

STATE OF MICHIGAN

IN THE RECORDER'S COURT OF THE CITY OF DETROIT

THE PEOPLE OF THE STATE OF MICHIGAN,

v

File No. 88 07091

JONATHAN GOOD,

Defendant.

JURY TRIAL - VOLUME II

BEFORE THE HONORABLE GEORGE W. CROCKETT, III, JUDGE

Detroit, Michigan - Tuesday, May 14, 1991

APPEARANCES:

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For the Defendant: MR. JONATHAN J. GOOD,
Appearing in Pro Per

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TABLE OF CONTENTS

Jury impaneled	163
Instructions by the Court	177
Opening statement by Mr. Hutting	193
Opening statement by Mr. Good	217
WITNESSES: PEOPLE	
DR. ROBERT KURTZMAN	
Direct Examination by Mr. Hutting	221
Cross Examination by Mr. Good	238

EXHIBITS:	Marked	Received
PX-1 Bullet	231	240
PX-2 Photo	231	244
PX-3 Photo	231	244
PX-4 Photo	231	244

1 Detroit, Michigan
2 Tuesday, May 14, 1991 - 9:04 a.m.
3 (Court, Counsel and Defendant present)
4 THE COURT: Ready for the jury?
5 MR. HUTTING: Yes, your Honor.
6 MR. HUNTER: Your Honor, if I might, Mr. Good has a
7 preliminary instruction he would request, I do believe.
8 MR. GOOD: I would like to request criminal jury
9 instruction 21, 2.1.02, regarding Defendant representing
10 himself for the jury.
11 THE COURT: That would have been given anyway.
12 MR. HUNTER: Okay. Thank you, sir.
13 MR. GOOD: Thank you, your Honor.
14 THE COURT: Mr. Hutting, I believe I was three
15 minutes late; is that right?
16 MR. HUTTING: Something like that, yes, your Honor.
17 THE COURT: Was it more than that?
18 MR. HUTTING: I don't believe so.
19 THE COURT: All right. Fifteen dollars, Detroit
20 Public Library, check, check only.
21 (The Court hands Defendant Good a pad of paper)
22 MR. GOOD: Thank you your Honor.
23 THE COURT: You're welcome.
24 Mr. Hutting, cause of death? Shooting?
25 MR. HUTTING: Yes, your Honor, single gunshot

1 wound.

2 (At 9:06 a.m. recess)

3 (At 9:15 a.m. prospective jurors enter courtroom)

4 THE COURT: This is file number 88 07091, the

5 People of the State of Michigan versus Jonathan Joseph

6 Good, charged in a multicount, four, Criminal

7 Information with the offenses of murder in the first

8 degree, armed robbery, possession of a firearm in the

9 commission of or attempt to commit a felony, and

10 unlawfully driving away a motor vehicle. This matter is

11 scheduled for trial today. Are both sides ready?

12 MR. HUTTING: Good morning. Yes, your Honor, the

13 People are ready.

14 MR. GOOD: Good morning, your Honor. Defense is

15 ready.

16 THE COURT: Thank you, gentlemen.

17 Good morning, ladies and gentlemen.

18 JURORS: Good morning.

19 THE COURT: Were you shown a video this morning?

20 JURORS: Yes.

21 THE COURT: It gave you some idea of what you could

22 expect to see in one of your courts; is that right?

23 JURORS: Yes.

24 THE COURT: Would you please stand, raise your

25 right hands, and be sworn.

1 (At 9:17 a.m. jurors sworn in by clerk)

2 THE COURT: Initially, I'd like to present some
3 persons to you. They are Assistant Prosecuting Attorney
4 Augustus Hutting.

5 MR. HUTTING: Good morning, ladies and gentlemen.

6 JURORS: Good morning.

7 THE COURT: The officer in charge of this case,
8 Sergeant Royal Williams.

9 SERGEANT WILLIAMS: Good morning, ladies and
10 gentlemen.

11 JURORS: Good morning.

12 THE COURT: Appearing pro se, that is, representing
13 himself, the Defendant, Jonathan Joseph Good.

14 MR. GOOD: Good morning, ladies and gentlemen.

15 JURORS: Good morning.

16 THE COURT: Appearing as of Counsel amicus curiae,
17 Attorney Burn Hunter.

18 MR. HUNTER: Good morning.

19 JURORS: Good morning.

20 THE COURT: I'm going to read to from you a paper
21 called a Criminal Information. That paper in pertinent
22 part reads, the People of the State of Michigan versus
23 Jonathan Joseph Good. In the name of the People of the
24 State of Michigan the Prosecuting Attorney for this
25 County appears before the Court and informs the Court

1 that on February 19th, 1988, at 17038 Matthews Street in
2 Riverview, Wayne County, Michigan, the Defendant, count
3 one, did feloniously, deliberately, willfully, with
4 premeditation and with intent to kill, did kill and
5 murder one, Pierre Compeau, contrary to the statute in
6 such case made and provided.

7 Count two, did assault the above-named Complainant,
8 Pierre Compeau, while being armed with a dangerous
9 weapon or an article used or fashioned in a manner to
10 lead the person so assaulted to reasonably believe it to
11 be a dangerous weapon, to-wit, a 22 caliber rifle, and
12 did then and there feloniously rob, steal, and take from
13 the person of the Complainant, or in his presence, auto
14 keys and a 1986 Ford pickup, bearing license number KJ
15 2178, vehicle identification number 2FTDF15N7GCB25591,
16 contrary to the statute in such case made and provided.

17 Count three, did then and there carry or have in
18 his possession a firearm in the commission or attempt to
19 commit a felony, to-wit, first degree murder and robbery
20 armed.

21 Count four, did willfully and without authority,
22 take possession of and drive, or take away, or did
23 assist in, or was a party to such taking, possession,
24 taking, or driving away of a motor vehicle, to-wit, a
25 1986 Ford pickup, license number previously stated as

1 was the VIN number, under the control or custody or
2 possession of the above-named Complainant, Pierre
3 Compeau, contrary to the statute in such case made and
4 provided and against the peace and dignity of the State
5 of Michigan.

6 Again, the paper from which I've just read to you
7 is called a Criminal Information. Its purpose is what
8 the name suggests. It informs the parties to the
9 lawsuit and the world at large of the nature of the
10 charge or charges lodged against the accused. A
11 Criminal Information or indictment is filed in every
12 criminal case. A Criminal Information or indictment is
13 not, is not evidence.

14 Another paper filed by the office of the Wayne
15 County Prosecutor lists the names of persons the
16 Prosecution may call as witnesses. Listed on the
17 Prosecutor's witness list are the following names.

18 Mr. Hutting.

19 MR. HUTTING: Yes. There are some people that are
20 present here in the courtroom, and as I call their names
21 I'll ask them to stand up.

22 You may hear from the following witnesses: Mrs.
23 Nancy Compeau, the wife of the decedent, and Mrs. Sandra
24 Parker, the sister of the decedent. You may also hear
25 from the following Riverview Police Officers: Officer

1 James Burns, and Officer Terrance Collins. Also, you
2 may hear from the with following Riverview Police
3 Officers: Detective James Spradlin and Detective James
4 Warlick. You may hear from the following two Detroit
5 police officers: Officer Charles Zwicker and Officer
6 Glynn Davis. You may hear from the following Romulus
7 Police Officer: Police Officer Timothy O'Neil. Also
8 called will be Dr. Robert Kurtzman, a forensic
9 pathologist who was with the County of Wayne at the
10 time. You may hear from a young man by the name of Mr.
11 William Benson, and an older gentleman by the name of
12 Robert Worthington. Both are residents of the City of
13 Riverview. Also you may hear from three Michigan State
14 Police Officers. They are Sergeant Jon Stanton,
15 firearms examiner, two other people from the Crime Lab,
16 a person by the name of either Sergeant or Lieutenant
17 Harry Reed and also Lieutenant Harold Raupp. And
18 finally, you may hear from Sergeant Royal Williams of
19 the Riverview Police Department.

20 I believe, your Honor, that that completes the list
21 of potential Prosecution witnesses that may be called at
22 this trial.

23 THE COURT: Thank you, Mr. Hutting.

24 We're going to begin a process called voir dire in
25 which the Court and Counsel will be asking questions of

1 you for the purpose of selecting a fair and impartial
2 jury to try this case. No one intends by the questions
3 to embarrass any of you or to pry unnecessarily into
4 your personal affairs. Again, the sole purpose of the
5 questions is to obtain a fair and impartial jury to try
6 this case. The questions that will be asked of you are
7 the same sort of questions you would want asked on your
8 behalf if you were a party in interest to this lawsuit.

9 In this case the Defendant, Jonathan Joseph Good,
10 is representing himself. This fact should not effect
11 your decision in any way. The Defendant has the right
12 to represent himself and he has chosen to exercise that
13 right. An attorney, Burn Hunter, is present if the
14 Defendant wishes to consult with him.

15 Understanding that, then, we will proceed. We ask
16 that each of you, whether seated in the jury box or in
17 the gallery, listen to the questions asked and the
18 answers given so that we can avoid an unnecessary
19 repetition of the questions and answers, which result in
20 a waste of your time. Can we assume you do not want
21 your time wasted?

22 JURORS: Yes.

23 THE COURT: Will you listen and pay attention?

24 JURORS: Yes.

25 THE COURT: Thank you very much.

1 Call 14, please.

2 THE CLERK: Juror number 111, Marilyn Teeters.

3 Take seat number one, please.

4 Juror number 93, Louis Richard.

5 Juror number 73, Delia Mikton.

6 Juror number 71, Roderick McCraw.

7 Juror number 27, Joseph Collins.

8 Juror number 61, James Hrynik.

9 Juror number 48, George Goodrich.

10 Juror number 38, Maria Forbes.

11 Juror number 77, Florence Moore.

12 Juror number 43, Frederick Gilbert.

13 Juror number 39, Orval Forsythe.

14 Juror number 49, Patricia Goodson.

15 Juror number 31, Keith Dromowicz.

16 Juror number 82, Angelia Mott.

17 THE COURT: How many of you have served as a juror

18 in any Court, anywhere, any time? Let me see your

19 hands, please.

20 JURORS: (Raised hands)

21 THE COURT: Okay. Thank you. Where was that, Mr.

22 Richard?

23 JUROR: Been about five years ago, Wayne County.

24 THE COURT: What kind of lawsuit was it? Criminal

25 lawsuit or civil lawsuit? If you know.

1 JUROR: It was criminal lawsuit. Yes.
2 THE COURT: Okay. Thank you, sir.
3 Mr. McCraw?
4 JUROR: It was Recorder's Court.
5 THE COURT: How long ago?
6 JUROR: About three years ago.
7 THE COURT: All right. Mr. Hrynik?
8 JUROR: I think it was a civil suit, two years ago.
9 THE COURT: Where, sir?
10 JUROR: I think Recorder's Court.
11 THE COURT: In this building?
12 JUROR: I believe in the City-County Building.
13 THE COURT: What was it about?
14 JUROR: A paternity case.
15 THE COURT: Okay. I think, Ms. Moore, you had your
16 hand up?
17 JUROR: Yes.
18 THE COURT: Where were you a juror?
19 JUROR: Here, five and a half years ago, in this
20 building.
21 THE COURT: All right. Did you have your hand up,
22 Ms. Mott?
23 JUROR: Yes.
24 THE COURT: Where were you a juror?
25 JUROR: Here in this building.

1 THE COURT: How long ago?
2 JUROR: About three years ago.
3 THE COURT: Did I overlook anyone?
4 JURORS: (No response).
5 THE COURT: As to those of you who have previously
6 served as a juror, is there anything about your previous
7 jury experience, anything about your previous jury
8 experience, which makes you think or feel that you
9 cannot or should not serve as a juror in this case? Mr.
10 Richard?
11 JUROR: I think I can qualify, sir.
12 THE COURT: Mr. McCraw?
13 JUROR: No, sir.
14 THE COURT: Mr. Hrynik?
15 JUROR: No, sir.
16 THE COURT: Am I pronouncing your name correctly?
17 JUROR: Yes.
18 THE COURT: Okay. Ms. Moore?
19 JUROR: No.
20 THE COURT: Ms. Mott?
21 JUROR: No.
22 THE COURT: This is a criminal case. In all
23 criminal cases there are three basic rules of law you
24 should hold in mind. They are that every person accused
25 of a crime is presumed to be innocent. The Prosecution

1 in a criminal case has the burden of proof. The
2 standard to which the Prosecution is held is proof
3 beyond a reasonable doubt. Every person accused of a
4 crime is presumed to be innocent. The Prosecution in a
5 criminal case has the burden of proof. The standard to
6 which the Prosecution is held is proof beyond a
7 reasonable doubt.

8 Ms. Teeters, if the Court were to were to require
9 you right now to render a verdict as to Mr. Jonathan
10 Joseph Good, what would your verdict have to be? Guilty
11 or not guilty?

12 JUROR: Not guilty. I can't tell, but it would be
13 not guilty because I haven't heard anything.

14 THE COURT: You say it was not guilty because you
15 haven't heard anything?

16 JUROR: Right.

17 THE COURT: What would your verdict have to be, Mr.
18 Dromowicz?

19 JUROR: Not guilty.

20 THE COURT: Why?

21 JUROR: Because he's innocent until proven guilty.

22 THE COURT: Okay. Now, what Ms. Teeters said makes
23 common sense, right, Mr. Dromowicz?

24 JUROR: Yes.

25 THE COURT: She hasn't heard anything, any

1 evidence?

2 JUROR: Yes.

3 THE COURT: What you said is the law. He is merely
4 accused. An accused is presumed innocent. If you were
5 required to render a verdict now it would have to be --
6 Ma'am, I'm going to have to ask you to excuse us.
7 Step out and get some water or something.

8 OFFICER BORDERS: Ma'am, step out and get some
9 water, please.

10 THE COURT: The verdict would have to be not
11 guilty.

12 (Spectator leaves courtroom)

13 THE COURT: Does each of you understand that?

14 JURORS: Yes.

15 THE COURT: And the reason for it?

16 JURORS: Right.

17 THE COURT: Ms. Mikton, I didn't note a response
18 from you. Do you understand that?

19 JUROR: Yes, I do.

20 THE COURT: Okay. The Prosecution in a criminal
21 case has the burden of proof. The Prosecution in a
22 criminal case has the burden of proof.

23 Mr. Gilbert, do you know where the Prosecutor is?

24 JUROR: Yes.

25 THE COURT: Where?

1 JUROR: Sitting there.

2 THE COURT: Right there?

3 JUROR: Yes, sir.

4 THE COURT: In the blue and red; is that right?

5 JUROR: Yes, sir.

6 THE COURT: Okay. That's the Prosecution table,
7 right?

8 JUROR: Yes, sir.

9 THE COURT: Where is the Defense table?

10 JUROR: The other side.

11 THE COURT: Okay. The burden of proof in a
12 criminal case is on the Prosecution. I say that and
13 emphasize it because many people have seen television
14 programs concerning lawyers and trials and courtrooms
15 and so forth which television programs are wrong and lie
16 to you and give you a misconception of how your courts
17 function and why.

18 How many of you have seen Perry Mason on
19 television, for example?

20 JURORS: (Raised hands)

21 THE COURT: Okay. Mr. Forsythe?

22 JUROR: Yes, sir.

23 THE COURT: On television Perry Mason is a good
24 lawyer, right?

25 JUROR: Apparently, yes.

1 THE COURT: Almost always wins, right?

2 JUROR: Right.

3 THE COURT: He can so effectively examine a witness
4 or cross-examine a witness that the witness confesses to
5 the commission of the crime; is that right, Mr.
6 Goodrich?

7 JUROR: That's about right.

8 THE COURT: He can cause someone to stand up in the
9 gallery and say, "I did it. Mr. Mason's client didn't
10 do it;" is that right?

11 JUROR: Yes.

12 THE COURT: And he's the one you see and hear from
13 the most in a courtroom on the TV program; is that
14 right, Mr. McGraw?

15 JUROR: Sir, it's been a long time since I watched
16 Perry Mason.

17 THE COURT: You don't remember?

18 JUROR: No, sir.

19 THE COURT: Okay. Ms. Mott, is that your
20 experience? He's the one that does the most in the
21 courtroom on television?

22 JUROR: I'm kind of like him. I don't watch Perry
23 Mason either.

24 THE COURT: Okay. Ms. Teeter, you've seen him,
25 haven't you?

1 JUROR: (Nodding head)

2 THE COURT: Okay. The person portraying Perry
3 Mason is portraying a criminal defense trial lawyer. A
4 criminal defense trial lawyer. Now, in this case, the
5 Defendant, Mr. Good, is representing himself. You know
6 where Mr. Good is because you've seen him, right?

