

- HOME**
- [JOB MARKET](#)
- [REAL ESTATE](#)
- [AUTOMOBILES](#)
- NEWS**
- [International](#)
- [National](#)
- [- Columns](#)
- [Washington](#)
- [Business](#)
- [Technology](#)
- [Science](#)
- [Health](#)
- [Sports](#)
- [New York Region](#)
- [Education](#)
- [Weather](#)
- [Obituaries](#)
- [NYT Front Page](#)
- [Corrections](#)
- OPINION**
- [Editorials/Op-Ed](#)
- [Readers' Opinions](#)
- FEATURES**
- [Arts](#)
- [Books](#)
- [Movies](#)
- [Travel](#)
- [Dining & Wine](#)
- [Home & Garden](#)
- [Fashion & Style](#)
- [New York Today](#)
- [Crossword/Games](#)
- [Cartoons](#)
- [Magazine](#)
- [Week in Review](#)
- [Multimedia/Photos](#)
- [College](#)
- [Learning Network](#)
- SERVICES**
- [Archive](#)
- [Classifieds](#)
- [Book a Trip](#)
- [Personals](#)
- [Theater Tickets](#)
- [Premium Products](#)
- [NYT Store \*\*NEW\*\*](#)
- [NYT Mobile](#)
- [E-Cards & More](#)
- [About NYTDigital](#)
- [Jobs at NYTDigital](#)
- [Online Media Kit](#)
- [Our Advertisers](#)
- MEMBER CENTER**
- [Your Profile](#)
- [E-Mail](#)
- [Preferences](#)
- [News Tracker](#)
- [Premium Account](#)
- [Site Help](#)
- [Privacy Policy](#)
- NEWSPAPER**

SEARCH [Go to Advanced Search/Archive](#)

[GO TO MEMBER CENTER](#) [LOG OUT](#)

Welcome, [kimmaclin](#)



# Nameless Juries Are on the Rise in Crime Cases

By ADAM LIPTAK

**T**he Wisconsin Supreme Court will soon decide whether Sherrie S. Tucker is so dangerous that her case required an anonymous jury.

Ms. Tucker would not strike most people as particularly scary. When she was arrested on cocaine charges in 1998, she was 16 years old and six months pregnant. She was just over four feet tall and weighed 90 pounds.

The trial judge, Emily S. Mueller of Racine County Circuit Court, said it was her practice in all drug cases to refer to jurors by number rather than name because they might be subject to reprisals from dealers.

Judge Mueller and other Wisconsin judges who share her philosophy are not alone in using anonymous juries in everyday cases. Begun 25 years ago in a notorious drug case in New York to guard against jury tampering, the practice has spread in state and federal courts, sometimes in cases that are quite routine.

It has gained support from prosecutors, the courts and some legal experts. No longer is the rationale simply that jurors must be shielded from threats of retaliation. Supporters argue that anonymity protects jurors from being badgered by reporters after their verdicts, and makes them feel more comfortable about serving.

Critics, including defense lawyers and civil libertarians, say the practice erodes the presumption of innocence before the trial begins. Lawyers for news organizations add that

- [E-Mail This Article](#)
- [Printer-Friendly Format](#)
- [Most E-Mailed Articles](#)
- [Reprints](#)
- [Single-Page Format](#)



Darren Hauck for The New York Times  
Sherrie S. Tucker of Racine, Wis., was arrested on cocaine charges at 16 and convicted by an anonymous jury.

### TIMES NEWS TRACKER

Topics	Alerts
Jury System	<input type="button" value="Create"/>
Crime and Criminals	<input type="button" value="Create"/>
Courts	<input type="button" value="Create"/>
Legal Profession	<input type="button" value="Create"/>

[Create Your Own](#) | [Manage Alerts](#)  
[Take a Tour](#)

[Sign Up for Newsletters](#)

### SHOP NYT STORE

"Flam & Flam, 165 East 121st Street, " 1938


Advertisement

[Home Delivery](#)  
[Customer Service](#)  
[Electronic Edition](#)  
[Media Kit](#)  
[Community Affairs](#)  
[Text Version](#)

**HEALTHY HOME**

**If your home has a shower... you already own a humidifier**

With Mr. Misty®, you'll have the humidity to keep your family comfortable and healthier without ever filling or cleaning a tank or adding chemicals to fight germs.



**TECHNOSCOUT**  
 Click to Learn More

the inability to interview jurors after trials makes juries less accountable.

By most accounts, the first anonymous jury in the United States was employed in 1977, in a 15-defendant organized crime case in a New York federal court. The trial judge, Henry F. Werker, ordered anonymity even though neither the prosecution nor the defense had requested it. Eleven defendants, including Leroy Barnes, a major heroin dealer known as Nicky, were convicted.

Their primary argument on appeal in 1979 was that the procedure was unconstitutional.

The appeals court disagreed. "The law as to jury selection is not so unbending," it said, "that it cannot, or should not, be accommodated to the realities of modern-day trials in large narcotics cases which have created such problems for the courts in large cities."

The court cited "the sordid history of attempts at influencing witnesses and jurors in cases such as these" and jurors' fears of retaliation by convicted defendants or their associates.

A dissenting judge, James L. Oakes, said the decision created "an entirely new rule of law that so far as I know stands without precedent in the history of Anglo-American jurisprudence." Judge Oakes predicted that other courts would follow the precedent as surely as "a flock of sea gulls follows a lobster boat."

They have. Anonymous juries have since been used in the trials of the Branch Davidians, of the police officers accused of assaulting Rodney King and Abner Louima, and of John Gotti, O. J. Simpson and Oliver North. They have been used in a case involving the killing of a doctor who performed abortions, in the trial of the 1993 World Trade Center bombers and in countless narcotics and organized crime cases.

Increasingly, they are being used in more mundane cases.

This month, an anonymous jury in Madison, Wis., convicted Steven A. Magritz, a tax protester, of filing false liens against government officials. Judge C. William Foust of Dane County Circuit Court said he granted the prosecution's request because he was concerned that jurors might fear that Mr. Magritz would file similar liens against them.



Price: \$195. [Learn More.](#)

"I want jurors to feel that they can vote and deliberate on the allegations in the case with a clear conscience and not have any extraneous forces acting on them," Judge Foust said in court.

Statistics on anonymous juries are hard to come by, but there is little doubt that their use is increasing. The practice was discussed in some 30 judicial decisions in the decade after the Barnes decision in 1979. In the dozen years since, about 180 decisions discussed anonymous juries.

**Continued**

1 | [2](#) | [Next>>](#)

**SEARCH RESULTS FROM THE ARCHIVE**

[Court Revisits Question of Jury Selection Bias](#) (October 17, 2002) \$

[Debate Grows On Jury's Role In Injury Cases](#) (August 26, 2002) \$

[Britain Plans Criminal Justice Changes to Favor the Victims](#) (July 18, 2002) \$

[Jury Trials Fall Victim to Alabama Budget](#) (April 20, 2002) \$

Find more results for [Jury System](#) and [Crime and Criminals](#) .

Doing research? Search the archive for more than 500,000 articles:

Since 1996

-  E-Mail This Article
-  Printer-Friendly Format
-  Most E-Mailed Articles
-  Reprints
-  Single-Page Format



It's easy to follow the top stories with home delivery of The New York Times newspaper. [Click Here](#) for 50% off.

ARTICLE TOOLS SPONSORED BY **STARBUCKS.COM**

[Home](#) | [Back to National](#) | [Search](#) | [Corrections](#) | [Help](#) | [Back to Top](#)



[Copyright The New York Times Company](#) | [Permissions](#) | [Privacy Policy](#)