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COURT OF APPEALS

STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

-against-

NO. 41

JONATHAN BATTICKS,

Appellant.

20 Eagle Street
Albany, New York
September 9, 2020

Before:

CHIEF JUDGE JANET DIFIORE
ASSOCIATE JUDGE JENNY RIVERA
ASSOCIATE JUDGE LESLIE E. STEIN
ASSOCIATE JUDGE EUGENE M. FAHEY
ASSOCIATE JUDGE MICHAEL J. GARCIA
ASSOCIATE JUDGE ROWAN D. WILSON
ASSOCIATE JUDGE PAUL FEINMAN

Appearances:

JONATHAN R. MCCOY, ESQ.
THE LEGAL AID SOCIETY
Attorney for Appellant
199 Water Street
New York, NY 10038

REBECCA HAUSNER, ESQ.
NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE
Attorney for Respondent
One Hogan Place, Room 854
New York, NY 10013

Karen Schiffmiller
Official Court Transcriber



1 CHIEF JUDGE DIFIORE: The next appeal on this
2 afternoon's calendar is appeal number 41, The People of The
3 State of New York v. Jonathan Batticks.

4 MR. MCCOY: May it please the - - -

5 CHIEF JUDGE DIFIORE: Why don't you wait a
6 moment, and we'll have the - - - this first group clear
7 out. Thank you.

8 MR. MCCOY: Thank you, Your Honor.

9 CHIEF JUDGE DIFIORE: You're welcome.
10 Counsel?

11 MR. MCCOY: May it please the court. May I also
12 remain seated for this argument?

13 CHIEF JUDGE DIFIORE: You may, sir.

14 MR. MCCOY: Jonathan R. McCoy with The Legal Aid
15 Society of New York, here today on behalf of the appellant,
16 Mr. Jonathan Batticks.

17 May I reserve two minutes for rebuttal?

18 CHIEF JUDGE DIFIORE: You may.

19 MR. MCCOY: Thank you, Your Honor.

20 CHIEF JUDGE DIFIORE: You're welcome.

21 MR. MCCOY: At the heart of this case, of this
22 appeal - - - the issue at the heart of this appeal is what
23 conduct on behalf of a juror, on a juror's part, requires
24 the trial court to undertake a Buford inquiry. I submit
25 that, in this case, the facts that are present - - -



1 presented to this court, are far afield from those
2 contemplated by a note for a Buford. This is not an
3 unusual case, involving an obviously trivial matter, where
4 all parties agreed that the jury's impartiality could not
5 be affected.

6 Instead, we have - - - we - - - we're confronted
7 with a case where a juror interrupt the proceedings to
8 announce that she was very offended by co-counsel's cross-
9 examination of the complainant, in which he used and/or
10 repeated the phrase old N-word.

11 JUDGE STEIN: Counsel, can - - - can I just
12 clarify one thing? You seem to perhaps conflate a little
13 bit the - - - the two te - - - tests, one of grossly
14 unqualified, and the other of misconduct of a substantial
15 nature. Did you raise the misconduct issue in the - - - in
16 the trial court?

17 MR. MCCOY: I don't believe any of the counsels
18 below ex - - - explicitly stated that they believed that
19 she was - - - she had committed substantial misconduct.

20 JUDGE STEIN: Okay. So - - - so do you agree
21 that we should be focusing on the grossly unqualified sta -
22 - - standard here?

23 MR. MCCOY: I think that the two standards, in
24 this case, kind - - - kind of bleed into one another,
25 insofar as counsel's arguments as to why she was grossly



1 unqualified all relied upon what constituted substantial
2 misconduct. She committed misconduct by speaking out from
3 the jury box, violating the court's admonitions. And that
4 conduct became sub - - - substantial misconduct when she
5 threatened to act unlawfully by striking herself as a
6 juror. What - - -

7 JUDGE FAHEY: In other words, you're saying that
8 the misconduct made her grossly unqualified?

9 MR. MCCOY: Her misconduct ev - - - evinced in -
10 - - an inability to remain fair and impartial to the
11 defendants in the case.

12 JUDGE FAHEY: She was grossly unqualified.

13 MR. MCCOY: Yes, Your Honor.

14 JUDGE FEINMAN: So when you say that she is no
15 longer able to be fair and impartial, that's based on what
16 exactly?

17 MR. MCCOY: The fact that she took the - - - she
18 was taking the - - - the line of questioning personally,
19 and - - - and in fact, stated that she found it very
20 offensive, which implicated her ability to remain fair and
21 - - -

22 JUDGE FEINMAN: But how would you know - - -
23 lawyers say all sorts of offensive things in the course of
24 trial and jurors are offended; doesn't mean that they have
25 necessarily departed. And here the - - - the court



1 actually observed everything, all right. It's not like
2 something that happened - - - when you do a hearing, for
3 example, under substantial misconduct, it's typically when
4 that misconduct has occurred outside of the presence of the
5 court, and - - - and you need to sort of get what the facts
6 are.

7 What is it that you think the court was going to
8 learn by conducting a hearing?

9 MR. MCCOY: By conducting a Buford inquiry, the
10 court could have learned whether that juror could separate
11 her emotional reaction from hearing the phrase old N-word,
12 used or repeated by co-counsel, from her duty to - - - to
13 be a fact finder in an impartial and fair manner.

14 So the court could have interrogated what her
15 emotional reaction consist - - - consisted of, how strong
16 that emotional reaction was to her or for her, and whether
17 that would've impacted her ability to remain fair and
18 impartial as a fact finder.

19 And I should note that this court announced in -
20 - - in Kuzdzal that all that's required to trigger a Buford
21 inquiry is some indication that a juror may be grossly
22 disqualified. Or - - -

23 JUDGE STEIN: What about the fact that - - - that
24 the - - - this whole discussion or - - - or line of
25 questioning by counsel was not Mr. Batticks' counsel, it



1 was counsel for a co-defendant, who had raised a completely
2 different defense than Mr. Batticks. Why - - - how does -
3 - - even if everything that you say is true, how does that
4 show any bias or impartiality toward this defendant, Mr.
5 Batticks?

6 MR. MCCOY: It shows a potential - - - a
7 potential for bias or impartiality against Mr. Batticks,
8 because they were all tried before a single jury under a -
9 - - under an acting-in-concert theory regarding the fight
10 between these - - - the three defendants and the
11 complainant. So the imputation of potential bias or
12 partiality - - -

13 JUDGE STEIN: Well - - -

14 MR. MCCOY: - - - flows naturally - - -

15 JUDGE STEIN: But isn't that always the case when
16 there is a joint trial on those grounds? That an - - -
17 that - - - that anything that's - - - that's said about one
18 defendant is going to cause impartiality toward another
19 defendant? Doesn't that sort of go against the whole
20 policy there?

21 MR. MCCOY: Well, I - - - I think that if the - - -
22 - the court had undergone a Buford inquiry in this case,
23 this court could be assured, or Mr. Batticks could be
24 assured, that he received a fair trial and could've - - -
25 the court could have gained knowledge as to whether she



1 would actually be imputing any bias or partiality against
2 Mr. Batticks himself.

3 CHIEF JUDGE DIFIORE: Counsel, you would agree
4 that an inquiry of a sworn juror during the trial would be
5 extraordinary by a judge. I assume you would agree about
6 that. That's an extraordinary sit - - - it's not a usual
7 step.

8 MR. MCCOY: It's not a usual step.

9 CHIEF JUDGE DIFIORE: So here's my question to
10 you. So we review this issue under an abuse-of-discretion
11 standard. Why wasn't the path chosen by this judge: the
12 curative instruction telling the jurors, if they can't be
13 fair and impartial, alert the court's staff, and the judge
14 will take whatever action was appropriate? Why wasn't that
15 a more reasonable and measured approach than the judge
16 actually inquiring of this one juror in the middle of the
17 trial?

18 MR. MCCOY: For several reasons.

19 CHIEF JUDGE DIFIORE: Um-hum.

20 MR. MCCOY: The first reason is that - - - is
21 that the court met - - - misinterpreted this court's
22 precedent in Mejias in reaching its determination that a
23 Buford inquiry was unnecessary.

24 Secondly, this - - - this juror had already been
25 admonished by the judge in open court, and to admonish her



1 a second time, due to the use of the reported curative
2 instruction, could have only - - - may have only increased
3 the amount of bias partiality that she felt towards defense
4 counsel for placing her in that position.

5 So getting back to - - -

6 JUDGE GARCIA: I'm sorry, Counsel, this - - -
7 over here.

8 MR. MCCOY: Sorry.

9 JUDGE GARCIA: This trial court proceeding took
10 place before our decision in Kuzdzal, right? I think it
11 was 2013; our decision is 2018. Would that have affected
12 the trial court's ability to exercise its discretion here?

13 MR. MCCOY: Well, at - - - the - - - the decision
14 made by the trial court here certainly did not predate this
15 court's decision in Mejias, and - - - and - - -

16 JUDGE GARCIA: Right - - -

17 MR. MCCOY: - - - in Mejias - - -

18 JUDGE GARCIA: - - - but Kuzdzal came after
19 Mejias, so Kuzdzal is now the law. Does that change your
20 view of what the trial court was empowered to do here?

21 MR. MCCOY: No, Your Honor, because in Mejias,
22 the court - - - this court stated that given some
23 indication that a juror has engaged in some disqualifying
24 conduct, then a Buford inquiry is mandated.

25 JUDGE RIVERA: So your point is Kuzdzal didn't



1 necessarily change that aspect of the law?

2 MR. MCCOY: It did not.

3 JUDGE RIVERA: So that's not new law?

4 MR. MCCOY: It was just a re - - -

5 JUDGE RIVERA: In your opinion?

6 MR. MCCOY: - - - a restatement of the law as it
7 exists.

8 CHIEF JUDGE DIFIORE: Thank you, Counsel.
9 Counsel?

10 MS. HAUSNER: If Your Honor will allow, I will
11 also remain seated. I - - -

12 May it please the court, Rebecca Hausner on
13 behalf of the People.

14 The juror in this case had an entirely
15 understandable and foreseeable reaction to co-defendant's
16 counsel's efforts to bait and goad the victim into having a
17 reaction on the stand.

18 JUDGE RIVERA: Coun - - - Counsel, that may - - -
19 may be true, but that's not really the question, right?
20 The question is whether or not the judge should have made
21 an appropriate inquiry to determine what, if any, impact
22 that questioning had on her, given her outburst and her
23 threat that she would leave if counsel didn't change the -
24 - - what counsel was doing during that cross.

25 MS. HAUSNER: First of all, Your Honor, I think



1 that's exactly right, that it was within the court's
2 discretion, and we defer to trial courts under these
3 circumstances for precisely that reason, because they do
4 have the ability to observe the jury - - -

5 JUDGE RIVERA: Counselor, no. I think we've said
6 that if - - - if - - - if there's enough to trigger the
7 inquiry, you've got to do the inquiry. You can't choose
8 not to do the inquiry based on information you don't have
9 because you didn't do the inquiry.

10 MS. HAUSNER: But in this situation, the trial
11 court did have ample information before it. The trial
12 court was able to observe the entire lead-up prior to the
13 juror's reaction, and that context is important because the
14 juror did not react the first time co-defendant's counsel
15 uttered the epithet in this situation. She absorbed the
16 evidence, and no doubt saw that it was relevant to this co-
17 defendant's justification defense at trial, and she didn't
18 react the second time, or the third time, or the fourth
19 time.

20 JUDGE RIVERA: Well, just in - - - in the same
21 way that the Chief Judge says it - - - correctly so, it's
22 unusual, perhaps, to make this inquiry. Isn't it unusual
23 to have this kind of an outburst, to threaten to walk out?

24 MS. HAUSNER: This was certainly a heightened
25 expression of frustration in the sense, but it - - -



1 JUDGE RIVERA: So why - - - why would that not be
2 even more cause for an inquiry?

3 MS. HAUSNER: It's - - - it's all a matter of
4 degree in this situation, and the juror did react with, as
5 I said, a heightened degree of frustration, but this court
6 has - - -

7 JUDGE FAHEY: But wasn't - - - wasn't - - -
8 excuse me. Wasn't that exactly defense counsel's strategy?
9 Didn't defense counsel here deliberately act in - - - in an
10 obnoxious and aggravating manner to try and elicit a
11 response? And he got the response, right?

12 MS. HAUSNER: Exactly, Your - - -

13 JUDGE FAHEY: That - - - that's what happened.
14 So that being the case, it's clear to everybody who's ever
15 sat in a courtroom that that's what happened. So if that's
16 the case, doesn't a judge have an obligation to make sure
17 that this juror's able to go forward and continue to be
18 fair and impartial?

