

IN SEARCH OF FAIRNESS

TUG-OF-WAR BETWEEN JURY INCLUSIVENESS
AND JUROR IMPARTIALITY REACHES SUPREME COURT



PARKER SEIBOLD, DENVER GAZETTE

From left, Justice Richard L. Gabriel, Justice Monica M. Márquez, Chief Justice Brian D. Boatright, Justice William W. Hood III and Justice Melissa Hart are asked questions by students from Pine Creek High School after hearing arguments Nov. 17 from two cases in the high school auditorium.

BY MICHAEL KARLIK
michael.karlik@coloradopolitics.com

Earlier this month, Colorado's Supreme Court justices appeared less than enthusiastic about adopting a proposal that aims to curb lawyers' ability to remove people of color from criminal juries for reasons related to their race.

During a nearly three-hour hearing, prosecutors from across the state uniformly lined up to condemn the

suggested change, with some alleging it amounts to "affirmative action" for juries. Meanwhile, defense attorneys, trial judges and the NAACP — those who spoke are Black, Latino, Asian, as well as white — urged the justices to take action to halt the more subtle forms of racial bias in the justice system.

In response, some members of the court bristled at the push to enshrine the proposed implicit bias protections

into its procedural rules.

"We've already been called racist for not immediately adopting these rules," said Justice Melissa Hart. "And I'm not happy about it. I'm really uncomfortable with some of these changes."

For more than 35 years, the U.S. Supreme Court has recognized that intentional race-based discrimination in jury selection is unconstitutional. Following

SEE FAIRNESS • PAGE 4

GOP FEUD

El Paso County rift widens after Tonkins takes full control of local party. **Page 6**

HOUSING

Rent control bill clears committee in House, but faces uncertain future. **Page 10**