7 JUROR: Uh-huh.

8 THE COURT: In this case he has available to him
9 the services of Attorney Burn Hunter, who is acting as
10 of Counsel and as amicus curiae, it means friend of the
11 Court, to consult with and assist Mr. Good, should he
12 want or need it. Does either Mr. Good or Mr. Hunter
13 look to you like Perry Mason?

14 JUROR: No.

15 THE COURT: Okay. So you don't have either of them
16 confused with Perry Mason; is that right?

17 JUROR: No.

18 THE COURT: All right. Now, Ms. Forbes, in a
19 criminal case, contrary to what you may have seen on
20 television, the accused, the Defendant, has no
21 obligation to prove anything. The accused, the
22 Defendant, has no obligation to prove anything. The
23 Defendant does not have to say anything to you or me.
24 He does not have to produce any witnesses. He does not
25 have to testify. He does not have to ask questions of

1 anyone. There are only two things that the Defendant in
2 any criminal case has to do, and that is be here at his
3 trial and behave. Understand that, Ms. Goodson?

4 JUROR: Yes.

5 THE COURT: That's all he has to do. Be here and
6 behave. He can sit at that table throughout the trial
7 and do nothing except behave. He could do whatever he
8 wants to as long as he doesn't disrupt these
9 proceedings. Everybody understand that clearly?

10 JURORS: Yes.

11 THE COURT: If the Defense doesn't have any
12 obligation to prove anything in a criminal lawsuit, who
13 does, Mr. Collins?

14 JUROR: The Prosecution.

15 THE COURT: I didn't hear you.

16 JUROR: The Prosecutor.

17 THE COURT: The Prosecutor. The Prosecutor has the
18 obligation, the burden to prove something. Now, that's
19 not what happens on television with Perry Mason, is it,
20 Mr. Goodrich?

21 JUROR: No, it's not.

22 THE COURT: He's the one trying to prove something,
23 right?

24 JUROR: Right.

25 THE COURT: And what is he trying to prove?

1 JUROR: Trying to the prove that the person is
2 guilty.

3 THE COURT: No, Perry Mason is trying to prove
4 what?

5 JUROR: That the person that he be for isn't a
6 guilty person. He trying to prove without a doubt that
7 the person is guilty of the crime he's accused of.

8 THE COURT: No. In my experience the person
9 portraying Perry Mason is trying prove that his client
10 is innocent.

11 JUROR: Innocent, okay.

12 THE COURT: That his client is not guilty. And I'm
13 telling you and your fellow jurors that that is a lie.
14 Because the Defendant does not to have prove anything.
15 He does not have to prove that he is innocent.

16 The Prosecution has the burden of proof in a
17 criminal case. The case begins with the Prosecution
18 having that burden. It continues with the Prosecution
19 having that burden. And at no time does the Defense
20 have a burden of proving anything. This is not
21 television. This is real life. Do each of you
22 understand tha?

23 JURORS: Yes.

24 THE COURT: Okay. The standard to which the
25 Prosecution is held is proof beyond a reasonable doubt.

1 There is another phrase that many of you may have seen
2 on, in magazines or newspapers or books or heard on
3 television, which is not a phrase that is used in our
4 courts, and that is proof beyond all doubt, or proof
5 beyond a shadow of a doubt. Have you heard that, Ms.
6 Moore?

7 JUROR: Yes.

8 THE COURT: On television?

9 JUROR: Yes.

10 THE COURT: And you've seen it in newspapers?

11 JUROR: Yes.

12 THE COURT: And books?

13 JUROR: Yes.

14 THE COURT: Okay. Our law has never required
15 anyone, our law has never required anyone to prove
16 anything beyond all doubt. It has never required anyone
17 to prove anything beyond a shadow of a doubt. Our law
18 does not think that any human being can prove anything
19 to another human being beyond all doubt, beyond a shadow
20 of a doubt. And it does not and never has made that
21 requirement of anyone. Is that clear to each of you?

22 JURORS: Yes.

23 THE COURT: The highest standard of proof known to
24 our law exists in the criminal law, and it is proof
25 beyond a reasonable doubt. The Court in its

1 instructions to you will tell what you that term means.
2 For these purposes though you can take it to mean this:
3 A reasonable doubt is a doubt for which you can give a
4 reason expressed in words to your fellow jurors, based
5 upon what you see and hear in a criminal trial, or maybe
6 what you do not see or do not hear. Does that make
7 sense to you, Ms. Mott?

8 JUROR: Yes, it does.

9 THE COURT: Do you understand what I'm talking
10 about, Ms. Mikton?

11 JUROR: Yes.

12 THE COURT: Okay. Mr. Hrynik, this paper that you
13 may have seen us referring to contains some very limited
14 information concerning each of you. It has, for
15 example, numbers that are arbitrarily assigned to each
16 of you, it has your name, your occupation, and the
17 occupation of your spouse, if you have one. This paper
18 indicates that you are an anesthesiologist, I believe it
19 said. No, an anesthetist. Are you a medical doctor?

20 JUROR: No, I'm not.

21 THE COURT: Are you a nurse?

22 JUROR: Yes.

23 THE COURT: Okay. You are a nurse anesthetist?

24 JUROR: Correct.

25 THE COURT: What was the lawsuit -- Well, let me

1 see if I can put it a different way. You sat on a
2 lawsuit that you say was a paternity action?

3 JUROR: Yes.

4 THE COURT: Were you asked to render a verdict that
5 was guilty or not guilty, or some other kind of verdict?

6 JUROR: Determining whether the man was the father
7 of a child in regard to child support.

8 THE COURT: I understand that. But were you
9 instructed by the Judge to return a verdict which said
10 guilty or not guilty, or did it say something else?

11 JUROR: I believe the Judge said whether the
12 evidence presented proved that the man involved was the
13 father of the child.

14 THE COURT: Okay. That, to me, sounds like a civil
15 proceeding. Or, well, anyway, the Judge in that
16 proceeding, I believe, Mr. Hrynik, may have told you
17 that you would be hearing from both sides in that
18 lawsuit. Did you?

19 JUROR: Yes.

20 THE COURT: And he may have indicated to you that
21 both sides had an obligation to prove something. Did he
22 or she?

23 JUROR: To the best of my recollection, I just --
24 I'm not sure.

25 THE COURT: Okay. Did they use terms like

1 plaintiff and defendant?

2 JUROR: I don't recall.

3 THE COURT: How long ago was this, Mr. Hrynik?

4 JUROR: I believe it was around three years ago.

5 THE COURT: Okay. Did the Judge give you to
6 understand that both sides had a burden of proof, both
7 sides had an obligation to prove something, and the side
8 which should succeed in that lawsuit is the side which
9 presented the greater preponderance of credible
10 evidence?

11 JUROR: Yes.

12 THE COURT: You remember hearing that phrase?

13 JUROR: Yes.

14 THE COURT: Okay. That was a civil suit. Now, I
15 want to emphasize to you the difference between a
16 criminal lawsuit and a civil lawsuit. In a civil
17 lawsuit, all that is involved, all that is at risk is
18 money, property, or a status. Money can be involved
19 when there is an automobile accident. Property damage,
20 person loses wages, hospital expenses, pain and
21 suffering, are suing for money damages for that. There
22 is a lawsuit arising between two neighbors concerning
23 where a fence should go, a boundary dispute. That's a
24 lawsuit concerning property. Or an argument about a
25 deed or whatever. A lawsuit concerning a status is one

1 such as you sat on, to determine the parentage of a
2 child. Or another example would be when one spouse
3 seeks to divorce the other, seeks to change that status.
4 Okay?

5 Whatever is at risk in a civil lawsuit, if lost,
6 can at least be theoretically reacquired. Money, if
7 lost, could be reacquired. Property, if lost, can be
8 reacquired. A person who divorces his or her spouse can
9 remarry. They can remarry the person they divorce if
10 they want to. Do you understand what I'm saying?

11 JUROR: Yes.

12 THE COURT: So the standards and the procedures and
13 the rules in a civil case are different because all that
14 is involved is money, property, or a status. And the
15 Judge tells you, in essence, that the side which should
16 win the lawsuit is whoever tips this scale however
17 slightly, by evidence that you believe. Okay?

18 In a criminal lawsuit, what is at risk, what is in
19 jeopardy, is a person's liberty, which, if lost, cannot
20 be recovered, reacquired. Therefore, the rules in force
21 in a criminal action are substantially different than
22 they are in a civil action. Here in this Court, this
23 criminal court, we play hardball. We play for keeps.
24 Do you understand?

25 JURORS: (Nodding heads)

1 THE COURT: How many of you have been the victim of
2 a crime, have had your home broken into, your car
3 stolen, your purse snatched, any crime? Let me see your
4 hands, please.

5 JURORS: (Raised hands)

6 THE COURT: What happened, Ms. Mikton?

7 JUROR: I was held up in a parking lot.

8 THE COURT: Was a weapon involved?

9 JUROR: Yes.

10 THE COURT: Did you see the weapon?

11 JUROR: Yes.

12 THE COURT: What was the weapon?

13 JUROR: It turned out to be a pellet gun, but it
14 actually looked like a regular pistol.

15 THE COURT: Was something taken from you?

16 JUROR: No.

17 THE COURT: Were you injured?

18 JUROR: No.

19 THE COURT: Was the person who robbed or attempted
20 to rob you apprehended?

21 JUROR: Yes.

22 THE COURT: Then and there?

23 JUROR: No, about an hour later.

24 THE COURT: One of the charges in this case is
25 armed robbery. You've been the victim of an attempted

1 armed robbery, from what I gather, from what you've
2 said. Do you think that because one of the charges in
3 this case is armed robbery and you underwent a similar
4 experience, that you can or cannot separate those two
5 and give Mr. Good and the Prosecution a fair trial? Can
6 you serve as a fair, impartial juror in this case?

7 JUROR: I believe I could.

8 THE COURT: All right. Mr. McCraw, you had your
9 hand up?

10 JUROR: Yes, sir.

11 THE COURT: What happened to you, sir?

12 JUROR: I had a car stolen.

13 THE COURT: Was that reported to the police?

14 JUROR: Yes, sir.

15 THE COURT: Was the car recovered?

16 JUROR: Yes, sir.

17 THE COURT: Was the car damaged when recovered?

18 JUROR: Yes, sir.

19 THE COURT: Was the car repaired?

20 JUROR: No, sir.

21 THE COURT: Why?

22 JUROR: It was beyond repair.

23 THE COURT: Beyond repair?

24 JUROR: Uh-huh.

25 THE COURT: Was it insured?

1 JUROR: No fault.

2 THE COURT: Do you know who took your car?

3 JUROR: No, sir.

4 THE COURT: So Ms. Forbes might have taken your
5 car?

6 JUROR: As far as I know.

7 THE COURT: Were you unhappy about your car being
8 taken?

9 JUROR: No, sir.

10 THE COURT: You were not unhappy?

11 JUROR: I was unhappy.

12 THE COURT: Very unhappy?

13 JUROR: Yeah.

14 THE COURT: You were inconvenienced, weren't you?

15 JUROR: Yes, sir.

16 THE COURT: All right. Ms. Moore, did you have
17 your hand up?

18 JUROR: Yes.

19 THE COURT: What happened to you, ma'am?

20 JUROR: My home was broken into and I had a car
21 stolen. I had a car broken into, also.

22 THE COURT: Were those crimes reported to the
23 police?

24 JUROR: Yes.

25 THE COURT: Was anyone ever apprehended?

1 JUROR: No.

2 THE COURT: Was your car recovered?

3 JUROR: Yes.

4 THE COURT: Damaged?

5 JUROR: Yes.

6 THE COURT: Was it repaired?

7 JUROR: Yes.

8 THE COURT: How?

9 JUROR: By the -- They took all the tires off.

10 THE COURT: No, how was it repaired?

11 JUROR: Oh. The insurance repaired it.

12 THE COURT: Fully and completely?

13 JUROR: Yes.

14 THE COURT: Without additional cost to you?

15 JUROR: I think so. I believe so. It's been quite

16 a while.

17 THE COURT: All right. What was taken from your

18 home?

19 JUROR: Jewelry.

20 THE COURT: How did you get the jewelry in the

21 first place?

22 JUROR: I bought it and some was given to me.

23 THE COURT: That which you bought, what did you buy

24 it with?

25 JUROR: Oh. Money.

1 THE COURT: Where did you get the money from?
2 JUROR: From my husband and from my earnings.
3 THE COURT: And from your earnings?
4 JUROR: Yes, and some was given to me for gifts.
5 THE COURT: You don't know who did any of those
6 things?
7 JUROR: No.
8 THE COURT: Mr. Collins might have done that?
9 JUROR: Well, I don't know who it was.
10 THE COURT: He might have done that if you don't
11 know?
12 JUROR: Right. I don't know who did it.
13 THE COURT: Okay. Ms. Forbes, did you have your
14 hand up?
15 JUROR: No, sir.
16 THE COURT: Did you, Mr. Collins?
17 JUROR: Yes.
18 THE COURT: What happened to you?
19 JUROR: I had my car stolen in the church and I
20 reported it to the police. And then I went the next day
21 looking for it. I found it.
22 THE COURT: What kind of condition was it in?
23 JUROR: Well, I had my window broke, my steering
24 wheel tore out, and a few bumps, and you know, bruises
25 on it.

1 THE COURT: Did that make unhappy?
2 JUROR: Well, it made me unhappy at the moment, you
3 know, at the time that it was stolen, but I was more
4 happier you know when I found my car and the insurance,
5 you know, took care of it right off, you know, right
6 away.
7 THE COURT: All of it?
8 JUROR: Yes.
9 THE COURT: How did you get the car in the first
10 place?
11 JUROR: My aunt bought it for me.
12 THE COURT: You don't know who stole it?
13 JUROR: Well, a bunch of kids.
14 THE COURT: Do you know that?
15 JUROR: No.
16 THE COURT: So you don't know who stole it?
17 JUROR: No.
18 THE COURT: So I might have stole it?
19 JUROR: Yes you might have.
20 THE COURT: Ms. Goodson, did you have your hand up?
21 JUROR: No.
22 THE COURT: Did you, Mr. Forsythe?
23 JUROR: Yes, I did.
24 THE COURT: What happened to you?
25 JUROR: I had a radio that was stolen out of my

1 car.

2 THE COURT: You didn't like that, did you?

3 JUROR: No, I didn't.

4 THE COURT: Did you report that to the police?

5 JUROR: Yes, sir, I did.

6 THE COURT: Did you ever recover the radio?

7 JUROR: No.

8 THE COURT: Was the radio ever replaced?

9 JUROR: Yes.

10 THE COURT: Who replaced it?

11 JUROR: Insurance.

12 THE COURT: Did you have to pay anything for the

13 replacement of it together with the insurance company?

14 JUROR: No, I did not.

15 THE COURT: Mr. Gilbert, have you been the victim

16 of a crime?

17 JUROR: Yes, sir.

18 THE COURT: What type of crime?

19 JUROR: Something taken from the house.

20 THE COURT: Take something?

21 JUROR: Yes.

22 THE COURT: Did you acquire it the same way other

23 people do: go out and work for it?

24 JUROR: Yes, sir.

25 THE COURT: Was it replaced?

1 JUROR: No, sir.

2 THE COURT: Are you unhappy about that?

3 JUROR: Yes, sir.

4 THE COURT: Do you know who Charles Bronson is?

5 JUROR: Charles Bronson, the actor, yes, sir.

6 THE COURT: Do you know who Clint Eastwood is?

7 JUROR: Yes, sir.

8 THE COURT: Did you know what a vigilante is?

9 JUROR: Yes, sir.

10 THE COURT: Who is a vigilante?

11 JUROR: Someone who takes the law into his own

12 hands.

13 THE COURT: Ever see Charles Bronson do that?

14 JUROR: Yes, sir.

15 THE COURT: Clint Eastwood?

16 JUROR: Yes, sir.

17 THE COURT: Why do they do that?

18 JUROR: Sort of a loaded question.

19 THE COURT: Do they do that because they're

20 frustrated with law enforcement?

21 JUROR: On TV, yes.

22 THE COURT: Movies and so forth. Okay. Did you

23 know, Mr. Gilbert, that if were selected to serve as a

24 juror in this case, you would be a judge? Did you know

25 that?

