



March 31, 2009

U.S. SUPREME COURT ISSUES UNANIMOUS DECISION TO UPHOLD COOK COUNTY MURDER CONVICTION

Chicago—The U.S. Supreme Court today issued a unanimous opinion in favor of the State of Illinois upholding a murder conviction handed down in Cook County Circuit Court. Attorney General Lisa Madigan's office represented the State in the Supreme Court, and this ruling marks Madigan's third consecutive victory before the high court in a case involving criminal procedure.

Solicitor General Michael Scodro argued for the Attorney General's office before the U.S. Supreme Court on Feb. 23, 2009. The U.S. Supreme Court concluded that federal law did not require a new trial for Michael Rivera, who was convicted of first-degree murder and sentenced to 85 years in prison, even if the trial court erred in denying his defense counsel's request to remove a potential juror from the case before trial.

"Today's decision underscores that the defendant in fact received a fair trial in which the jury found him guilty of shooting and killing an innocent 16-year-old boy," Madigan said. "I am very pleased with the court's ruling upholding the conviction."

During jury selection, Rivera's defense attorney had asked to use a peremptory challenge to excuse a juror candidate. The trial judge seated the juror because he was concerned that defense counsel had engaged in impermissible race or gender discrimination in seeking the juror's removal. The juror went on to become the foreperson of the jury that heard Rivera's murder case.

On appeal, the Illinois Supreme Court ruled that the juror should have been excused but said that the error was harmless, citing the overwhelming evidence of Rivera's guilt. Rivera's attorneys appealed to the U.S. Supreme Court and argued that the seating of a juror who should have been dismissed requires automatic reversal of a criminal defendant's conviction.

The U.S. Supreme Court ruled today that the trial court's good faith but erroneous denial of a criminal defendant's peremptory challenge does not violate the defendant's constitutional rights and agreed with the State's argument that states should be free to determine the appropriate remedy for such errors. The case is Michael Rivera v. Illinois, No. 07-9995 (U.S.).

Thirty states, the U.S. Department of Justice, the Criminal Justice Legal Foundation, the National District Attorneys Association, and Wayne County, Mich., filed amicus briefs with the U.S. Supreme Court in support of Illinois.

Scodro was joined at counsel table in Washington, D.C., by Deputy Solicitor General Jane Elinor Notz.

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