

PAUL RENARD BISHOP v. STATE OF MARYLAND

CRIMINAL LAW - WHETHER A JUROR'S RESPONSE TO A POLL OF A VERDICT IN A CRIMINAL CASE WAS AMBIGUOUS, AND IF SO, WHETHER THE TRIAL JUDGE'S ACTION PROPERLY RESOLVED THE AMBIGUITY.

IN THE COURT OF APPEALS OF MARYLAND

No. 81

September Term, 1994

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PAUL RENARD BISHOP

v.

STATE OF MARYLAND

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Eldridge  
Rodowsky  
Chasanow  
Karwacki  
Bell  
Raker  
McAuliffe, John F. (retired,  
specially assigned)

JJ.

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Opinion by McAuliffe, J.  
Chasanow and Raker, JJ.,  
dissent.

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Filed: January 22, 1996

This case involves the question of whether a juror's response to a poll of a verdict in a criminal case was ambiguous, and if so, whether the trial judge's action properly resolved the ambiguity.

I.

Paul Renard Bishop was tried in the Circuit Court for Montgomery County on charges of robbery and conspiracy to commit robbery. At the conclusion of deliberations following a two-day trial, the foreman of the jury announced a verdict of guilty on both counts. Defense counsel requested that the jury be polled. The first two jurors answered "yes, it is" to the clerk's question of whether their verdict was the same as the foreman's verdict. The third juror questioned in the poll responded differently -- he said "uhh, reluctantly, yes."<sup>1</sup>

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<sup>1</sup>The transcript reports the juror's response as "reluctantly yes." Because proceedings in the Circuit Court for Montgomery County are electronically recorded, we have been able to hear the response of the juror. The tape recording discloses that after a pause, the juror responded "uhh, reluctantly, y