1 JUROR: I would be a judge?
2 THE COURT: A judge.
3 JUROR: No, I didn't, but --
4 THE COURT: Okay. You would be a judge.
5 JUROR: Okay.
6 THE COURT: Judges can be very powerful people. Do
7 you understand that?
8 JUROR: Yes, sir.
9 THE COURT: Do you appreciate that?
10 JUROR: I understand that, yes, sir.
11 THE COURT: Is there a difference in your mind
12 between a judge and vigilante?
13 JUROR: Yes, sir.
14 THE COURT: Are judges supposed to be fair and
15 impartial?
16 JUROR: Yes, sir.
17 THE COURT: Are judges supposed to base their
18 decisions, Mr. Dromowicz on the evidence and the law?
19 JUROR: Yes.
20 THE COURT: Are judges supposed to follow the law,
21 Ms. Mott?
22 JUROR: Yes, they are.
23 THE COURT: Are judges supposed to base their
24 decisions, whatever they might be, on how they feel that
25 day, Ms. Forbes?

1 JUROR: No, sir.

2 THE COURT: Because they had a argument with their
3 husband or boyfriend, should they take it out on someone
4 because they have the power to do so, Ms. Goodson?

5 JUROR: No.

6 THE COURT: Judges should follow the law, they
7 should base their decisions on the evidence presented,
8 and they should be fair and impartial; is that right?

9 JUROR: Yes.

10 THE COURT: Everyone agrees on that?

11 JURORS: Yes.

12 THE COURT: Okay. Ms. Mott, would you take a good
13 look at Mr. Hrynik for me? Mr. Hrynik. Did you get a
14 good look at him?

15 JUROR: Yes, sir.

16 THE COURT: Did you get a good look at him?

17 JUROR: Yes, sir.

18 THE COURT: Does he look guilty to you?

19 JUROR: No.

20 MR.GOOD: All right. Take a look around the
21 courtroom, if you will, Ms. Mott, everywhere in the
22 courtroom, and tell me if you see anyone anywhere in the
23 courtroom who looks guilty to you.

24 JUROR: No, I don't see anyone that looks guilty.

25 THE COURT: Mr. Hrynik, does Ms. Mott look guilty

1 to you?

2 JUROR: No, sir.

3 THE COURT: Do you see anyone anywhere in the
4 courtroom who looks guilty to you?

5 JUROR: No, sir.

6 THE COURT: Can you look at a person, Mr. Hrynik,
7 and simply by looking at that person tell whether he or
8 she is guilty or not?

9 JUROR: No, sir.

10 THE COURT: Do you know of anyone who can?

11 JUROR: No, sir.

12 THE COURT: Can you look at a person, Ms. Mott, and
13 simply by looking at that person tell whether he or she
14 is guilty or not?

15 JUROR: No.

16 THE COURT: Do you know anyone who can?

17 JUROR: No, I don't.

18 THE COURT: Mr. Dromowicz, have you ever driven a
19 car?

20 JUROR: Yes.

21 THE COURT: Have you ever driven one on the freeway
22 and seen an officer stopped with his light on and the
23 officer out of the car at a car ahead of him?

24 JUROR: Yes.

25 THE COURT: What was the first thing you thought

1 when you saw that?

2 JUROR: That I should watch my speed.

3 THE COURT: Why?

4 JUROR: Police are on the road.

5 THE COURT: What did you think about the situation?

6 JUROR: I don't understand.

7 THE COURT: When you saw that, what did you think

8 about that? Not what you thought about you. What did

9 you think about that?

10 JUROR: I thought that the officer was probably

11 giving somebody a ticket.

12 THE COURT: In your experience, Mr. Dromowicz, do

13 other people think that same way, essentially, when they

14 see that?

15 JUROR: Yes, I think so.

16 THE COURT: Is it equally possible that that nice

17 police officer was there to render assistance to a

18 motorist that was having a problem?

19 JUROR: Yes, that's possible.

20 THE COURT: But that wasn't your first thought?

21 JUROR: No.

22 THE COURT: That wasn't the first thought of most

23 people you know?

24 JUROR: No.

25 THE COURT: But it is entirely possible?

1 JUROR: Yes, it's possible.

2 THE COURT: Ms. Goodson, how are you doing today?

3 JUROR: Fine.

4 THE COURT: See this handsome gentleman right here?

5 JUROR: Yes.

6 THE COURT: What do you think he would do if I
7 ordered him to arrest you right now?

8 JUROR: Arrest me.

9 THE COURT: And then eventually you would be at a
10 table like that; is that right?

11 JUROR: Yes.

12 THE COURT: Does that mean that you did something
13 wrong?

14 JUROR: No.

15 THE COURT: What do you think Mr. Meekins would do
16 if Governor Engler came in that door and ordered him to
17 arrest me?

18 JUROR: Arrest you.

19 THE COURT: And eventually I would be at a table
20 like that; is that right?

21 JUROR: Right.

22 THE COURT: Does that mean that I did something
23 wrong?

24 JUROR: No.

25 THE COURT: Do you think you can be arrested?

1 JUROR: Yes.

2 THE COURT: Do you think you can be arrested right
3 now?

4 JUROR: Yes.

5 THE COURT: Do you know one who cannot be arrested?

6 JUROR: No.

7 THE COURT: So anyone can be arrested?

8 JUROR: Yeah.

9 THE COURT: Everyone can be arrested?

10 JUROR: Yes.

11 THE COURT: Does the mere fact of a person's
12 arrest, anyone's arrest, mean to you that the person
13 arrested must have done something wrong otherwise they
14 would not have been arrested?

15 JUROR: No.

16 THE COURT: Can a person be arrested by mistake?

17 JUROR: Yes.

18 THE COURT: Can a person be arrested because a
19 judge abused his authority and ordered the person
20 arrested?

21 JUROR: Abused his authority?

22 THE COURT: Abused his authority. I have no
23 business ordering someone to arrest you. You haven't
24 done anything, have you?

25 JUROR: Yes.

1 THE COURT: Can the government -- Can a person be
2 arrested because a governor abused his authority and
3 ordered a person to be arrested?
4 JUROR: Yes.
5 THE COURT: Can a person be arrested because they
6 should be arrested, because they did do something wrong?
7 JUROR: Yes.
8 THE COURT: So those are at least four situations
9 and we can probably think of a number of others that
10 person might be arrested, right?
11 JUROR: Right.
12 THE COURT: One of which is because they should
13 have been?
14 JUROR: Uh-huh.
15 THE COURT: Others are by mistake or whatever,
16 right?
17 JUROR: Uh-huh.
18 THE COURT: But the mere fact that a person has
19 been arrested does not signify to you that the
20 individual arrested had to have done something wrong or
21 that person would not have been arrested, Ms. Tettters?
22 JUROR: No.
23 THE COURT: You know, do you not, Mr. Richard, that
24 Mr. Good was arrested. You know that, don't you?
25 JUROR: Uh-huh.

1 THE COURT: I can't hear you.

2 JUROR: Yes, sir.

3 THE COURT: That because he's here in and on trial,
4 right, Mr. Gilbert?

5 JUROR: Right. Right.

6 THE COURT: Now, the fact that he's here in and on
7 trial mean to you that he must have done something
8 wrong, otherwise he wouldn't be here?

9 JUROR: No, sir.

10 THE COURT: Would your answer be the same, Ms.
11 Moore?

12 JUROR: Yes.

13 THE COURT: Would each of you have the same answer?

14 JURORS: Yes.

15 THE COURT: Anyone with a different answer?

16 JURORS: (No response)

17 THE COURT: Some persons have religious, moral, or
18 philosophical beliefs which say to them, in essence,
19 that they cannot or should not sit a judgment of their
20 fellow human beings. Is there any of who you think,
21 feel, or believe that, such that you cannot or should
22 not serve as a juror in this case? Anyone?

23 JURORS: (No response)

24 THE COURT: Is there any of you who takes
25 medication which makes you sleepy or drowsy?

1 JURORS: (No response)

2 THE COURT: Is there any of you who, like me, has
3 hypertension, high blood pressure, takes medication for
4 that?

5 JUROR MOORE: (Raises hand)

6 THE COURT: Okay. Ms. Moore, together with the
7 hypertensive medication do you also take a diuretic, a
8 water pill?

9 JUROR: Well, the pressure pill is a form of a
10 diuretic.

11 THE COURT: Okay. We usually function this way in
12 this Court: We'll take testimony, we'll be sitting here
13 working for an hour and a half to two hours at a stretch
14 without a break. That can lead to personal discomfort
15 for you and me and other people, right?

16 JUROR: Yes.

17 THE COURT: Okay. Now, I know when I become
18 uncomfortable. And when I do, I simply call for a
19 recess. I don't know when you, any of you, becomes
20 uncomfortable. If you are selected to serve as judges
21 in this case, jurors, and you do become uncomfortable,
22 can you simply raise your hand so we can take a break?
23 Can you do that?

24 JUROR: Yes.

25 THE COURT: Okay. You heard the names of persons

1 the Prosecution may call as witnesses in this case, some
2 of whom are police officers, some of whom are civilians.
3 Is there any of you who believe that a person who is a
4 police officer, simply because he or she is a police
5 officer, is more likely to tell the truth than any other
6 human being? Any of you think, feel, or believe that?

7 JURORS: No.

8 THE COURT: I have no indication from you, Ms.
9 Mott.

10 JUROR: No.

11 THE COURT: Is there any of you who think, feel, or
12 believe that a person who is a police officer, simply
13 because she or he is a police officer, is less likely to
14 tell the truth than any other human being?

15 JURORS: No.

16 THE COURT: As jurors, judges, you will have to
17 evaluate the testimony of witnesses who appear before
18 you. You will be sworn to judge every person who
19 appears before you by the same yardstick, by the same
20 standard. The same standard for a police officer as a
21 civilian. The same standard for a man as a woman. The
22 same standard for an older person as a younger person,
23 et cetera. Do you follow me? Is there any of you who
24 cannot or will not use the same standard for all persons
25 who appear before you as witnesses?

1 JURORS: (No response)

2 THE COURT: Now, we talked about a number of
3 things, but we didn't talk specifically about what it is
4 that the Prosecution has the burden of proving in a
5 criminal case. In a criminal case the Prosecutor has to
6 prove each and every element of the offenses charged
7 beyond a reasonable doubt. All crimes are composed of,
8 made up of things called elements. The number of the
9 elements, the nature of the elements, vary with the
10 crime. A crime can have three elements. It can have
11 seven. It can have five. Whatever the number of
12 elements that make up the crime is what the Prosecution
13 has to prove beyond a reasonable doubt. Each and every
14 element.

15 If then a crime has five elements, Mr. Dromowicz,
16 how many must the Prosecution prove beyond a reasonable
17 doubt?

18 JUROR: Five.

19 THE COURT: Is four and a half five, Mr. Dromowicz?

20 JUROR: No.

21 THE COURT: If a crime has seven elements, how many
22 must the Prosecution prove beyond a reasonable doubt,
23 Mr. Richard?

24 JUROR: All seven.

25 THE COURT: Ms. Teeters, I want to make a lemon

1 meringue pie and I want you to tell me whether I can do
2 it with what I have. All right? I have sugar, flour,
3 shortening, lemons, and everything else I need to make a
4 lemon meringue pie, except egg whites. Can I make a
5 lemon meringue pie?

6 JUROR: No.

7 THE COURT: Why?

8 JUROR: Because you don't have the egg whites.

9 THE COURT: What do I need the egg whites for?

10 JUROR: For the meringue.

11 THE COURT: Mr. Gilbert, I have a motor vehicle.

12 This motor vehicle has an internal combustion engine,

13 gas, oil, water, an AM FM cassette system with 12

14 speakers. The definition of an automobile is a self-

15 moving vehicle. The definition of an automobile is a

16 self-moving vehicle. The motor vehicle I have, it's

17 engine does not have pistons. Is it an automobile?

18 JUROR: It doesn't move, sir.

19 THE COURT: That means?

20 JUROR: It's not an automobile.

21 THE COURT: Okay. It doesn't move because it needs
22 the pistons to make it move; is that right?

23 JUROR: Yes.

24 THE COURT: Something is missing?

25 JUROR: Yes, sir.

1 THE COURT: If we walked up to it and touched it,
2 would it feel like an automobile?

3 JUROR: Yes, sir.

4 THE COURT: Got in it and turned on the super duper
5 sound system, would it sound like a sound system in an
6 automobile?

7 JUROR: Yes, sir.

8 THE COURT: Would that make it an automobile?

9 JUROR: No, sir.

10 THE COURT: It is not an automobile because it does
11 not meet the definition because it doesn't have pistons
12 and it's not self-moving. It's not a lemon meringue pie
13 because we don't have the egg whites to make the
14 meringue so we don't have meringue, don't have lemon
15 meringue pie, right?

16 JUROR: Right.

17 THE COURT: The Prosecution has to prove each and
18 every element of the offense or offenses charged beyond
19 a reasonable doubt. If he doesn't, it's not a lemon
20 meringue pie. It's not an automobile. It's not the
21 crime charged. Is that clear to everyone?

22 JURORS: Yes.

23 THE COURT: Okay. Now, again, this is not
24 television. That is all that the Prosecution has to
25 prove, each and every element of the offense or offenses

1 charged beyond a reasonable doubt.

2 Ms. Forbes, a 95 year old lady is on the witness
3 stand. She's talking about the weather conditions in
4 the Detroit, Michigan area on January 13th, 1920. She
5 says it was an overcast, unpleasant day, snow on the
6 ground, temperature outside six degrees. She stands
7 down.

8 The next witness is a 97 year old man. He is
9 talking about the weather conditions in the Detroit,
10 Michigan area on the same day. He says that it was a
11 beautiful, bright, sunny, clear day, outside temperature
12 88 degree. He stands down.

13 You have what we call a conflict in the testimony
14 of witnesses, one saying one thing and one saying
15 another. The weather conditions, the weather conditions
16 are not the element of a crime, so the Prosecutor
17 doesn't have to prove what the weather conditions were.
18 Do you understand that?

19 JUROR: Yes.

20 THE COURT: It may be important to you as a juror
21 to resolve that conflict. I don't think you can resolve
22 it from your own knowledge because I don't think with
23 you were around then; is that right?

24 JUROR: Right.

25 THE COURT: You can use tools you came in here with

1 and you are expected to use them.

2 JUROR: Yes.

3 THE COURT: Your common sense and your general life
4 experiences. You've been in the Detroit, Michigan area
5 for sometime, otherwise you wouldn't have been called as
6 a juror; is that correct?

7 JUROR: Yes. Correct.

8 THE COURT: So you probably have some idea of what
9 the weather conditions in January in Detroit, Michigan
10 are likely to have been at any time?

11 JUROR: Correct.

12 THE COURT: As between the two of those witnesses,
13 who do you think is more accurately describing the
14 weather conditions?

15 JUROR: Well, knowing Michigan's weather, I would
16 say it was possibly both of them because Michigan
17 weather turns so drastically so soon.

18 THE COURT: Have you ever seen an 88 degree day in
19 January in Michigan?

20 JUROR: No, sir.

21 THE COURT: All right. So as between the two of
22 them, which do you think is more probably correct?

23 JUROR: The woman.

24 THE COURT: Okay. They usually are anyway, right?

25 JUROR: Yes.

1 THE COURT: You see what Ms. Forbes did, right, Mr.
2 Dromowicz?

3 JUROR: Yes.

4 THE COURT: There's no problem with you doing that,
5 is there? You can do the same thing?

6 JUROR: Yes.

7 THE COURT: Right?

8 JUROR: Yes.

9 THE COURT: All of you can?

10 JURORS: Yes.

11 THE COURT: You are expected to use your common
12 sense and your general life's experiences, right?

13 JUROR: Yes.

14 THE COURT: Okay. What does the Defense have to
15 prove in this case, Mr. McCraw?

16 JUROR: Nothing. Nothing.

17 THE COURT: I can't hear you.

18 JUROR: Nothing.

19 THE COURT: Thank you. I heard you that time.
20 Did you hear him, Mr. Collins?

21 JUROR: Yes.

22 THE COURT: All of you heard him; is that right?

23 JURORS: Yes.

24 THE COURT: Okay. I think I have asked everything
25 I need to for my purposes at this point. Thank you very

1 much, ladies and gentlemen.

2 Mr. Hutting, the jury is yours for inquiry.

3 MR. HUTTING: Thank you, your Honor.

4 Good morning, ladies and gentlemen in the padded
5 seats and good morning again to the ladies and gentlemen
6 out in the gallery in the wooden seats. One note for
7 the ladies and gentlemen that are out here in the
8 gallery. There may come a time -- No one has yet been
9 excused for cause. There's different reasons why jurors
10 can be replaced. One is for cause. Both sides have an
11 unlimited number of that. And the other is what we call
12 a preemptory challenge, which means each side has a
13 limited number of challenges they can exercise and don't
14 have to give a reason for. So there may come a time
15 when some of you replace some of the jurors who are up
16 here in the jury box. And Judge Crockett has gone
17 through a number of things which outline the basic
18 principles that govern what we do.