19 MS. HAUSNER: I think that it's correct, Your
20 Honor, that the defense attorney was, to use your word,
21 being obnoxious - - -

22 JUDGE FAHEY: Oh, of course.

23 MS. HAUSNER: - - - and I think that's exactly
24 why this court has created a carve-out for impatience and
25 aggravation with attorneys, because jurors do react to the



1 tactics and strategies - - -

2 JUDGE FAHEY: Well, yeah. It's - - -

3 MS. HAUSNER: - - - of defense attorneys at
4 trial.

5 JUDGE FAHEY: - - - it's just a very unusual
6 reaction. It - - - I mean the reaction was so unusual that
7 the DA at trial, I think, agreed that - - - said there was
8 no reason for a mistrial but would not object if the court
9 chose to replace the juror.

10 MS. HAUSNER: But respectfully, Your Honor, the
11 first thing that the prosecutor noted, was that she agreed
12 with the trial court's assessment - - -

13 JUDGE FAHEY: Uh-huh.

14 MS. HAUSNER: - - - that the reaction was tied to
15 the frequency of the - - - of the word, of the - - -

16 JUDGE FAHEY: Of course.

17 MS. HAUSNER: - - - offensive racial slur being
18 uttered.

19 JUDGE FAHEY: If he had just said it once, I
20 agree with you, it - - - it wouldn't have created the
21 situation. That's why I'm saying it seems obvious that he
22 did it on purpose, but the DA did say that they would not
23 object if the court decided to replace the juror.

24 MS. HAUSNER: Again, at - - - at first, she - - -
25 she agreed with the court's assessment, and I - - - I would



1 just point out, Your Honor, that it's - - -

2 JUDGE FAHEY: But do you agree with what I just
3 said? The DA did say that. Didn't the DA then say that
4 they would not object if the court chose to replace the
5 juror?

6 MS. HAUSNER: Yes, Your Honor. But I do not
7 think that that actually ties into the analysis for what I
8 just - - - for the reason I just described. But also, it
9 could be that this particular ADA was in fact advised that
10 in these situations where there's - - - the question of
11 discharge of a juror comes up, and you have a full - - -
12 you have your full staff of alternates ready to come in,
13 that maybe her assessment was that it was better to sort of
14 acknowledge the fact that she - - -

15 JUDGE FAHEY: It seemed like a very practical
16 response. Why have a case overturned because a juror
17 didn't - - - made an appropriate - - - inappropriate action
18 in the midst of a trial? It seemed, given this case - - -
19 I'm pretty familiar with it - - - it seemed like the DA
20 made a very reasonable response.

21 MS. HAUSNER: Again, that may have been a
22 reasonable stance to take, but she did align herself to the
23 judge, and ultimately - - -

24 JUDGE FEINMAN: But - - - but it's one thing - -
25 -



1 MS. HAUSNER: - - - it was the judge's decision.

2 JUDGE FEINMAN: - - - you know, for the DA to
3 take that response. It doesn't necessarily mandate that
4 the judge do that. That's the point.

5 MS. HAUSNER: Yes, Your Honor. And it was
6 ultimately the judge's decision whether or not to conduct
7 one of these very invasive inquiries, and the - - - the
8 fact remains that this court has given discretion to trial
9 courts in these situations - - -

10 JUDGE WILSON: Well, the dis - - - the discretion
11 in our cases mostly shows up in certain - - - in the
12 ordinary circumstance, where - - - which is to Judge
13 Feinman's earlier point - - - the - - - what the judge
14 first has to evaluate is, information from a spectator,
15 from somebody in the hallway, from another juror saying - -
16 - essentially re - - - repeating hearsay to the judge. And
17 the first thing the judge has to do is figure out what is
18 this information; is this person who is - - - who is, you
19 know, as in Kuzdzal, providing the information credible?

20 None of that has to happen here, right? The - -
21 - the judge has actually perceived the - - - there's not a
22 factual issue we normally have in these Buford cases,
23 right?

24 MS. HAUSNER: Correct.

25 JUDGE WILSON: And my concern here is - - - is -



1 - - which shouldn't surprise you, is the following: that
2 the juror has demonstrated herself grossly unqualified,
3 because she has taken over the cross-examination. I'm - -
4 - put the shoe on the other foot, which is sort of what
5 Judge Fahey was asking in a way. Suppose as it happened to
6 you while you were trying a case, and you started asking
7 some questions designed, perhaps, to get some kind of
8 reaction out of the defendant, who was testifying on his
9 own behalf, and a juror got up and said, if you ask that
10 one more time, I'm walking out. You don't want an inquiry?

