out of Louisiana, signaling that the court may be looking to change course.

Under the Sixth Amendment, unanimous verdicts are required in federal criminal cases. In fact, 49 states and the federal government all require unanimous verdicts.

Oregon is the last state in the country that allows juries in criminal cases to reach verdicts without all 12 jurors agreeing. Last fall, voters in Louisiana voted to change its constitution, scrapping split juries there.

Critics point out that not only do nonunanimous juries allow for convictions when there’s doubt, but they argue they discriminate against defendants of color.

In Louisiana, nonunanimous juries were enshrined in the constitution after slavery to make it easier to convict African American defendants and provide the state with a convict workforce. Oregon adopted nonunanimous juries in 1934. At the time, the Ku Klux Klan was powerful in the state and the anti-immigrant sentiment was high.



[\(/news/article/non-unanimous-jury-oregon-jim-crow-louisiana-vote/\)](#)

After Louisiana Vote, Oregon Lawmakers Want To Scrap Non-Unanimous Jury Law
[\(/news/article/non-unanimous-jury-oregon-jim-crow-louisiana-vote/\)](#)

OPB

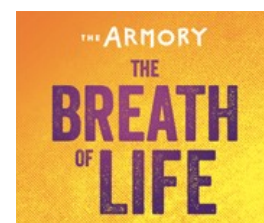
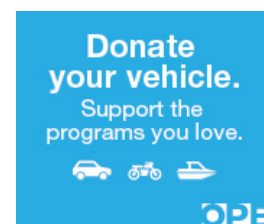


[\(/news/article/oregon-non-unanimous-juries-campaign-end-prosecutors/\)](#)

Oregon Prosecutors Back Off Plan To Do Away With Non-Unanimous Juries
[\(/news/article/oregon-non-unanimous-juries-campaign-end-prosecutors/\)](#)

OPB

THANKS TO OUR SPONSORS



[become a sponsor \(/support/partners/\)](#)

“Both laws were based on discrimination and are, like, last relics of those times,” said Aliza Kaplan, director of the criminal justice reform clinic at Lewis & Clark Law School in Portland, during an interview last year.

Proponents argue they allow for a more efficient criminal justice system and fewer hung juries.

The Oregon Legislature is working on a bill that would ask voters to reconsider nonunanimous juries in a ballot measure.

More News



[\(/news/article/oregon-senate-republicans-try-block-vote-school-funding-tax/\)](#)

Oregon Senate Republicans Try To Block Vote On School Funding Tax Package
[\(/news/article/oregon-senate-republicans-try-block-vote-school-funding-tax/\)](#)



(/news/article/portland-trailblazers-nuggets-western-conference-semifinals-game-four/)

Nuggets Even Series With Blazers At 2 With 116-112 Victory (/news/article/portland-trailblazers-nuggets-western-conference-semifinals-game-four/)



(/news/article/report-more-people-are-moving-to-oregon-than-leaving/)

Report: More People Are Moving To Oregon Than Leaving (/news/article/report-more-people-are-moving-to-oregon-than-leaving/)



(/news/article/blazers-nuggets-overtime-history/)

Blazers Outlast Nuggets In 4OT Marathon To Take 2-1 Series Lead (/news/article/blazers-nuggets-overtime-history/)

More OPB



(/opbmusic/article/opbmusic-monday-mix-kyle-craft-japanese-breakfast-marika-hackman/)

opbmusic's Monday Mix: Kyle Craft, Japanese Breakfast, Marika Hackman
(/opbmusic/article/opbmusic-monday-mix-kyle-craft-japanese-breakfast-marika-hackman/)



(/radio/programs/thinkoutloud/segment/what-oregon-is-learning-from-a-visit-to-norwegian-prison/)

What Oregon Is Learning From A Visit To Norwegian Prison

(/radio/programs/thinkoutloud/segment/what-oregon-is-learning-from-a-visit-to-norwegian-prison/)

About (/about/)

FAQs (/about/faq/member/)
Employment (/about/careers/)
Volunteering (/about/volunteering/)
Internships (/about/internships/)
Producing for OPB (/about/produce/)
Accessibility (/about/accessibility/)
Hire OPB (/about/services/)
Pressroom (/pressroom/)
OPB Public Files (/about/#moreinfo)

Contact (/about/contactus/)

Email OPB (/about/contactus/)
Newsroom (/about/contactus/newsroom/)
Connect (/about/connect/)
Facebook (https://www.facebook.com/oregonpublicbroadcasting?_fb_noscript=1)
Twitter (<https://twitter.com/opb>)
Reception Issues (/about/contactus/reception/)

Mobile (/about/connect/apps/)

Podcasts (/ondemand/#podcasts)
Mobile Apps (/about/connect/apps/)
Newsletters (/about/newsletter/)
RSS Feeds (/about/rssfeeds/)







Support (/support/)

Contribute (<https://give.opb.org/opb/>)
Sponsorship (/support/partners/)
Philanthropy (/support/membership/leadership/)
Planned Giving (/support/plannedgiving/)
Vehicle Donations (/support/vehicledonation/)
Volunteering (/about/volunteering/)

Legal (/about/termsfuse/)

Privacy Policy (/about/privacypolicy/)
Terms of Use (/about/termsfuse/)
FCC Public Files & Accessibility (/about/fcc-public-files/)

[Editorial Policy \(/about/editorialpolicy/\)](#)
[Contest Rules \(/support/drawing/\)](#)
[SMS T&C \(/about/sms-terms-conditions/\)](#)

 (<https://www.pbs.org/?station=KOPB>)  (https://www.npr.org/?station=KOPB_FM)  (<https://www.pri.org/>) 
 (<https://www.bbc.co.uk/worldservice>)  (<https://americanpublicmedia.publicradio.org/>)

© 2019, Oregon Public Broadcasting (/)