19 I will be asking a few individual questions and a
20 few questions involving legal principles. What I would
21 ask you to do out here is make a mental note if any of
22 those questions apply to you, or if you any questions
23 about the questions that I ask, or any comments that you
24 want to make that are germane, that are important to the
25 proceedings that I ask. So as we move through the jury,

1 then hopefully we can move through the jury selection a
2 little bit quicker that way. Instead of going over each
3 individual question, what I will do is ask you, do any
4 of the questions apply to your situation, or do you have
5 any question about what I asked or Judge Crockett asked.
6 Will you all promise me that you will try to do that?

7 GALLERY JURORS: Yes.

8 MR. HUTTING: Okay. I know when people are called
9 down for jury service, or when they are in a situation
10 where they're in front of a whole bunch of other people
11 that they don't know, and that people start asking them
12 questions, either about things that happened in their
13 life or questions that cause them to think and give
14 answers about different principles, that you tend to be
15 a little bit nervous.

16 What I'm going to ask you to do is something I
17 think that Judge Crockett has been doing implicitly all
18 throughout the questioning, is to ask you to try to
19 relax. Nobody's here to unfairly embarrass you or put
20 you on the spot or anything of that nature. It's just
21 that the charges are very important here, for both
22 sides, the People and the Defendant. And what each side
23 wants to do is pick the fairest jury possible, that we
24 can have the fairest jury possible for each side.

25 And in that regard, the young lady who sits here to

1 JUROR: Separated.

2 MR. HUTTING: Okay. Prior to the separation what
3 field was your husband in?

4 JUROR: He worked at Tamaroff Buick.

5 MR. HUTTING: That's a Buick dealership, right?

6 JUROR: Uh-huh.

7 MR. HUTTING: Thank you very much.
8 Mr. Louis?

9 JUROR: Yes, sir.

10 MR. HUTTING: Okay. It's Mr. Richard, right?

11 JUROR: Yeah.

12 MR. HUTTING: Louis is your first name?

13 JUROR: Yes.

14 MR. HUTTING: It indicates that you work outside
15 the home and that you are an auto worker; is that
16 correct?

17 JUROR: Right.

18 MR. HUTTING: Okay. Under spouse's occupation it
19 says not available. Are you married, single, separated,
20 divorced?

21 JUROR: Married, but no work. She don't work.

22 MR. HUTTING: She doesn't work outside the home?

23 JUROR: No, inside.

24 MR. HUTTING: She works inside the home?

25 JUROR: No. Right.

1 MR. HUTTING: Okay. One other thing, Mr. Collins,
2 under your occupation it lists, I think it lists one
3 word I think it's hammerman?
4 JUROR: Yes.
5 MR. HUTTING: Is that -- Can you explain that just
6 a little bit more?
7 JUROR: Well, I'm a forger. I make parts for
8 boats, planes, trains, whatever.
9 MR. HUTTING: How long have you been in that field,
10 approximately?
11 JUROR: About 23 years.
12 MR. HUTTING: Okay. Now, Judge Crockett has asked
13 a number of questions. I read a list of names. The
14 incident -- Does anybody recognize any of the names? I
15 think just Crockett ask you asked you does anybody
16 recognize of the names read to you or any of the people.
17 JUROR TEETERS: I saw the people. I don't remember
18 the names.
19 MR. HUTTING: Ms. Teeters, you are indicating you
20 saw the people?
21 JUROR: Yes.
22 MR. HUTTING: You don't know them from before?
23 JUROR: No.
24 MR. HUTTING: Okay. The incident that we're
25 involved with here in the next few days took place in

1 the City of Riverview. Does anybody live in the City of
2 Riverview, a downriver suburb?

3 JURORS: (No response)

4 MR. HUTTING: Okay. All right. The incident that
5 we are going to be dealing with was a homicide that
6 occurred in the City of Riverview about three years ago,
7 back on February 19th, 1988, where a person by the name
8 of Pierre Compeau was shot and killed in a home. Does
9 anybody remember, does that ring a bell with anybody?
10 Anybody remember hearing about that? I'm not saying
11 that there were any reports about it, but does anybody
12 here remember anything about that, hearing anything
13 about that?

14 JURORS: No.

15 MR. HUTTING: All strangers to everybody, right?

16 JURORS: Yes.

17 MR. HUTTING: All right. Very good. The incident
18 that the trial that we have here, I have approximately
19 16 witnesses listed on my witness list. I think you'll
20 hear from somewhere between maybe 12 of those witness
21 actually live, maybe 13. I think it's going to take a
22 day and a half to two days after we pick the jury to put
23 the case in. Obviously, when I complete my case then
24 it's up to the Defense, if they want to do anything or
25 not, and as the Judge indicated to you, there is no

1 burden on the Defense to do anything. But reasonably, I
2 think we're going to be here the rest of the week. This
3 is Tuesday. Probably Tuesday, Wednesday, Thursday.
4 There is also a possibility you might have to come back
5 next week once you start to deliberate. You know,
6 sometimes juries reach verdicts real quickly. Sometimes
7 it takes awhile. But there is a possibility of a day or
8 two next week.

9 Is that going to be a major problem? And I mean a
10 major problem. I know everybody works or, you know, has
11 something they go to. Something that is going to be
12 major problem for anybody, like plane tickets out of
13 town or anything like that.

14 JURORS: (Raise hands)

15 MR. HUTTING: Okay. A couple of hands. Let's do
16 it by rows. In the first row, Mrs. Mikton, I see your
17 hand.

18 JUROR: Yes. I do not have anyone that I can turn
19 my customers over to, so that would be a problem for me.

20 MR. HUTTING: Are you in real estate?

21 JUROR: Yes, I am.

22 MR. HUTTING: All right. But other than that, is
23 there going to be a problem?

24 JUROR: No.

25 MR. HUTTING: Okay. Mr. Goodrich, I saw your hand.

1 JUROR: Yes. If it goes beyond Thursday of this
2 week, then I have a reservation for out of town Friday
3 morning.

4 MR. HUTTING: Are you driving or flying?

5 JUROR: Driving.

6 MR. HUTTING: You're driving?

7 JUROR: Yes.

8 MR. HUTTING: Okay. When will you be back?

9 JUROR: Monday evening.

10 MR. HUTTING: Monday evening?

11 JUROR: Yes.

12 MR. HUTTING: Okay. All right. Is this family,
13 you're going with your family or something?

14 JUROR: Actually, a bowling tournament.

15 MR. HUTTING: Okay. From Friday morning to Monday
16 evening?

17 JUROR: Yes.

18 MR. HUTTING: Okay. All right. Thank you much,
19 sir.

20 Anyone else in the second row?

21 JURORS: (No response)

22 MR. HUTTING: Okay. In the back row we have a
23 hand. Mrs. Moore?

24 JUROR: I have a sister-in-law that's incapacitated
25 that I have to see about, and it really kind of puts a

1 strain on me.

2 MR. HUTTING: Okay. Does she live with you?

3 JUROR: No, she's in a home.

4 MR. HUTTING: Like a nursing home.

5 MR. HUTTING: Yes.

6 MR. HUTTING: And you visit her?

7 JUROR: Yes.

8 MR. HUTTING: Pretty much daily?

9 JUROR: Yes. Sometimes twice a day, if I can,
10 because she's in an awful state.

11 MR. HUTTING: All right. Well, as Judge Crockett
12 indicated to you, Court is over by 4:00 and the rest of
13 the day is obviously yours then, right? Do you
14 understand that?

15 JUROR: Yes.

16 MR. HUTTING: Okay. All right. Mr. Forsythe?

17 JUROR: Were you pertaining to work when you said
18 that?

19 MR. HUTTING: Well, here's -- I really wasn't
20 pertaining to work because that has to be an extremely
21 unusual circumstance, because most of the people that we
22 have down here make some kind of sacrifice to be here,
23 all right? Either in the home, if they are a housewife,
24 sometimes they have to get, you know, sometimes there's
25 children that have to be taken care of, arrangements

1 have to be made for that. Or if they work outside the
2 home there's a job. So most people make sacrifices to
3 be here as a general rule. If we let people go who made
4 sacrifices we wouldn't be able to have our jury system.

5 JUROR: I'm saying that the company that I drive
6 for, there's only two of us drive, and it just makes it
7 a little hectic on one person.

8 MR. HUTTING: Okay. Well, they made arrange-
9 ments --

10 JUROR: If it lasts more than one or two days.
11 I'll put that it way.

12 MR. HUTTING: Okay. All right. Anyone else?

13 JURORS: (No response)

14 MR. HUTTING: Okay. Thank you much. Judge
15 Crockett asked you folks individually if you had been
16 victims of a crime. I want to kind of take that one
17 step further. Have any of you had a friend or relative
18 that's been the victim of a violent crime, a serious
19 violent crime. By a serious violent crime I mean a
20 friend or relative that's been the victim of a homicide,
21 an armed robbery, a sexual assault, or some kind of
22 assault where somebody, where they were seriously
23 injured or hurt, okay? Any hands in that area?

24 JURORS: (Raise hands)

25 MR. HUTTING: All right. Mrs. Mikton?

1 JUROR: Yes. I was under the impression when Judge
2 Crockett asked us questions about just pertaining to
3 armed robbery, okay?

4 MR. HUTTING: Right. He -- The way his question
5 was phrased was if any of you had had any personal
6 experience yourself. I'm going to -- I'm asking a
7 little bit different question in the same area, but
8 expands on it, talking about close friends or relatives
9 who have been the victim of a serious crime, a serious
10 assaultive type crime.

11 JUROR: Yes.

12 MR. HUTTING: Okay. What? Friend or relative?

13 JUROR: I have a niece.

14 MR. HUTTING: What happened to her?

15 JUROR: She was raped.

16 MR. HUTTING: Okay. How long ago?

17 JUROR: About a year ago.

18 MR. HUTTING: Okay. In the Detroit area here?

19 JUROR: Yes.

20 MR. HUTTING: If you know, was anyone ever arrested
21 or charged?

22 JUROR: Yes.

23 MR. HUTTING: Okay. Did that require your niece to
24 go to Court?

25 JUROR: Yes.

1 MR. HUTTING: Did you come and attend any of the
2 proceedings with her?

3 JUROR: No.

4 MR. HUTTING: Has that case been resolved or
5 completed?

6 JUROR: Yes, it has.

7 MR. HUTTING: Okay. Do you believe that justice
8 has been served, that your niece was treated fairly by
9 the criminal justice system?

10 JUROR: Yes, I do.

11 MR. HUTTING: Okay. Would that, because your niece
12 had that experience, would that prevent you from being a
13 fair juror here in this case? Could you, in other
14 words, decide the case correctly here, this case, decide
15 fairly and impartially this case?

16 JUROR: I would think so. I don't know. I mean,
17 I'm --

18 MR. HUTTING: Okay. The reason why I ask it,
19 sometimes we have jurors, you know, my father was
20 murdered, or something happened to my son or my daughter
21 or my brother. And many times, sometimes they attend
22 the proceedings, or the experience, okay, with some of
23 the jurors is so traumatic that they couldn't separate
24 it out. Sometimes you can even see it when you talk to
25 them. Many times other jurors come down and say either,

1 I've undergone this pretty bad experience, or I've had
2 friends or relatives who have undergone a bad
3 experience, but I can separate it out. That's not a
4 problem. I won't have a problem. I can separate out
5 the best I know. I can decide this case fairly and
6 impartially. I won't hold it against Mr. Good in any
7 way.

8 JUROR: Right.

9 MR. HUTTING: That's the general nature of the
10 question. You feel you can separate it out?

11 JUROR: Yes. And I've had other violent crimes.
12 I've been involved in other violent crimes myself and
13 have had other experiences.

14 MR. HUTTING: Okay. But you feel that you could
15 still be fair and impartial?

16 JUROR: Yes.

17 MR. HUTTING: Fine. Thank you much.

18 Anyone else in the first row?

19 JURORS: (No response)

20 MR. HUTTING: Second row. Okay. Mr. Hrynik?

21 JUROR: Yes.

22 MR. HUTTING: What friend or relative of yours?

23 JUROR: It was a friend who was murdered last year
24 by an intruder breaking into his home.

25 MR. HUTTING: Okay. Was that here in the Detroit

1 area or some other state?

2 JUROR: In the Detroit area.

3 MR. HUTTING: Was anyone ever arrested or charged
4 with that?

5 JUROR: Yes, arrested and convicted.

6 MR. HUTTING: Did you attend any of the
7 proceedings?

8 JUROR: No.

9 MR. HUTTING: All right. Do you feel that justice
10 was served?

11 JUROR: Yes.

12 MR. HUTTING: From what you know. I guess I'm
13 going to ask you, are you going to be able to separate
14 that out, because the facts of this case as I believe
15 them to come out from the witness stand, I think will
16 show that the deceased was at a home of his neighbors
17 and sitting in the kitchen talking with his neighbor
18 when the incident started, and the person that we allege
19 is Mr. Good came in, and that's when the incident began.
20 So it's, the facts as you've described as what happened
21 to a friend of yours are somewhat similar as we believe
22 the facts to show in this case. Is that going to cause
23 a problem for you?

24 JUROR: No, sir.

25 MR. HUTTING: Okay. All right. Anyone else in the

1 second row?

2 JURORS: (No response)

3 MR. HUTTING: Back row. Anyone in the back row,
4 friends or relatives? Okay. Mr. Gilbert, what friend
5 or relative?

6 JUROR: When we were in high school I had a friend
7 that we were playing cards one night and a guy came in
8 and blew his head off.

9 MR. HUTTING: Okay. Obviously, you were not there?

10 JUROR: No, I was not there.

11 MR. HUTTING: Okay. Sometime back, how long ago?

12 JUROR: Twenty years.

13 MR. HUTTING: Okay. Anyone ever arrested and
14 charged with that?

15 JUROR: I don't even know.

16 MR. HUTTING: Would that cause you a problem in
17 this case?

18 JUROR: No, sir.

19 MR. HUTTING: Okay. Thank you much. Mr. Forsythe?

20 JUROR: Yes. I had a cousin that was killed in a
21 robbery.

22 MR. HUTTING: Okay. Was this by a -- How long ago,
23 sir?

24 JUROR: It's been about 15, 20 years ago.

25 THE COURT: Was this by a stranger or somebody that

1 he knew?

2 JUROR: A stranger.

3 MR. HUTTING: Was anybody ever arrested or charged?

4 JUROR: I don't believe so, no.

5 MR. HUTTING: Would that cause a problem for you to
6 be fair and impartial in this case?

7 JUROR: No.

8 MR. HUTTING: Thank you, sir.

9 And Ms. Goodson, you indicated, I think you raised
10 your hand too?

11 JUROR: Yes.

12 MR. HUTTING: Friend or relative?

13 JUROR: It's two separate incidents. Okay. The
14 most recent was the last Saturday in April.

15 MR. HUTTING: Of this year. Okay. What happened?

16 JUROR: My godsister was beaten to death.

17 MR. HUTTING: Here in Detroit?

18 JUROR: Yes.

19 MR. HUTTING: Has anybody been arrested on that
20 incident?

21 JUROR: Yes.

22 MR. HUTTING: Have there been any Court
23 proceedings?

24 JUROR: Just the preliminary exam.

25 MR. HUTTING: Did you go to that?

1 JUROR: Yes.

2 MR. HUTTING: Okay. Were you are you a witness in
3 that case at all?

4 JUROR: No.

5 MR. HUTTING: Or that's going to be called for any
6 reason?

7 JUROR: No.

8 MR. HUTTING: Do you know the Defendant?

9 JUROR: It was her boyfriend.

10 MR. HUTTING: Okay. All right. So we have that
11 one. That case is still pending. What is the other
12 one?

13 JUROR: Okay. The other one, the one before that
14 was my neighbor was killed in a robbery.

15 MR. HUTTING: How long ago?

16 JUROR: That's been sometime ago.

17 MR. HUTTING: Okay. Was anybody ever arrested or
18 charged with that incident?

19 JUROR: Yes, and I did have to appear in Court on
20 that.

21 MR. HUTTING: You had to testify?

22 JUROR: Yeah. I was looking out the window so I
23 saw the person come out of the door.

24 MR. HUTTING: Okay. Did that go to a trial? Was
25 that case resolved like this, at a trial in front of a

1 judge and a jury?

