UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ROY L. DENTON,	)	
	)	
Plaintiff,	)	
	)	1:07-CV-211
v.	)	
	)	Chief Judge Curtis L. Collier
STEVE RIEVLEY	)	
	)	
Defendant.	)	

MEMORANDUM AND ORDER

Before the Court is Plaintiff Roy L. Denton's ("Plaintiff") motion seeking permission to contact an individual identified in his motion who Plaintiff believes served as a juror during the retrial of this matter (Court File No. 141). Defendant Steve Rievley has responded to this motion (Court File No. 143). For the following reasons, Plaintiff's motion is **DENIED.**

E.D.TN LR 48.1 provides: "No attorney, representative of an attorney, party or representative of a party [] may interview, communicate with, or otherwise contact any juror or prospective juror before, during, or after the trial" unless otherwise permitted by this Court. Indeed, "[d]istrict courts have 'wide discretion' to restrict contact with jurors to protect jurors from 'fishing expeditions' by losing attorneys." *United States v. Wright*, 506 F.3d 1293, 1303 (10th Cir. 2007) (quoting *Journal Pub. Co. v. Mechem*, 801 F.2d 1233, 1236 (10th Cir. 1986)); *see also United States v. Logan*, 250 F.3d 350, 378 (6th Cir. 2001). When considering whether to allow a party to contact a juror post-trial, this Court considers the protection of jurors against harassment or embarrassment, the risk of future incidents of jury tampering, the finality of the trial, and the integrity of the judicial system. *See e.g., McDonald v. Pless*, 238 U.S. 264, 267-68 (1915); *Tanner v. United States*, 483 U.S. 107, 130 (1987); *United States v. Wettstain*, - - - F.3d - - -, Nos. 08-5705, 08-5708, 2010 WL

3384982 (6th Cir. 2010) (stating "a juror is incompetent to impeach the verdict"); Fed. R. Evid. 606(b) advisory committee's note. In fact, the underlying policy behind E.D.TN LR 48.1 is akin to that of Fed. R. Evid. 606(b), which limits the ability of a juror to testify "as to any matter or statement occurring during the course of the jury's deliberations or as to the effect of anything upon that or any other juror's mind or emotions as influencing the juror . . ." *See e.g., Logan*, 250 F.3d at 378-79. The Court does not want to "license[] litigants to attack verdicts based upon juror testimony." *United States v. Odunze*, 278 F. App'x 567, 573 (6th Cir. 2008); *see also United States v. Vassar*, 346 F. App'x 17, 22-23 (6th Cir. 2009).

In this case, the alleged juror contacted Plaintiff personally and posted comments concerning the trial on a public website (Court File No. 141). Therefore, the risk for jury harassment is diminished in this case. However, this Court must consider the implications of allowing communication between Plaintiff and any juror. Of primary concern are "frank jury deliberations" and the administration of justice. *Odunze*, 278 Fed. App'x at 572. If "juror[s] knew their private statement[s] [could] later face public scrutiny," they would be less likely to engage in open and honest discussions in the jury room. *Id.* In addition, the juror's communications would not fall within any of the three exceptions under Fed. R. Evid. 606(b) to warrant inquiry. Plaintiff may only wish to respect the individual juror's desire to speak to him; however, this Court must consider the public policy considerations protecting the jury system. Furthermore, some of the jurors serving in this trial may not have fulfilled the terms of their impanelment. Such interviews as the one Plaintiff is requesting could impact future jury deliberations. Accordingly, Plaintiff's motion is **DENIED.**

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE