

MINNESOTA
OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY
COMPLAINT FORM

Complainant Name, Address and Phone Numbers

Complainant 1:

Ms. Michelle F Gross

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Respondent Name, Address and Phone Number

Earl Gray

332 Minnesota St. Suite W1610
St Paul, MN 55101

Phone: ██████████

Additional Information

Relationship to Lawyer: Other

If you are someone other than the client, what is your connection to the lawyer?

I witnessed Mr. Gray's conduct during jury selection in the case 62-CR-16-8110 State vs. Jeronimo Yanez

Complaint:

Mr. Gray displayed racism in his treatment of a potential juror. In addition, his conduct was loud and abrasive without cause. The potential juror was an 18-year-old Ethiopian immigrant (who came to the US at age 10) who is a college student. During voir dire, Mr. Gray was abusive in his questioning of this potential juror as follows:

Mr. Gray started by asking the potential juror if she is a citizen (she obviously is as she could not have been in the jury pool otherwise). He then started asking her in a rapid manner the meanings of various legal terms including culpable negligence, negligence, and impeachment. The potential juror replied that she was not familiar with the terms. Mr. Gray then said, "this is a complicated case" and asked her "are you qualified to be a juror?" The potential juror stated that since she did not know the definitions of the terms, she must not be qualified.

At that point, Judge William Leary intervened and explained to the potential juror that others would be first-time jurors and that jurors are not expected to know legal terms or be educated in the law.

Mr. Gray then asked the potential juror “can you understand the rules?” and she replied that she could.

Mr. Gray asked about where she lived in Ethiopia, "a camp?, a village?" and the potential juror replied “a house.” He asked the potential juror if she attended school as a child, and she said “of course” and that she learned English and listed math, science, art and other topics of study.

Mr. Gray then demanded that the potential juror define the American criminal justice system. She repeated what she had said previously to Judge Leary about the role of jurors as people who learned about the facts and applied the law to reach verdicts. Mr. Gray challenged her for cause, stating “she has no idea what the American criminal justice system is” and “she won’t be able to contribute to jury deliberations” and is incompetent. The state raised that no other potential jurors were asked to define the American criminal justice system or legal terminology.

Judge Leary and Mr. Gray then argued, with Judge Leary stating that most people would not be able to concisely define the American criminal justice system. Mr. Gray interrupted, screaming “every other 18-year-old would be able to answer this” and he said he wanted it on the record that he thinks she is incompetent. Judge Leary said “you’re entitled to your opinion” then denied Mr. Gray's motion to strike for cause. Mr. Gray later attempted to remove this potential juror with a peremptory strike but could not provide an adequate race-neutral reason so was denied by Judge Leary.

I am not an attorney but I believe Mr. Gray's conduct during this encounter violates Minnesota Rules of Professional Conduct Rule 4.4(a) in that his conduct with this potential juror had "no substantial purpose other than to embarrass, delay, or burden a third person" especially given that Mr. Gray asked no such questions of and displayed no similar animosity toward white potential jurors.

This entire exchange was likely captured in the trial transcript.

Are you submitting documents with this complaint? No

Documents submitted by mail must be received within 7 days to be considered part of the complaint. If this Office does not receive accompanying documents, your complaint may be considered based solely on the information contained in this complaint form.

Dated: 6/23/2017

Additional information and documents must be mailed to:

Office of Lawyers Professional Responsibility
1500 Landmark Towers
345 St. Peter Street
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