2 JUROR: Not a jury.

3 MR. HUTTING: Okay. In front of a judge?

4 JUROR: Yes.

5 MR. HUTTING: Okay. Because you've had those two
6 incidents, one pretty recent another somewhat remote,
7 back a few years, is that going to affect your ability
8 to be fair here to Mr. Good and decide the case fairly?

9 JUROR: No, that has nothing to do with this one.

10 MR. HUTTING: If -- All right. Very good. Let me
11 ask this question. Judge Crockett asked about -- Let me
12 ask the flip side of this last question that I've just
13 asked. Does anyone here have any close friends or
14 relatives, close friends or relatives who have ever been
15 accused, charged, or convicted of a serious, violent
16 crime? By that I mean a homicide, accused, charged, and
17 convicted of a murder, an armed robbery, a sexual
18 assault, or an assault where somebody was seriously
19 injured? Anybody have any close friends or relatives
20 that have ever been accused, charged, or convicted of an
21 offense like that?

22 JURORS: (No response)

23 MR. HUTTING: Okay. Very good. Let me ask this
24 question. Judge Crockett mentioned about police
25 witnesses. Many times lawyers want to find out if

1 anyone here, any of the jurors have any friends or
2 relatives, close friends or relatives, you know, like a
3 son or a daughter, or a grandson or brother that's on a
4 police force, either in the City of Detroit or in one of
5 the suburbs, or U.S. Marshals, Wayne County Sheriffs,
6 FBI, things of that nature. Any jurors here have any
7 close friends or relatives that are on the police force?
8 Okay. Mr. Hrynik?

9 JUROR: I have a cousin in the Hamtramck Police
10 force.

11 MR. HUTTING: Do you see him very often?

12 JUROR: Maybe once a month or so.

13 MR. HUTTING: Do you talk much about his work? Do
14 you and he talk about his work?

15 JUROR: No.

16 MR. HUTTING: Would that, because you have a cousin
17 who is on the police force, would that affect your
18 ability to be fair here in this case?

19 JUROR: No.

20 MR. HUTTING: Anyone else? Close friend or
21 relative on the police force. Mrs. Moore?

22 JUROR: My husband has a couple of cousins that
23 work for the Sheriff's Department. I don't see them
24 that often, you know, so I don't know about their work.

25 MR. HUTTING: That wouldn't affect your ability to

1 be fair, would it?

2 JUROR: No.

3 MR. HUTTING: Anyone else?

4 JURORS: (No response)

5 MR. HUTTING: Okay. Now, Judge Crockett spent a
6 good deal of time this morning talking about the three
7 cardinal principles of law that govern our system here:
8 the presumption of innocence, that every Defendant in
9 every criminal case is presumed to be innocent; the
10 burden of proof, that the burden of proof is here on the
11 Prosecutor's table and it never moves, never shifts,
12 never does anything, stays right here from the beginning
13 to middle to end; and then the standard of proof, that
14 standard of proof being proof beyond a reasonable doubt
15 as to the elements of the crime charged. So we all, we
16 talked about that and that I believe he ultimately asked
17 you a question about that, was there anybody here that
18 disagreed with those principles, or had questions about
19 those principles, and you all indicated that you are all
20 in agreement with those three cardinal principles of
21 law. Is that correct?

22 JURORS: Yes.

23 MR. HUTTING: Okay. All right. Mr. Dromowicz, let
24 me ask you some questions about that. Obviously, the
25 burden is on the People to prove through competent

1 evidence its case, right?

2 JUROR: Um-hmm.

3 MR. HUTTING: Okay. Have you ever heard the term
4 direct evidence? Have you ever heard that term?

5 JUROR: No, I haven't.

6 MR. HUTTING: Have you heard the term
7 circumstantial evidence?

8 JUROR: Yeah, I have heard that.

9 MR. HUTTING: Okay. All right. Let me give you
10 this example. Let me say, and let's forget what the day
11 is like out. Let's say that you were coming into the
12 courtroom this morning and it was raining out there,
13 okay? I mean pouring buckets, okay? Just raining.
14 Let's say that you got up on the witness stand here in
15 front of the jury, were sworn to tell the truth, and you
16 were asked what it was like outside as you came in,
17 okay? And you reported that it was raining outside.
18 That testimony would be direct evidence of something
19 that you saw or observed. All right? That's what we
20 call direct evidence. It's raining outside. I know
21 it's raining outside because I saw it raining outside.
22 I mean, you could have been looking out the window, but
23 I saw it raining outside. So that's one way of proving
24 a fact in a case, is through direct evidence. Under-
25 stand that?

1 JUROR: Yes.

2 MR. HUTTING: Okay. Mr. Richard, do you understand
3 that?

4 JUROR: Yes.

5 MR. HUTTING: And Mr. Collins, do you understand
6 that?

7 JUROR: Yes.

8 MR. HUTTING: Okay. Another type of proof is what
9 we call circumstantial evidence. Let's say that when
10 you came into the building this morning it was not
11 raining, but it was dark and cloudy out there. And
12 there was some thunder and a little bit of lightning,
13 and you were inside the building for 45 minutes and you
14 could not look outside at the time so you couldn't see
15 what it was doing outside. But you could hear more
16 noises that seemed to be coming from outside. And let's
17 say after 45 minutes you went outside and when you got
18 outside after 45 minutes and you looked around, it was
19 not raining but you saw water everywhere. You saw
20 people shaking off umbrellas that had water on them.
21 You saw other people with raincoats on with water on
22 them, and other people that didn't have raincoats on
23 that had water on them. And you came in and reported
24 those facts to a jury, what you had seen.

25 Now, you didn't actually see it rain, right?

1 my left, Mrs. Reynolds, is taking down every word that
2 is said. And on a couple occasions the Judge asked to
3 you speak up. That's not only so he can hear you but so
4 that Mrs. Reynolds can hear you also and take down
5 easier the answers that are given.

6 Will you all try to promise me you'll relax as much
7 as you can and try to give answers we can all hear? Can
8 we do it that way? Okay.

9 All right. As Judge Crockett indicated, we have a
10 computer sheet and on the computer sheet it lists your
11 name and it lists your occupation and then sometimes it
12 lists the occupation of your spouse, if you have a
13 spouse. On some of you, or on a couple of you it may
14 also list the words not available. It may not list your
15 occupation. I have a few questions about that. And
16 what I want to do is talk to a few of you briefly about
17 that and ask you a couple of questions about your work
18 or what you do.

19 Now, you don't have to tell me precisely where you
20 work. You know. You don't have to say, I work for Ford
21 Motor Company or GM or a small firm out here or things
22 of that nature if you don't want to. You can just say,
23 I work for an automotive company or a company that does
24 engineering, or whatever it is. So you don't have to
25 precisely tell me what you do, but I have some questions

1 in that nature for you.

2 But let me ask a few of the jurors the following
3 things: Mr. Dromowicz, it indicates that you are a
4 parts adviser?

5 JUROR: Uh-huh.

6 MR. HUTTING: Can you tell me a little bit more
7 about that?

8 JUROR: Selling parts at a local dealership.

9 MR. HUTTING: How long have you been doing that?

10 JUROR: About a year.

11 MR. HUTTING: It indicates on the questionnaire
12 when you filled that out that you were single at the
13 time. Is that still correct?

14 JUROR: Yes.

15 MR. HUTTING: Okay. Mrs. Forbes?

16 JUROR: Yes.

17 MR. HUTTING: All right. On our computer sheet it
18 has kind of an abbreviation that looks to me like it
19 might mean that you work outside the home as a financial
20 officer?

21 JUROR: Financial aid officer.

22 MR. HUTTING: Is that through a university, with a
23 bank, mortgage company?

24 JUROR: College of law.

25 MR. HUTTING: And how long have you been in that

1 field, approximately?

2 JUROR: I've been in that field approximately five
3 years.

4 MR. HUTTING: It indicates that you are married and
5 your husband works in maintenance; is that correct?

6 JUROR: Yes, sir.

7 MR. HUTTING: Okay. Mr. Forsythe, the sheet
8 indicates that you are a truck driver?

9 JUROR: That's right.

10 MR. HUTTING: Okay. And that your wife works
11 outside the home as a personnel manager?

12 JUROR: That's right.

13 MR. HUTTING: Is that for a large company, a law
14 firm, or anything like that?

15 JUROR: Her or me?

16 MR. HUTTING: For her.

17 JUROR: It's a fairly large company, yes.

18 MR. HUTTING: All right. Thank you much, sir.

19 Ms. Goodson, it indicates on our computer sheet
20 that you work outside the home as an underwriter?

21 JUROR: Yes.

22 MR. HUTTING: I take it that is for an insurance
23 company?

24 JUROR: Correct.

25 MR. HUTTING: How long have you been in that field,

1 approximately?

2 JUROR: Ten years.

3 MR. HUTTING: Under spouse's occupation it lists
4 not available. Are you married, single, separated, or
5 divorced?

6 JUROR: Married.

7 MR. HUTTING: What field is your husband in?

8 JUROR: Detroit Edison.

9 MR. HUTTING: All right. Thank you much.
10 Mr. Hrynuk?

11 JUROR: Yes.

12 MR. HUTTING: If I mispronounce your name let me
13 know and I'll try and correct it. It indicates that you
14 are married and that your wife works outside the home
15 she's a development director.

16 JUROR: It's for a local school.

17 MR. HUTTING: Planning of curriculum, things of
18 that nature?

19 JUROR: Basically fund raising and recruitment for
20 the school.

21 MR. HUTTING: Okay. Thank you very much.
22 Mr. McCraw?

23 JUROR: Yes, sir.

24 MR. HUTTING: On our computer sheet it indicates
25 that you are married and that your wife works outside

1 the home and she's a legal secretary?

2 JUROR: Yes.

3 MR. HUTTING: Okay. Is that for a large, what I
4 would characterize as a large law firm, you know, 20 or
5 30 lawyers, medium law firm, five or ten people, or kind
6 of a smaller firm, one or two people? Which?

7 JUROR: Truthfully, I really don't know a whole lot
8 about her job.

9 MR. HUTTING: You don't know. How long has she
10 been in that field?

11 JUROR: About eight years.

12 MR. HUTTING: Okay. And do you know if the law
13 firm that she works with or for if they do a lot of
14 criminal work, or if it's civil work, or is it a
15 combination of both, or what?

16 JUROR: I would guess it would probably be more for
17 the corporation.

18 MR. HUTTING: Okay. Very good. It indicates on
19 your occupation it says not available. Can you tell me
20 if you are currently working outside the home?

21 JUROR: I am working.

22 MR. HUTTING: What field are you in?

23 JUROR: City of Detroit.

24 MR. HUTTING: Which department?

25 JUROR: Commercial.

1 MR. HUTTING: How long have you been with the City,
2 approximately?
3 JUROR: Ten years.
4 MR. HUTTING: All right. Thank you much.
5 Mrs. Moore?
6 JUROR: Yes.
7 MR. HUTTING: It indicates that you are a housewife
8 who works inside the home; is that correct?
9 JUROR: Yes.
10 MR. HUTTING: In the recent past have you worked
11 outside the home?
12 JUROR: Not recently, no.
13 MR. HUTTING: It indicates that are you married and
14 that your husband is a retiree?
15 JUROR: Yes.
16 MR. HUTTING: Prior to retirement what field was he
17 in?
18 JUROR: Automotive.
19 MR. HUTTING: Thank you much.
20 Mrs. Mott, on our computer sheet it says you work
21 outside the home as a dental tech; is that correct?
22 JUROR: Yes.
23 MR. HUTTING: Okay. Under spouse's occupation it
24 just lists not available. Are you married, single,
25 separated, or divorced?

1 JUROR: Uh-huh.

2 MR. HUTTING: Okay. But even though you didn't see
3 it rain, all right, if you reported those other facts to
4 the jury, what circumstantial conclusion, what
5 conclusion based on what we would call circumstantial
6 evidence, could the jury draw from your testimony about
7 what had happened in those 45 minutes that you were
8 inside?

9 JUROR: That it had rained outside.

10 MR. HUTTING: Okay. All right. And that
11 conclusion, all right, that conclusion based on what we
12 call circumstantial evidence, those facts, that way of
13 proving something, that it had rained while you were
14 inside, is just as good, and it stands just as equal
15 with you telling the jury that you actually saw it rain.
16 So you can prove points in various ways, both through
17 direct evidence and circumstantial evidence. Do you see
18 that?

19 JUROR: Yes.

20 MR. HUTTING: Mr. Hrynik, do you see that?

21 JUROR: Yes.

22 MR. HUTTING: Any problems or questions with that?

23 JUROR: No.

24 MR. HUTTING: Mr. Gilbert, see that?

25 JUROR: Yes, sir.

1 MR. HUTTING: Any problems or questions about that?

2 JUROR: No.

3 MR. HUTTING: The rest of the jury, any problems or
4 questions about that?

5 JURORS: (No response)

6 MR. HUTTING: Okay. Mr. Goodrich, do you see how
7 sometimes in cases that some points can be proven by
8 direct evidence and some points can be proven by
9 circumstantial evidence? Do you see how sometimes
10 direct and circumstantial evidence can work together to
11 prove a point?

12 JUROR: Yes.

13 MR. HUTTING: Okay. All right. Any problems or
14 questions about that with the rest of the jury?

15 JURORS: (No response)

16 MR. HUTTING: All right. Let me ask you this
17 question, Mr. Gilbert. Let me ask you a few questions.
18 I'm going to make you my victim, Mr. Gilbert. Let's say
19 that I shot you, okay? I shot you and killed you, okay?
20 And let's say that Mrs. Mikton was assigned to
21 investigate your homicide. And eventually, all right,
22 through her investigation she came to speak to me and to
23 talk to me about what I know about that homicide, all
24 right? And during the course of my talking with Mrs.
25 Mikton about your homicide, I admitted to her, okay, I

1 admitted to her, either orally or in writing, that I was
2 involved in your homicide and that I did participate and
3 that I was one of the perpetrators or a perpetrator of
4 your homicide, that I was the person that shot you.
5 Follow that?

6 JUROR: Uh-huh.

7 MR. HUTTING: Okay. Do you understand that that
8 testimony, that a charge could be brought against me,
9 and that Mrs. Mikton could come to Court, okay, and
10 testify that on such-and-such a day at such-and-such a
11 time Mr. Hutting here admitted, told me, all right, that
12 he was involved in the homicide of Mr. Gilbert and that
13 he shot and killed Mr. Gilbert. And that that
14 testimony, Mrs. Mikton's testimony about what I told
15 her, about what I told her could be used as proof, or
16 part of the proof in the case against me. Do you
17 understand that?

18 JUROR: Yes.

19 MR. HUTTING: Okay. Any problems with that?

20 JUROR: No.

21 MR. HUTTING: In other words, statements made by a
22 defendant, okay, where he or she admits to involvement
23 can be used as part of a proof against that person. Any
24 problems with that, or questions about it, Mrs. Teeters?

25 JUROR: No.

1 MR. HUTTING: Any problems or questions about that,
2 Mr. Collins?
3 JUROR: No.
4 MR. HUTTING: Okay. Mrs. Mott, any problems? Any
5 questions?
6 JUROR: No.
7 MR. HUTTING: Okay. All right. Let me take it
8 step further, Mr. Gilbert.
9 Mrs. Mikton, do you have any problems or questions
10 about that since I made you the investigator?
11 JUROR: No.
12 MR. HUTTING: Okay. Let's take it a step further.
13 Let's say that I shot and killed you, again, same sort
14 of example. And let's say, again, that Mrs. Mikton is
15 assigned to investigate. And eventually, that
16 investigation leads to me and she comes and she talks to
17 me about your homicide, okay? And asks me questions
18 about that homicide and either what I know about it or
19 where I was at the time of your homicide. And let's say
20 that I don't admit to her that I did it, okay? But I
21 tell her a lie, okay? I tell her some lies about it.
22 All right. I say, no, I wasn't out on the street there
23 with Mr. Gilbert. I was some other place. No, I wasn't
24 there. I make an exculpatory statement, okay?
25 Mrs. Mikton does some further investigation, okay?

1 Some further investigation and eventually is able to
2 prove either through her investigation or through other
3 witnesses' testimony that what I said was a lie. In
4 other words, I made an exculpatory statement, but
5 through her investigation with other witnesses she's
6 able to prove that that exculpatory statement that I
7 made is false, or is false. Okay?