11 MS. HAUSNER: Respectfully, Your Honor, the issue
12 that the defense attorneys were concerned with below was
13 the potential that this juror was harboring some animus
14 against one - - - one defense attorney, co-defendant's
15 counsel. None of the jury - - - none of the defense
16 attorneys below, not the court and not the prosecutor, were
17 concerned with the misconduct aspect that appellant pushes
18 - - - presses on appeal. No one was concerned with her
19 ability to abide by the court's instructions, and in fact,
20 her conduct through remainder of trial proved that she was
21 able to abide by the court's instructions.

22 So the whole issue of steering the cross-
23 examination away from what the defense attorney initially
24 intended was not even raised as a complaint by the defense
25 attorneys below. And I think that's exactly because he



1 could get out the evidence that he wanted. He already had
2 gotten a concession out of the victim that he may have been
3 called a racial slur that preceded the violence in this
4 case. And all the parties in the courtroom clearly knew
5 that he had already gotten what he wanted. And this fifth
6 and final use of the racial slur was entirely gratuitous
7 for that reason.

8 So - - - and just - - -

9 JUDGE WILSON: Well, we don't know really know
10 that, because we don't know what the next question would
11 have been.

12 MS. HAUSNER: There - - - he had - - - but he had
13 already - - - we know from his summation - - - we know from
14 co-defendant's counsel's summation that he was concerned -
15 - -

16 JUDGE WILSON: In any event - - -

17 MS. HAUSNER: - - - with demonstrating that - - -

18 JUDGE WILSON: In any event, your answer to my
19 question seems to imply that you would have wanted an
20 inquiry of the juror. It's just that here, they didn't ask
21 for that, and it's not preserved.

22 MS. HAUSNER: I - - - I can't say whether or not
23 this defend - - - this defendant's attorney wanted an
24 inquiry. In fact, he was the one who had requested a
25 mistrial. So I can't speak for what his trial strategy



1 was. But the record does show that he was trying to get a
2 rise out of - - - out of the victim.

3 That strategy didn't pan out. He got a rise out
4 of the juror instead. But again, that expression of
5 frustration demonstrated who - - - her irritation with the
6 tactic that defend - - - co-defendant's attorney had chosen
7 at trial. It was not an indication of bias, and it
8 certainly was not an indication that she couldn't remain
9 fair and impartial.

10 And I think that's exactly why the trial court in
11 this situation fashioned the remedy that it did. It - - -
12 it left - - - it gave leeway - - - it left open an avenue
13 for this juror to come forward and express any concerns
14 that she may have had - - -

15 JUDGE RIVERA: But in part, you seem to be
16 equating what she is saying is difficult for her to
17 continue to hear like any other irritant. And it's not.
18 As you said, it's a racial slur - - - slur; it has a
19 particular history. We don't even use all of the letters
20 in this particular slur as a consequence of that history.
21 So how is it that a judge, having observed this, having
22 heard this, does not have an inquiry to see whether or not,
23 given what is the cause of - - - of her anger and
24 frustration, and her outburst, may have some lingering
25 effects beyond, okay, now you're not going to do it



1 anymore; I can move on.

2 MS. HAUSNER: I think, again, that's exactly why
3 the judge created this avenue for her to come forward. I
4 think based on his own observations, it was entirely tied
5 to the repetition and her frustration with the repetition,
6 because if it wasn't, she would have reacted the first
7 time. But he left open this avenue. And I think this
8 court has said in Mejias and it said in Kuzdzal that trial
9 courts do have the discretion to form these preliminary
10 steps instead of launching directly into a potentially
11 unwarranted and uncalled for invasive inquiry - - -

12 JUDGE RIVERA: But what's the downside in this
13 case? Given - - - given that this is so unusual and so
14 outrageous to say to a lawyer, if you don't stop, if you -
15 - - just don't - - - I don't want you to do that anymore,
16 otherwise I am getting up and going and stop my service on
17 this jury.

18 Why - - - why is it so unreasonable to say that
19 requires a judge to make an inquiry of her - - - of that
20 juror? Excuse me.

