

# State of New York Court of Appeals

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## MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 141

The People &c.,  
Appellant,

v.

Alex Flores, Lucio Ramirez,  
Benigno Aguilar and Emmanuel  
Flores,  
Respondents.

Robert H. Middlemiss, for appellant.  
Leonard J. Levenson, for respondents.

### MEMORANDUM:

The order of the Appellate Division should be affirmed. The trial court committed reversible error by empaneling an anonymous jury. Assuming that trial courts may, under certain circumstances, anonymize jurors, here County Court acted without any factual

predicate for the extraordinary procedure. Indeed, the trial court expressly based its decision to empanel an anonymous jury on anecdotal accounts from jurors in unrelated cases and, then, exacerbated the error by taking “no steps to lessen the potential prejudice” to defendants (153 AD3d at 191).

\* \* \* \* \*

Order affirmed, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

Decided December 13, 2018