8 Do you understand that she -- and I get charged
9 ultimately with your homicide, that she can come to
10 Court and she can testify about exculpatory statements
11 that I made, and if those exculpatory statements can be
12 shown to be false, all right, can be shown to be untrue,
13 that's part of, that can be part of the evidence that a
14 jury could consider, all right, along with other
15 evidence in a case, can consider in determining whether
16 I did the crime, your homicide that I was charged with.
17 Do you understand that?

18 JUROR: Yes, sir.

19 MR. HUTTING: Okay. Mr. Forsythe, do you
20 understand that?

21 JUROR: Yes, sir.

22 MR. HUTTING: Exculpatory statements shown to be
23 untrue or false can be considered by a jury as
24 circumstantial evidence of guilt. Do you understand
25 that, Mr. Dromowicz?

1 JUROR: Yes.

2 MR. HUTTING: Mrs. Forbes, any problems or
3 questions about that?

4 JUROR: No.

5 MR. HUTTING: Rest of the jury, any problems or
6 questions about that?

7 JURORS: No.

8 MR. HUTTING: Okay. A couple more things and I'll
9 sit down. Judge Crockett mentioned, I think he asked
10 you, Mr. Gilbert, I don't mean to pick on you, that if
11 you are a juror you're a judge, right?

12 JUROR: Yes.

13 MR. HUTTING: He's correct in that. In Michigan
14 the way we have the system, the Judge is supreme in the
15 area of law. He tells you what the law is, all right?
16 Whether you agree with the law or not, you have to
17 follow the law given to you by the Judge. But the jury
18 is supreme in the area of fact. You decide what the
19 facts are and what the facts are not. What facts have
20 been proven and what facts have not been proven. And
21 obviously, you'll do you that by listening to witnesses
22 and examining evidence that is submitted or exhibits
23 that are submitted.

24 But one of the things that he talked about was the
25 97 year old lady and the 95 year old man, and then he

1 asked Mrs. Forbes about that, right? Okay. And he
2 asked, he asked about judging credibility. Do you
3 remember that? You have to judge credibility. And that
4 you can also use common sense and logic. Okay.

5 Let's assume that we have a scale and this scale's
6 at zero and the top of the scale is at plus ten. Follow
7 me? Okay. The bottom of the scale is at minus ten.
8 All right. Judge Crockett told you, in essence, that
9 when every witness takes the witness stand they all
10 start out equally, right? Just because Officer Williams
11 is a police officer, or just because a person wears a
12 blue uniform, all right, or just because they may be
13 called doctor, okay, everybody starts out at zero.
14 Everybody starts out equally. Right, Mr. Gilbert? Any
15 problems with that?

16 JUROR: No.

17 MR. HUTTING: Mrs. Goodson, would you agree with
18 that?

19 JUROR: Yes.

20 MR. HUTTING: Mrs. Moore?

21 JUROR: Yes.

22 MR. HUTTING: Okay. As they testify it's going to
23 be up to you as a juror to judge their credibility, to
24 judge their believability, whether they go up on that
25 witness scale, or whether they go down, or whether

1 they remain the same. At the end of their testimony
2 witnesses may be different. Some witnesses may be a
3 plus eight, some witnesses might be just a plus three,
4 some witnesses might be a minus two or minus three. But
5 that's up to you to judge. That's where you come in.
6 All right? Judging and listening to the witnesses,
7 using common sense and logic and listening to their
8 testimony and their demeanor in assessing credibility or
9 believability. Can do you that for me?

10 JUROR: Uh-huh.

11 MR. HUTTING: Mr. Richard, you can do that?

12 JUROR: Yes.

13 MR. HUTTING: Ms. Mikton?

14 JUROR: Yes.

15 MR. HUTTING: Mr. McCraw, can you do that for me?

16 JUROR: Yes.

17 MR. HUTTING: Anybody here that doesn't think that
18 they can do that?

19 JURORS: (No response)

20 MR. HUTTING: All right. One further item, and
21 Judge Crockett touched on it, but I want to touch on it
22 again. I'm going to sit down here now in just a couple
23 of minutes, and at that point in time it's going to be
24 the opportunity of the Defense, okay, or the Defendant
25 in this case to ask some questions if he wants to, or

1 not. To do his part of the voir dire.

2 Obviously, as we go through Court, Mr. Hrynik, when
3 you were there at the trial, when you were a juror,
4 first one lawyer asked questions, right, and then it
5 went to the other side and the other lawyer asked
6 questions, right?

7 JUROR: Yes.

8 MR. HUTTING: In this case, if what that means is
9 -- And then at the end, I would imagine, that one lawyer
10 talked, right?

11 JUROR: Yes.

12 MR. HUTTING: He gave a closing argument and an
13 opening statement, and then it switched to the other
14 lawyer if they wanted to give either an opening
15 statement or a closing argument, right?

16 JUROR: Correct.

17 MR. HUTTING: All right. Do you understand, Mr.
18 Hrynik, that in this case if Mr. Good represents
19 himself, as he's chosen to do, that means that he will
20 be speaking, okay? That he will be speaking for the
21 Defense. Any problems with that?

22 JUROR: No, sir.

23 MR. HUTTING: Okay. Okay. That's not going to
24 engender any kind of sympathy on your part; is that
25 correct?

1 JUROR: No, sir.

2 MR. HUTTING: Okay. One further question in this
3 area. I think that you will find out that this incident
4 occurred some three years ago. Mr. Good was what we
5 call in the law a juvenile. He was under 17 years of
6 age. He was just a little bit over 16 years of age.
7 He's charged here with two capital offenses, first
8 degree murder and armed robbery. He's also charged with
9 two other noncapital offenses, but they're felonies.
10 They're serious crimes. Possession of a firearm in the
11 commission of a felony and what we call UDAA, unlawfully
12 taking a vehicle, driving away a vehicle.

13 Anyone here going to tell me, you know, Mr.
14 Prosecutor, that's just too serious of a crime, a
15 capital offense like first degree murder, armed robbery,
16 that's just too serious of a crime to convict somebody
17 of who was so young, regardless of what kind of proof
18 you present or how strong the proof is or whatever it
19 is. Anyone here feel that way?

20 JURORS: (No response)

21 MR. HUTTING: Okay. All right. Thank you all very
22 much.

23 Your Honor, I have no further questions of the
24 jurors. Pass them all for cause.

25 THE COURT: Ms. Mott, Ms. Reynolds is the only

1 MR. GOOD: Pass for cause, your Honor.

2 THE COURT: Thank you.

3 Mr. Hutting.

4 MR. HUTTING: Good morning, Ms. Moore.

5 JUROR: Good morning.

6 MR. HUTTING: How long ago was it that you had your
7 purse snatched, approximately?

8 JUROR: Four years ago. Five years ago.

9 MR. HUTTING: Was a police report made?

10 JUROR: Yes, it was.

11 MR. HUTTING: Was anyone ever arrested or charged
12 or accused of that?

13 JUROR: No.

14 MR. HUTTING: So no one was ever found?

15 JUROR: No.

16 MR. HUTTING: All right. In the other incidents
17 with your hub caps, the cars, and things of that nature,
18 was anyone ever arrested or charged with that?

19 JUROR: No.

20 MR. HUTTING: Okay. Can you separate those
21 incidents out? You won't hold that against anybody?

22 JUROR: No.

23 THE COURT: That's an ambiguous answer.

24 MR. HUTTING: Okay. Can you separate the incidents
25 out?

1 JUROR: Yes.

2 MR. HUTTING: You won't hold that against the
3 Prosecution or Mr. Good?

4 JUROR: No.

5 MR. HUTTING: Okay. Any of the other questions
6 that we asked this morning about, you know, the
7 questions that we asked about victims of crimes, things
8 of that nature, any of those questions apply to you?

9 JUROR: The only one that you asked, do I know
10 anybody on the police department, yes.

11 MR. HUTTING: Okay. For the City of Riverview or
12 some other city?

13 JUROR: Other cities.

14 MR. HUTTING: Okay. Are these friends or
15 relatives?

16 JUROR: Both.

17 MR. HUTTING: Both. Because you know people or are
18 related to people who are on police forces, would that
19 affect your ability to be fair and impartial in this
20 case?

21 JUROR: No.

22 MR. HUTTING: Okay. Anything else?

23 JUROR: That's it.

24 MR. HUTTING: Okay. Thank you. If you are asked
25 to sit on this jury, will you give both sides a fair

1 trial?

2 JUROR: Yes.

3 MR. HUTTING: Thank you very much, ma'am.

4 Pass for cause, your Honor.

5 THE COURT: Thank you, sir. Preemptory challenges,

6 Mr. Hutting.

7 MR. HUTTING: No challenges. We're satisfied with

8 the jury as presently constituted.

9 THE COURT: Preemptory challenges, Defense.

10 MR. GOOD: Yes, we would ask that Mr. Gilbert be

11 thanked and excused.

12 THE COURT: I can't hear you.

13 MR. GOOD: We thank and excuse Mr. Gilbert.

14 THE COURT: Mr. Gilbert, you may be excused to

15 return to the tenth floor with your summons.

16 THE CLERK: Juror number 37, Velvet Flucker.

17 THE COURT: Good morning, Ms. Flucker.

18 JUROR: Good morning.

19 THE COURT: Have you been a juror before?

20 JUROR: No.

21 THE COURT: Have you been listening and paying

22 attention?

23 JUROR: Yes, I have.

24 THE COURT: Have you heard anything that makes you

25 think or feel that you could not or should not serve as

1 a juror in this case?

2 JUROR: No, sir.

3 THE COURT: Do you live in Riverview?

4 JUROR: No, sir.

5 THE COURT: Do you know anything about this case
6 other than what you have heard today?

7 JUROR: No, sir.

8 THE COURT: All right. We've been referring to
9 Circuit Court as distinct from Recorder's Court.
10 Actually, Circuit Court Judges are Recorder's Court
11 Judges also, and Recorder's Court Judges are Circuit
12 Court Judges also. This is a Circuit Court case. It
13 emanates from outside the City of Detroit. Recorder's
14 Court deals generally with crimes arising within the
15 City of Detroit. Does that make any difference to you?

16 JUROR: No, sir.

17 THE COURT: Okay. Mr. Good.

18 MR. GOOD: Ms. Flucker, have you been a victim of
19 any crimes?

20 JUROR: No, sir, I haven't.

21 MR. GOOD: Do you have any friend or relatives that
22 have been victims of crime?

23 JUROR: No.

24 MR. GOOD: Do you have any relatives on the police
25 force?

1 JUROR: No, I don't.

2 MR. GOOD: Okay. And does the fact that the nature
3 of this charge, would that affect your -- would that
4 make you biased in any sense?

5 JUROR: No.

6 MR. GOOD: Okay. Thank you. Pass for cause, your
7 Honor.

8 THE COURT: Thank you, sir.
9 Mr. Hutting.

10 MR. HUTTING: Thank you, your Honor.
11 Good morning, Ms. Flucker.

12 JUROR: Good morning.

13 MR. HUTTING: I see on our computer sheet that it
14 indicates on your occupation, it says the word
15 supervisor.

16 JUROR: Yes.

17 MR. HUTTING: Can you define that just a little bit
18 more for us?

19 JUROR: I supervise supervisors.

20 MR. HUTTING: Okay. Just tell me what kind of
21 field that's in.

22 JUROR: Automotive.

23 MR. HUTTING: Okay. And how long have you been in
24 that field, approximately?

25 JUROR: Approximately 18 years.

1 MR. HUTTING: Okay. Any of the other questions
2 that I asked this morning, do any of those apply to your
3 particular situation?
4 JUROR: No.
5 MR. HUTTING: Okay. Do you feel that if you are
6 asked to sit here on this jury that you could decide
7 this case fairly and equally and give both sides a fair
8 trial?
9 JUROR: I can.
10 MR. HUTTING: Thank you very much, ma'am.
11 Pass for cause.
12 THE COURT: Thank you, sir. Preemptory challenges,
13 Mr. Hutting.
14 MR. HUTTING: No challenges. We're satisfied.
15 THE COURT: Preemptory challenges, Defense.
16 MR. GOOD: Yes, we would ask you to thank and
17 excuse Ms. Moore, juror number nine.
18 THE COURT: Ms. Florence Moore?
19 MR. GOOD: Yes, your Honor.
20 THE COURT: Ms. Moore, you may be excused to return
21 to the tenth floor with your summons.
22 THE CLERK: Juror number, 41, Joseph Gaughan.
23 THE COURT: Good morning.
24 JUROR: Good morning, sir.
25 THE COURT: This paper lists your occupation as an

1 instructor.

2 JUROR: That's right.

3 THE COURT: What do you instruct?

4 JUROR: I teach anthropology at the college level.

5 THE COURT: Okay. Have you served as a juror
6 before?

7 JUROR: No, I have not.

8 THE COURT: Have you been listening and paying
9 attention?

10 JUROR: Yes, I have.

11 THE COURT: Have you seen or heard anything that
12 makes you think or feel that you could not or should not
13 serve as a juror in this case?

14 JUROR: No, sir,. I have not.

15 THE COURT: Okay. Can you serve as a juror in this
16 case?

17 JUROR: Yes.

18 THE COURT: Defense.

19 MR. GOOD: Sir, have you ever been victimized by a
20 crime or anything of that nature?

21 JUROR: Yes, I have.

22 MR. GOOD: What was the nature of that?

23 JUROR: The nature of a mugging or holdup on two
24 occasions.

25 MR. GOOD: Okay. And are any of your relatives or

1 family members police officers?

2 JUROR: No.

3 MR. GOOD: Okay. Any close friends or relatives
4 victims of crimes, as well?

5 JUROR: My brother-in-law was killed by a drunk
6 driver. My mother had her purse snatched.

7 MR. GOOD: For any reason would you hold that,
8 would you consider that or let that apply when
9 determining this case?

10 JUROR: No.

11 MR. GOOD: Okay. Thank you, sir.
12 Pass for cause, your Honor.

13 THE COURT: Thank you, sir.
14 Mr. Hutting.

15 MR. HUTTING: Thank you, your Honor.
16 Good morning, Mr., is it Gaughan?

17 JUROR: That's right.

18 MR. HUTTING: Okay. The two incidents you were the
19 victim of a crime, how long ago did those occur?

20 JUROR: That was, those were both over twenty years
21 ago.

22 MR. HUTTING: Okay. All right. In either case was
23 anyone ever arrested or charged? Did you ever have to
24 go to Court?

25 JUROR: No, not that I know of.

1 MR. HUTTING: Okay. In the case involving your
2 relatives, one, was it your mother that was mugged?
3 JUROR: Had her purse snatched, yes.
4 MR. HUTTING: Okay. Was anyone ever arrested or
5 charged in that?
6 JUROR: I don't believe so. I'm not certain.
7 MR. HUTTING: Okay. So you've never had to come to
8 Court either as a witness or with somebody as a support
9 person or anything like that?
10 JUROR: No.
11 MR. HUTTING: Okay. Any of the other questions
12 that we asked earlier today, that I asked earlier today,
13 any of the other questions apply to your particular
14 situation?
15 JUROR: Well, one. A cousin of mine was charged
16 with rape.
17 MR. HUTTING: Okay. How long ago?
18 JUROR: That was, I think something like four or
19 five years ago.
20 MR. HUTTING: Here in Detroit or someplace else?
21 JUROR: Someplace else.
22 MR. HUTTING: Did you -- Obviously, that case has
23 been resolved at this point, I would imagine?
24 JUROR: Yes.
25 MR. HUTTING: Did you ever go and attend any Court

1 proceedings?

2 JUROR: No.

3 MR. HUTTING: Okay. So your knowledge of what
4 happened then is based on what other friends or family
5 members have told you?

6 JUROR: Yes.

7 MR. HUTTING: Okay. From what you know, from what
8 you've heard, do you feel that your cousin was treated
9 fairly by the criminal justice system, or don't you have
10 enough information?

11 JUROR: On the whole, yes, I think so.

12 MR. HUTTING: Would that affect your ability to sit
13 fairly here in this case?

14 JUROR: No.

15 MR. HUTTING: Okay. So you're telling us if asked
16 to serve you could sit fairly and give both sides a fair
17 trial?