21 MS. HAUSNER: Initially, Your Honor, I - - - I
22 would disagree with the characterization that she was - - -

23 JUDGE RIVERA: I mean, the judge might come out
24 after that inquiry and decide that she should stay seated,
25 right?



1 MS. HAUSNER: Initially, I - - - the
2 characterization of the record that she was attempting to
3 strike herself from the jury or no longer wanted to
4 deliberate - - -

5 JUDGE RIVERA: I don't know, it says, "Or I am
6 leaving."

7 MS. HAUSNER: And that was a reflection of the
8 fact that she did not want to hear the word again. She had
9 grown tired of hearing the word because it was uttered so
10 gratuitously, because it was so unnecessary. And is it
11 possible that the judge could have done an inquiry in this
12 case? It - - - it's possible that a judge could have done
13 an inquiry, but the - - - the point is that the law doesn't
14 require him to do an inquiry in this case. An inquiry was
15 not required.

16 He instead elected to pursue a completely
17 reasonable and effective strategy of admonishing the juror,
18 removing the jurors from the courtroom, soliciting input
19 from the defense attorneys, and then instructing the jurors
20 that they couldn't hold questions asked against the
21 parties, they should not prematurely form opinions, and
22 that they should come forward if they had any concerns.
23 And of course, the record has - - - the record is perfectly
24 clear that she did not come forward with any concerns, and
25 nothing about her demeanor during the dur - - - duration of

1 the trial raised any - - -

2 JUDGE RIVERA: Of course, now that she harbors
3 particular hostility, she may not wish to do so, and it may
4 very well be that she would react differently if inquired
5 by the judge face-to-face.

6 MS. HAUSNER: Again, Your Honor, I - - - I think
7 that is why we leave these issues to the trial court, who
8 had the benefit of observing her demeanor in court.

9 CHIEF JUDGE DIFIORE: Thank you, Counsel.

10 MS. HAUSNER: Thank you.

11 CHIEF JUDGE DIFIORE: Mr. McCoy?

12 MR. MCCOY: Thank you, Your Honor. Respondent
13 argues that the curative instruction that the court
14 formulated for the jury was the same kind of limited
15 curative instruction that this court found to be acceptable
16 in both Mejias and Kuzdzal.

17 However, that misstates the fa - - - the facts of
18 the record. The judge in this case stated after the - - -
19 the request was made for an inquiry that he would not be
20 giving an inquiry because of his misinterpretation of the
21 holdings of Mejias. And then, and only then, did he give
22 the - - - the jury the option to volunteer themselves as
23 possibly - - - to make that legal determination, if you
24 will, of whether they were fair and impartial, or could not
25 remain fair and impartial.



1 And then, by - - - sidestepping the procedure
 2 prescribed by this court in Buford, as the means for
 3 determining whether a juror could remain fair and im - - -
 4 fair and impartial, that juror was to report to a court
 5 officer, and in that judge's words, there would be no
 6 question after such a report, that he would then discharge
 7 here. That is anathema to what Buford and its progeny
 8 represents.

9 And speaking to the point of speculation, when
 10 the court - - - in - - - in the - - - in the lower court,
 11 stated that without hearing anything else from a juror,
 12 that it would assume that all the jurors could remain fair
 13 and impartial, it was basing its assessment of Juror 6's
 14 partiality or impartiality necessarily on impermissible
 15 speculation, which again is anathema to the Buford - - -
 16 Buford and its progeny.

17 And just one last note. The Buford inquiry is
 18 suppose - - - supposed to be tactful and probing of the
 19 potentially unqualified juror. So while it might - - -
 20 maybe unusual to engage in the inquiry - - - and - - - and
 21 with regard to the full span of cases, a judge might have
 22 on the docket, the tactful and probing requirement ensures
 23 that the inquiry gets to the issue of what - - - of their
 24 fairness, impartiality, their qualifications as a juror,
 25 and as was noted, can, in fact, rehabilitate that juror.



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CHIEF JUDGE DIFIORE: Thank you, Counsel.

MR. MCCOY: Thank you, Your Honor.

(Court is adjourned)



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C E R T I F I C A T I O N

I, Karen Schiffmiller, certify that the foregoing transcript of proceedings in the Court of Appeals of People of the State of New York v. Jonathan Batticks, No. 41 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.



Signature: _____

Agency Name: eScribers

Address of Agency: 352 Seventh Avenue
Suite 604
New York, NY 10001

Date: September 15, 2020

