

## 27.5 Sequestration of Jurors During Trial

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Jurors may be sequestered, i.e., kept separate and apart, during trial if so directed by the trial judge in his or her discretion. *See* G.S. 15A-1236(b); *see also* G.S. 9-17 (“The presiding judge, in his discretion, may direct any jury to be sequestered while it has a case or issue under consideration.”); *State v. Wilson*, 322 N.C. 117 (1988) (decision whether to sequester jurors is a discretionary one and will not be disturbed absent a showing of an abuse of that discretion). G.S. 15A-1236(b) authorizes either complete sequestration, which includes separate lodging facilities at night, or partial sequestration during lunch or while in the vicinity of the courthouse. *See* G.S. 15A-1236 Official Commentary. When sequestration is ordered in a criminal case, the State must pay for all accommodations of jurors. G.S. 9-17. According to the N.C. Judicial Branch website, it is extremely rare for a jury to be sequestered or to be kept in a hotel during trial. *See* [Jury Service](#) (last visited Aug. 16, 2018).

A defendant does not have a federal constitutional right to have the jurors sequestered during trial. Sequestration is a matter of state procedural law and does not reach constitutional proportions. *Baldwin v. Blackledge*, 330 F. Supp. 183 (E.D.N.C. 1971).

If sequestration is ordered during deliberations in a capital case, the alternate jurors must be sequestered in the same manner as the trial jurors. The alternates must also be sequestered from the trial jury. G.S. 15A-1215(b).

For further discussion of jury sequestration, including summaries of relevant cases, see Jeff Welty, [Jury Sequestration](#), N.C. CRIM. L., UNC SCH. OF GOV'T BLOG (Sept. 20, 2011) (noting that due to the logistical headaches involved and the toll that sequestration takes on jurors, the National Center for State Courts recommends that it “should be used only in the most serious cases, and even then for the shortest possible period of time”).