18 JUROR: Yes.

19 MR. HUTTING: Thank you much, sir.
20 Pass for cause.

21 THE COURT: Preemptory challenges, Mr. Hutting.

22 MR. HUTTING: No challenges. We are satisfied.

23 THE COURT: Preemptory challenges, Defense.

24 MR. GOOD: Yes. I ask Mr. Gaughan be thanked and
25 excused.

1 THE COURT: Mr. Gaughan, you may be excused to
2 return to the tenth floor with your summons.

3 THE CLERK: Juror number 32, Carnel Duncan.

4 THE COURT: Mr. Duncan, do you see that pretty lady
5 next to you whose a supervisor of supervisors?

6 JUROR: Yes, sir.

7 THE COURT: Does she supervise you?

8 JUROR: Could she supervise me?

9 THE COURT: Does she supervise you?

10 JUROR: No, sir.

11 THE COURT: What or who do you supervise?

12 JUROR: I supervise utility workers at Mich Con.

13 THE COURT: Okay. Thank you. Have you been a
14 juror before?

15 JUROR: No, sir.

16 THE COURT: Have you seen or heard anything that
17 makes you think that you could not or should not serve
18 as a juror in this case?

19 JUROR: No, sir.

20 THE COURT: Thank you, sir.
21 Defense.

22 MR. GOOD: Sir, have you ever been a police officer
23 before?

24 JUROR: Pardon?

25 MR. GOOD: Have you been a police officer before?

1 JUROR: Ever been what.

2 MR. GOOD: A police officer?

3 JUROR: No, sir.

4 MR. GOOD: Any relatives who are police officers?

5 JUROR: No, sir.

6 MR. GOOD: Have you been victimized by crime?

7 JUROR: No, sir.

8 MR. GOOD: Any close friend or family that have

9 been victimized by crime?

10 JUROR: No, sir.

11 MR. GOOD: Pass for cause, your Honor.

12 Thank you, sir.

13 THE COURT: Thank you. Prosecution.

14 MR. HUTTING: Thank you, your Honor.

15 Good morning, Mr. Duncan. Any of the other

16 questions that we've asked this morning, that I asked,

17 any of those questions apply to your particular

18 situation?

19 JUROR: No, sir.

20 MR. HUTTING: From what you know, do you feel you

21 could sit fairly and give both sides a fair trial?

22 JUROR: Yes, sir.

23 MR. HUTTING: Thank you sir. Pass for cause.

24 THE COURT: Preemptory challenges, Mr. Hutting.

25 MR. HUTTING: No challenges. We're satisfied.

1 THE COURT: Defense, preemptory challenges.
2 (Discussion between Mr. Hunter and Defendant off
3 record)
4 MR. GOOD: We thank and excuse Mr. Dromowicz, juror
5 number 13.
6 THE COURT: Mr. Dromowicz, you may be excused to
7 return to the tenth floor with your summons.
8 THE CLERK: Juror number 40, John Fowls.
9 THE COURT: Good morning.
10 JUROR: Good morning.
11 THE COURT: At what level do you teach?
12 JUROR: At the elementary level, sir.
13 THE COURT: What do you teach?
14 JUROR: I teach art. I'm an artist and a teacher,
15 both.
16 THE COURT: Have you served as a juror?
17 JUROR: Yes, I have.
18 THE COURT: Where?
19 JUROR: At the City-County Building.
20 THE COURT: What kind of case?
21 JUROR: It was a case involving a motorcycle
22 accident and a passenger on the motorcycle accident was
23 suing the person who was driving the motorcycle for
24 negligence, and also suing the Huron-Clinton Metro-
25 parks.

1 THE COURT: Okay. Do you understand clearly the
2 difference between a civil case, which that was, someone
3 suing for money?
4 JUROR: Uh-huh.
5 THE COURT: And a criminal case?
6 JUROR: Oh, yes.
7 THE COURT: And that there are different rules and
8 procedures in each; is that right?
9 JUROR: Yes.
10 THE COURT: Okay. Who has the burden of proof in a
11 criminal case?
12 JUROR: Excuse me, sir?
13 THE COURT: Who has to prove something in a
14 criminal case?
15 JUROR: The Prosecutor.
16 THE COURT: What does the Defense have to prove?
17 JUROR: They have to prove nothing. They just have
18 to be there.
19 THE COURT: Okay. Thank you, sir. Does that sound
20 all right to you?
21 JUROR: Oh, yes. Yes.
22 THE COURT: Okay. Thank you, sir.
23 Mr. Good.
24 MR. GOOD: Sir, does the fact, the nature of charge
25 affect you in any way, make you biased towards one

1 decision or another?

2 JUROR: No, sir.

3 MR. GOOD: Have you been victimized by crime?

4 JUROR: My house was just broken into. That was
5 just about it.

6 MR. GOOD: How recently was that?

7 JUROR: About about four or five years ago.

8 MR. GOOD: Okay. Any close friends or relatives
9 been the victims of any violent crimes?

10 JUROR: No.

11 MR. GOOD: Okay. Thank you.
12 Pass for cause, your Honor.

13 THE COURT: Thank you, sir.
14 Prosecution.

15 MR. HUTTING: Good morning, Mr. Fowls.

16 JUROR: Good morning.

17 MR. HUTTING: Do you feel you could sit with a fair
18 and open mind and give both sides a fair trial?

19 JUROR: Yes.

20 MR. HUTTING: Did any of the other questions that I
21 asked this morning, or that anybody asked, do any of
22 those apply to your particular situation?

23 JUROR: No.

24 MR. HUTTING: Thank you, sir.
25 Pass for cause.

1 THE COURT: Preemptory challenges.
2 MR. HUTTING: We're satisfied.
3 THE COURT: Preemptory challenges, Defense.
4 MR. GOOD: I would ask that, I believe it's Hrynik,
5 Mr. Hrynik be thanked and excused.
6 THE COURT: Mr. Hrynik, you may be excused, sir, to
7 return to the tenth floor with your summons.
8 THE CLERK: Juror number 42, Nancy Gibney.
9 THE COURT: Good morning.
10 JUROR: Good morning.
11 THE COURT: What do you teach at the college level?
12 JUROR: I teach a secondary reading contact course
13 and an elementary reading course for future teachers.
14 THE COURT: Okay. This paper says that, indicates
15 you are married?
16 JUROR: Right.
17 THE COURT: And it says your husband is a fin
18 analyst, F-I-N. Does that mean financial?
19 JUROR: Yes.
20 THE COURT: Stock broker or something like that?
21 JUROR: I wouldn't really consider him a stock
22 broker, no.
23 THE COURT: Okay. Have you served as a juror
24 before?
25 JUROR: No, I have not.

1 THE COURT: Have you seen or heard anything that
2 makes you think or feel that you could not or should not
3 serve as a juror in this case?
4 JUROR: No, I haven't.
5 THE COURT: Anything about the nature of the
6 charges that disturbs you such that you could not or
7 should not serve as a juror?
8 JUROR: No, sir.
9 THE COURT: Have you heard anything about the case
10 other than what you've heard today?
11 JUROR: No, I haven't.
12 THE COURT: Do you live in Riverview?
13 JUROR: No.
14 THE COURT: Okay. Thank you, Ms. Gibney.
15 Mr. Good.
16 MR. GOOD: Thank you, your Honor.
17 Have you been victimized by crime?
18 JUROR: No, I haven't.
19 MR. GOOD: Any close family relatives or friends
20 that have been victimized?
21 JUROR: No.
22 MR. GOOD: Okay. And is the fact that this case is
23 determining innocence or guilt of a man for a murder
24 charge, does that make you uncomfortable at all or
25 affect you in any way?

1 JUROR: No, it doesn't.

2 MR. GOOD: Okay. Thank you.

3 THE COURT: Ms. Gibney, lest you and the other
4 jurors be misled, our legal system does not provide for
5 any determination as to innocence. A person is presumed
6 innocent. What the determination is is whether the
7 Prosecution has proved someone guilty beyond a
8 reasonable doubt or not. That's a distinction with a
9 difference. The finding, a finding of not guilty does
10 not necessarily imply that the person charged is
11 innocent. It at least implies that the Prosecution has
12 not proved criminal culpability beyond a reasonable
13 doubt. The distinction is important because while you
14 may feel that a person did something, whether it has
15 been proved or not is another matter altogether. Do you
16 understand that?

17 JUROR: Yes, I do.

18 THE COURT: And we don't function, we don't
19 function under our law, under our Constitution in this
20 country on the basis of how we feeling, okay? Clear?

21 JUROR: (Nodding head)

22 THE COURT: Clear?

23 JUROR: Yes.

24 THE COURT: Did you pass for cause, Mr. Good?

25 MR. GOOD: I had one more question I would like to

1 ask.

2 THE COURT: Go right ahead.

3 MR. GOOD: Ms. Gibney, by being a college
4 instructor are their responsibilities and things that
5 would take away from this matter, distract you from this
6 in any way?

7 JUROR: No.

8 MR. GOOD: Grading college documents, exams, such
9 as that that wouldn't affect you?

10 JUROR: No, not at this time.

11 MR. GOOD: Okay. Thank you. Pass for cause, your
12 Honor.

13 THE COURT: Thank you, sir.
14 Mr. Hutting.

15 MR. HUTTING: Thank you, your Honor.
16 Good morning.

17 JUROR: Good morning.

18 MR. HUTTING: Any of the other questions that we
19 asked this morning, ma'am, that would apply to your
20 particular situation?

21 JUROR: No.

22 MR. HUTTING: Do you feel if asked you could sit
23 with a fair and open mind and give both sides a fair
24 trial?

25 JUROR: Yes, I could.

1 MR. HUTTING: Thank you very much. Pass for cause.
2 THE COURT: Preemptory challenges.
3 MR. HUTTING: No challenges. We are satisfied.
4 THE COURT: Preemptory challenges, Defense.
5 MR. GOOD: I ask that Mr. Collins be thanked and
6 excused.
7 THE COURT: Mr. Collins, you may be excused to
8 return to the tenth floor with your summons.
9 THE CLERK: Juror number 72, Suzanne McFalls.
10 THE COURT: Good morning, Ms. McFalls.
11 JUROR: Good morning.
12 THE COURT: Have you been a juror before?
13 JUROR: No.
14 THE COURT: Have you been listening and paying
15 attention?
16 JUROR: Yes, I have.
17 THE COURT: Have you heard or seen anything that
18 makes you think that you could not or should not serve
19 as a juror in this case?
20 JUROR: No, I haven't.
21 THE COURT: Okay. Do you live in Riverview?
22 JUROR: No.
23 THE COURT: Have you seen or heard anything about
24 this case other than what you have seen and heard today?
25 JUROR: No, I haven't.

1 THE COURT: Okay. Mr. Good.
2 MR. GOOD: Do you have any family members or
3 relatives that are police officers?
4 JUROR: No.
5 MR. GOOD: Okay. And once again, is the fact that
6 this is a murder charge, would that affect, will it make
7 you uncomfortable in sitting on this jury?
8 JUROR: No, it wouldn't.
9 MR. GOOD: Are you a victim of, were you victimized
10 by crime, violent crimes, any crimes?
11 JUROR: No.
12 MR. GOOD: Any close family members victimized by
13 crimes?
14 JUROR: A long time ago my husband, but that was
15 before I knew him. It was just a mugging.
16 MR. GOOD: The nature of that was mugging?
17 JUROR: (Nodding head)
18 MR. GOOD: Was he hurt by the perpetrator in any
19 way? Was he harmed?
20 JUROR: His eye. They beat him.
21 MR. GOOD: Did it do any permanent damage to the
22 way you feel about crime? I mean, does it affect you
23 towards the accused, any accused in any way?
24 JUROR: No.
25 MR. GOOD: Okay. Thank you. Pass for cause, your

1 MR. GOOD: Your Honor, you have questioned him. We
2 do not -- Pass for cause.

3 THE COURT: Mr. Hutting.

4 MR. HUTTING: Thank you, your Honor.
5 Good morning, sir.

6 JUROR: Good morning.

7 MR. HUTTING: Mr. Corliss, any of the other
8 questions that I asked this morning, any of those
9 questions apply to your particular situation?

10 JUROR: No.

11 MR. HUTTING: You've never been the victim of a
12 crime, had a close friend or relative that's been the
13 victim of a serious crime, or anything of that nature?

14 JUROR: No, I haven't.

15 MR. HUTTING: Okay. Nothing further. Pass for
16 cause.

17 THE COURT: Preemptory challenges, Mr. Hutting.

18 MR. HUTTING: We would ask the Court to please
19 thank and excuse Mr. Corliss.

20 THE COURT: Mr. Corliss, you may be excused to
21 return to the tenth floor with your summons.

22 THE CLERK: Juror number 34, Michael Esparza.

23 THE COURT: Good morning, sir.

24 JUROR: Good morning.

25 THE COURT: Have you served as a juror before?

1 JUROR: No, I have not.

2 THE COURT: Have you been listening and paying
3 attention?

4 JUROR: Yes. Yes, sir.

5 THE COURT: Have you heard or seen anything that
6 makes you think believe or think that you should not or
7 could not serve as a juror in this case?

8 JUROR: No.

9 THE COURT: What kind of business do you have?

10 JUROR: Construction business.

11 THE COURT: Would serving on this jury for the
12 estimated length of time you've heard discussed so
13 inconvenience that you someone would wind up not getting
14 a fair trial?

15 JUROR: No, I don't think so.

16 THE COURT: You are confident of that?

17 JUROR: Yes.

18 THE COURT: Okay. Do you know of any reason, sir,
19 why you could not or should not serve as a juror in this
20 case?

21 JUROR: No.

22 THE COURT: Thank you, Mr. Esparza.
23 Mr. Hutting.

24 MR. HUTTING: Have you ever been a juror before,
25 sir?

1 JUROR: No.

2 MR. HUTTING: Any of other questions that I asked
3 earlier this morning, Mr. Esparza, do any of those
4 questions apply to your particular situation?

5 JUROR: No, sir.

6 MR. HUTTING: Okay. From what you know about the
7 case and from what you know about the legal principles
8 that we've discussed so far, do you feel that you could
9 sit and give both sides a fair trial here?

10 JUROR: Yes.

11 MR. HUTTING: Thank you, sir. Nothing further.
12 Pass for cause.

13 THE COURT: Thank you, sir.
14 Defense.

15 MR. GOOD: Sir, have you ever been convicted of a
16 crime?

17 JUROR: No, I have not.

18 MR. GOOD: Any relatives or friends been victims of
19 crimes before?

20 JUROR: Victims, no.

21 MR. GOOD: Thank you. Pass for cause, your Honor.

22 THE COURT: Thank you, sir. Preemptory challenges,
23 Defense.

24 (Discussion between Mr. Hunter and Defendant Good
25 off record)

1 MR. GOOD: Your Honor, Defense would thank and
2 excuse Mr. Forsythe.

3 THE COURT: Mr. Forsythe?

4 MR. GOOD: Yes.

5 THE COURT: Mr. Forsythe, you may be excused to
6 return to the tenth floor with your summons.

7 THE CLERK: Juror number 78, Gale Moore.

8 THE COURT: Good morning, Ms. Moore.

9 JUROR: Good morning.

10 THE COURT: Did you know, Ms. Goodson?

11 JUROR: No.

12 THE COURT: You are an underwriter also?

13 JUROR: For a mortgage company.

14 THE COURT: Okay. Do you deal with lawyers?

15 JUROR: Yes.

16 THE COURT: Are they hard to get along with?

17 JUROR: Some of them.

18 THE COURT: Some of them. Hmm. Would that affect
19 your ability to be fair and impartial in this lawsuit?

20 JUROR: No.

21 THE COURT: Are you confident of that?

22 JUROR: Pardon me?

23 THE COURT: Are you confident of that?

24 JUROR: Yes.

25 THE COURT: Okay. Do you know of any reason why

1 you could not or should not serve as a juror in this
2 case?

3 JUROR: No, not really.

4 THE COURT: Are you a Riverview resident?

5 JUROR: No.

6 THE COURT: Have you heard anything about this
7 matter as far as you know?

8 JUROR: No, I have not.

9 THE COURT: Okay. Thank you, ma'am.
10 Defense.

11 MR. GOOD: Ms. Moore, have you been a victim of any
12 crimes?

13 JUROR: Yes, I have.

14 MR. GOOD: What was the nature of those crimes?

15 JUROR: I had my purse snatched.

16 MR. GOOD: All right. And have any relatives or
17 friends of yours been victims of crime?

18 JUROR: No.

19 MR. GOOD: Is that the only encounter you've had
20 with being victimized by crime?

21 JUROR: Yes. Hub caps stolen off my car. Those
22 were the only two.

23 MR. GOOD: Okay. Thank you.

24 (Discussion between Mr. Hunter and Defendant off
25 record)

1 person who works in this courtroom. Everyone else sits
2 and listens or talks. Do you think it's all right if we
3 give her a break?

