

## **Eleventh Circuit: Jurors Might Have a Prayer**

*Panel agrees to hear en banc appeal of case where juror was dismissed because they sought divine guidance during trial deliberations*

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**Atlanta, GA.**—Today, the U.S. Court of Appeals for the Eleventh Circuit granted a request for an *en banc* hearing in *United States of America v. Corrine Brown*.

“Dismissing a deliberating juror for believing prayer is effective denies the noble and civic duty to serve as a juror to hundreds of millions of Americans who seek divine guidance through prayer,” said Lea Patterson, Counsel for First Liberty. “How is it possible that we demand a juror take an oath invoking God’s aid in rendering a verdict but then dismiss that same juror for taking that oath seriously? If this decision stands millions of Americans are disqualified from fulfilling their civic duty as jurors simply because they believe that God answers prayer.”

In July 2016, a federal grand jury indicted former Congresswoman Corrine Brown on fraud charges; the case proceeded to a jury trial in April 2017. During the jury’s deliberations, the district court removed a juror who stated to other jurors that he had prayed for and believed he received the guidance of the Holy Spirit in considering the case. The judge questioned the juror, who confirmed that he had no “political, religious, or moral beliefs that would preclude [him] from serving as a fair and impartial juror” and that he was not “having any difficulties with any religious or moral beliefs that are, at this point, bearing on or interfering with [his] ability to decide the case on the facts presented and on the law as [the court] gave it to [him] in the instructions.”

Despite the juror’s repeated assurances that he was basing his opinion about the case on the evidence, the judge determined that the juror had illegally “received guidance” from outside the trial because the juror was relying on prayer to guide his decision.

Brown moved for a new trial arguing that the juror was improperly removed but the district court denied the motion and imposed sentence. Brown appealed, and a panel of the Eleventh Circuit affirmed the district court decision. Judge William Pryor dissented, emphasizing that both the district court and the majority opinion misunderstood the nature of prayer and that by finding the juror’s religious expression inherently disqualifying *beyond a reasonable doubt* endangered the ability of qualified, religious citizens to serve on juries.

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### **About First Liberty Institute**

[First Liberty Institute](http://www.firstliberty.org) is a non-profit public interest law firm and the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

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