4 JUROR: Yes.

5 THE COURT: Okay. We'll do that. Those of you in
6 the gallery, we're going to excuse you to go into the
7 hall. Do not reenter this room until we ask you to. Do
8 not leave this floor for any reason. And we'll be back
9 with you in about 20 minutes. Those of you in the
10 gallery, step into the hallway, please.

11 Those of you in the jury box, step into the jury
12 room, please.

13 (Court recessed at 10:57 a.m.)

14 (At 11:15 a.m. all parties present; all prospective
15 jurors enter courtroom)

16 THE COURT: Defense, your pleasure.

17 MR. GOOD: Thank you, your Honor.

18 Ladies and gentlemen, I'm not going to subject you
19 to any long, lengthy questioning or anything of that
20 nature, but I just wanted to point out a few things or
21 question you on a few things. Have any of you ever been
22 police officers?

23 JURORS: (No response)

24 MR. GOOD: Okay. And regarding the reasonable
25 doubt, I mean, I just want to make sure that everybody

1 understands it just like Mr. Hutting did regarding that.
2 And basically, about it Mr. Hutting covered everything
3 that needed to be covered, and I thank you for your
4 time.
5 Thank you, your Honor.
6 THE COURT: Do you pass the jurors for cause?
7 MR. GOOD: No, I do not.
8 THE COURT: Any challenges for cause?
9 MR. GOOD: Pass for cause.
10 THE COURT: Preemptory challenges, Mr. Hutting.
11 MR. HUTTING: Satisfied with the jury as presently
12 constituted. No challenges.
13 THE COURT: Preemptory challenges, Defense.
14 MR. GOOD: I would ask that Ms. Mikton be thanked
15 and excused.
16 THE COURT: Ms. Mikton, you may be excused to
17 return to the tenth floor with your summons.
18 THE CLERK: Juror number 81, John Morrison. .
19 THE COURT: That is Dr. Morrison?
20 JUROR: Yes.
21 THE COURT: Good morning, sir.
22 JUROR: Good morning.
23 THE COURT: Have you served as a juror before?
24 JUROR: Yes.
25 THE COURT: Where?

1 JUROR: Wayne County Circuit Court.

2 THE COURT: What kind of case civil or criminal?

3 JUROR: Criminal.

4 THE COURT: Were you listening and paying attention
5 to the questions asked and the answers given this
6 morning?

7 JUROR: Yes.

8 THE COURT: Did any of them strike you as giving a
9 different response than those of your fellow jurors
10 still seated?

11 JUROR: No.

12 THE COURT: Is the nature of your practice such
13 that were you required to serve as a juror in this case
14 someone would be, well, would someone be in a
15 life-threatening situation?

16 JUROR: No.

17 THE COURT: Would someone be in substantial
18 discomfort?

19 JUROR: No.

20 THE COURT: Can you devote the time and attention
21 necessary to the proper resolution of this lawsuit?

22 JUROR: It would be a sacrifice, but I could.

23 THE COURT: Financial or otherwise?

24 JUROR: Both.

25 THE COURT: Okay. Would you?

1 JUROR: Yes.

2 THE COURT: All right. Mr. Morrison -- Strike
3 that. Dr. Morrison, it is now 3:30 of a day on which
4 you are deliberating, and one of your fellow jurors has
5 a different opinion than you and ten others. Okay? Are
6 with you me so far?

7 JUROR: Yes.

8 THE COURT: Is your concern about your practice and
9 your financial loss going to be such that you would not
10 listen to what the other juror had to say and reexamine
11 your own views and change your opinion if you thought
12 you were wrong?

13 JUROR: No.

14 THE COURT: Would you take an attitude of
15 bullyragging that one person into agreeing with you?

16 JUROR: No.

17 THE COURT: You would be reasoning with that
18 individual?

19 JUROR: Yes.

20 THE COURT: Okay. And you've done it before?

21 JUROR: Yes.

22 THE COURT: All right. And it's not easy?

23 JUROR: No.

24 THE COURT: Okay. Any reason, sir, that you know
25 of why you could not or should not serve as a juror in

1 this case?

2 JUROR: No.

3 THE COURT: Thank you, sir.

4 Defense, any questions of Dr. Morrison?

5 MR. GOOD: Yes, I do, your Honor.

6 THE COURT: Go right ahead, sir.

7 MR. GOOD: Mr. Morrison, would you be reluctant to,

8 or how would I say, reluctant towards sitting on the

9 jury if you had a certain appointment? Would you be

10 able to relinquish that appointment to come to the jury?

11 JUROR: Yes.

12 MR. GOOD: Or would it be a problem of any sort?

13 JUROR: No. I had to do it today.

14 MR. GOOD: Okay. In any way would you be reluctant

15 towards the Defense or the Prosecution, biased towards

16 either one?

17 JUROR: No.

18 MR. GOOD: All right. Thanks.

19 (Discussion between Mr. Hunter and Defendant off

20 record)

21 MR. GOOD: A few more questions. Do you have any

22 relatives that were victims of crimes and so on?

23 JUROR: No.

24 MR. GOOD: Were you a victim of crime yourself?

25 JUROR: No.

1 MR. GOOD: Any family members accused of crimes?
2 JUROR: No.
3 MR. GOOD: Any relatives that are police officers
4 or --
5 JUROR: No.
6 MR. GOOD: All right. Thank you.
7 Nothing further. We do not challenge.
8 THE COURT: You pass him for cause, sir?
9 MR. GOOD: Pass for cause, your Honor.
10 THE COURT: Mr. Hutting.
11 MR. HUTTING: Thank you, your Honor.
12 Good morning, Doctor.
13 JUROR: Good morning.
14 MR. HUTTING: If I understand what the dialog that
15 you've had with Judge Crockett and the answers that
16 you've given, it would be somewhat of a sacrifice both
17 personally and financially, but you are willing to do
18 that if called upon; is that correct?
19 JUROR: Yes.
20 MR. HUTTING: How long ago was it that you were a
21 juror in Wayne County circuit?
22 JUROR: About three years.
23 MR. HUTTING: How long did that trial last?
24 JUROR: About four days.
25 MR. HUTTING: Four days. Okay. Do you remember

1 the nature of the charge?

2 JUROR: It was a murder.

3 MR. HUTTING: Homicide. Okay. And I take it that
4 based on your past jury experience you feel that you can
5 be a fair and impartial juror in this case?

6 JUROR: Yes.

7 MR. HUTTING: None of the other questions that we
8 asked, that I asked during my voir dire, none of those
9 applied to your specific situation?

10 JUROR: No.

11 MR. HUTTING: No questions or problems with any of
12 the legal principles that the Judge or that I talked
13 about?

14 JUROR: No.

15 MR. HUTTING: Thank you very much, sir.
16 Pass for cause, Judge.

17 THE COURT: Thank you, sir. Preemptory challenges,
18 Mr. Hutting.

19 MR. HUTTING: No challenges. We're satisfied.

20 THE COURT: Preemptory challenges, Mr. -- Strike
21 that. Preemptory challenges, Defense.

22 MR. GOOD: Yes. We thank and excuse Ms. Goodson.

23 THE COURT: Ms. Goodson, you may be excused to
24 return to the tenth floor with your summons.

25 THE CLERK: Juror number 28, Richard Corliss.

1 THE COURT: Good morning, Mr. Corliss.
2 JUROR: Good morning.
3 THE COURT: Have you previously served as a juror?
4 JUROR: No, I have not.
5 THE COURT: Have you been listening and paying
6 attention?
7 JUROR: Yes, I have.
8 THE COURT: This paper does not list an occupation.
9 It says not available. Can we know what your occupation
10 is?
11 JUROR: I'm on general assistance.
12 THE COURT: It indicates that are you single; is
13 that correct?
14 JUROR: Yes.
15 THE COURT: Would you live in Riverview?
16 JUROR: No, I don't.
17 THE COURT: Have you heard anything about this
18 matter that you are aware of?
19 JUROR: No, I haven't.
20 THE COURT: Okay. Do you know of any reason why
21 you could not or should not serve as a juror in this
22 case?
23 JUROR: No, I don't.
24 THE COURT: Thank you, Mr. Corliss.
25 Defense.

1 Honor.

2 THE COURT: Mr. Hutting.

3 MR. HUTTING: Thank you, your Honor.

4 Still good morning, Ms. McFalls.

5 JUROR: Yes.

6 MR. HUTTING: How long ago was the incident with
7 your husband?

8 JUROR: Well, it was before I even knew him.
9 Probably about 15 years ago.

10 MR. HUTTING: Was there any permanent damage done
11 to him?

12 JUROR: Yes.

13 MR. HUTTING: Did he lose the sight of his eye?

14 JUROR: No. He had an operation. His vision isn't
15 the same.

16 MR. HUTTING: Okay. Was anyone ever arrested or
17 charged with that incident?

18 JUROR: No.

19 MR. HUTTING: That would -- And as you indicated to
20 Mr. Good, that would not affect your ability to be fair
21 and impartial?

22 JUROR: No, because I wasn't involved with it at
23 that time.

24 MR. HUTTING: Sure. Any other questions that we
25 asked today, that I asked today, any other questions

1 that I asked that apply to your particular situation?
2 JUROR: No.
3 MR. HUTTING: Okay. You understand that the
4 Defendant in this case, Mr. Good, is acting as his own
5 attorney in this case?
6 JUROR: Yes, I do.
7 MR. HUTTING: That's a choice that he has made
8 himself. Do you understand that?
9 JUROR: I do.
10 MR. HUTTING: Because of that, that is not going to
11 engender or foster any sympathy or any empathy in that
12 regard?
13 JUROR: No.
14 MR. HUTTING: You'll decide this case fairly and
15 impartially from the evidence?
16 JUROR: Yes, I will.
17 MR. HUTTING: Thank you very much. Pass for cause.
18 THE COURT: Preemptory challenges, Mr. Hutting.
19 MR. HUTTING: No challenges. We're satisfied.
20 THE COURT: Thank you, sir.
21 Preemptory challenges, Defense.
22 MR. GOOD: Yes. We thank and excuse Mr. Richard.
23 THE COURT: Mr. Richard, you may be excused to
24 return to the tenth floor with your summons.
25 THE CLERK: Juror number 64, Cynthia Zuri.

1 THE COURT: Good morning, Ms. Zuri.
2 JUROR: Good morning.
3 THE COURT: This paper says group reper.
4 JUROR: Group representative.
5 THE COURT: What does that mean?
6 JUROR: I represent a group from Ford Motor
7 Company, but I work for an insurance company, but
8 specifically for Ford.
9 THE COURT: Do you have to work with lawyers too?
10 JUROR: No.
11 THE COURT: Okay. Were you listening and paying
12 attention?
13 JUROR: Yes.
14 THE COURT: Have you seen or heard anything that
15 makes you think or feel that you could not or should not
16 serve as a juror in this case?
17 JUROR: No.
18 THE COURT: Anything about the nature of the
19 charges in this case or any of them that so upsets you,
20 makes you think you cannot be fair?
21 JUROR: No.
22 THE COURT: Have you been the victim of a crime?
23 JUROR: Yes.
24 THE COURT: What crime?
25 JUROR: My car has been stolen before and my purse

1 has been taken before.

2 THE COURT: From you?

3 JUROR: Well, I was in the car driving and the
4 window was down.

5 THE COURT: Okay. It all happened at one time?

6 JUROR: Oh, yes.

7 THE COURT: Do you think anybody in here did it?

8 JUROR: No.

9 THE COURT: Are you going to hold anybody in here
10 responsible for that?

11 JUROR: No.

12 THE COURT: That is a promise?

13 JUROR: Yes.

14 THE COURT: Okay. Any reason why you could not or
15 should not serve as a juror?

16 JUROR: No.

17 THE COURT: Thank you.
18 Defense.

19 MR. GOOD: Have any close family members,
20 relatives, or friends been victimized by crime?

21 JUROR: No.

22 MR. GOOD: Okay. And do you have any relatives
23 that are police officers?

24 JUROR: No.

25 MR. GOOD: Okay. Thank you. Pass for cause, your

1 Honor.

2 THE COURT: Thank you, sir.

3 Mr. Hutting.

4 MR. HUTTING: Good morning.

5 JUROR: Hi.

6 MR. HUTTING: Is your last name Jarvis or is it
7 Zuri?

8 JUROR: Well, I was recently married so I keep my
9 last name Jarvis is what I was born with, but my married
10 last name is Zuri.

11 MR. HUTTING: And you've never been a juror before?

12 JUROR: No.

13 MR. HUTTING: In any of the cases where you were
14 the victim of a crime was anyone ever arrested so you
15 had to come to Court or anything of that nature?

16 JUROR: No.

17 MR. HUTTING: Any of the other questions that we
18 asked of you today, that we asked of the jurors up here,
19 do any of those apply to your particular situation?

20 JUROR: No.

21 MR. HUTTING: Do you feel if asked that you could
22 sit with a fair and open mind, give both sides here a
23 fair trial?

24 JUROR: Yes.

25 MR. HUTTING: Thank you, ma'am. Pass for cause.

1 THE COURT: Preemptory challenges.
2 MR. HUTTING: We're satisfied.
3 THE COURT: Defense, preemptory challenges.
4 MR. GOOD: Defense is satisfied, your Honor.
5 THE COURT: Ladies and gentlemen of the jury in the
6 gallery, thank you for being with us. We're going to
7 excuse you to return to the tenth floor. We're going to
8 excuse you to return to the tenth floor. Please step
9 into the hall. Mr. Meekins will tell you what to do and
10 how to do it.
11 (At 11:58 a.m. prospective jurors in gallery leave
12 courtroom)
13 THE COURT: We have a jury. Swear the jury.
14 THE CLERK: Jurors, stand and raise your right
15 hands, please.
16 (Jurors sworn in by clerk at 11:58 a.m.)
17 THE COURT: Judge Gale Moore, Judge Moore, you've
18 never sat on a jury before?
19 JUROR: No, I have not.
20 THE COURT: So you really don't know how they
21 function and what and why they do what they do, right?
22 JUROR: Not totally, no.
23 THE COURT: Okay. Well, I'm going to explain some
24 things to you and your fellow judges now, and then I'm
25 going to excuse you for the luncheon period when I'm

1 finished, and when you come back I'm going to give you
2 some instructions and we'll begin the trial. Okay?

3 Now, a few things I want to discuss with you have
4 to do with some very practical things that I think each
5 of you should be aware of throughout your service as
6 jurors in this case. You saw the video this morning
7 that gave you an idea of what various persons in the
8 courtroom do, right, Judge Fowls?

9 JUROR: Yes, sir.

10 THE COURT: Okay. Most important in that video was
11 discussion having to do with what the court reporter
12 does. In this Court our reporter is Mrs. Reynolds. In
13 part, that narrative said the court reporter or recorder
14 also seated near the Judge produces a certified word for
15 word written record of the trial. That's what it said,
16 right?

17 JUROR: Yeah.

18 THE COURT: Okay. That's true, but like all
19 synopses of things, it is misleading. Number one, the
20 word for word written record referred to is called a
21 transcript. And transcripts not always made of Court
22 proceedings. Transcripts are not always made of Court
23 proceedings. This, for example, is a transcript. No,
24 it's not. This is a transcript of a proceeding in
25 another case other than this one. I think you can

1 generally see from where you are, each of you, that it
2 is page after page of question, answer, question,
3 answer. Generally, you can see that; is that right?

4 THE JURY: Yes.

5 THE COURT: Okay. This is how a transcript is
6 prepared, generally: Mrs. Reynolds takes down every
7 word that is spoken that she can hear using a machine
8 which places symbols on a narrow strip of paper, which
9 symbols she can read and understand. I cannot read them
10 nor understand them. I doubt that you can unless you've
11 had the same training she's had. When it becomes
12 necessary to produce a transcript, what Ms. Reynolds
13 would have to do is translate those symbols, dictate
14 them to someone or some thing, cause them to be typed,
15 she would have to proofread what was typed, and if
16 correct, certify it as an official transcription of the
17 proceeding, whatever it may be.

18 To produce a transcript takes three to four times
19 as long as the proceeding itself takes. We've been
20 working with you roughly two, two and a half hours. So
21 it would take her six to nine hours to reproduce what
22 we've done this morning. Do you understand that?

23 THE JURY: Yes.

24 THE COURT: Neither Ms. Reynolds nor her machine or
25 any machine that I'm aware have can do that any more

1 quickly. Clear?

2 THE JURY: Yes.

3 THE COURT: Okay. So then it's important that you
4 listen and pay attention to what occurs in a trial as it
5 occurs. Make sense?

6 THE JURY: Yes.

7 THE COURT: Okay. Now, Judge Mott, you came here
8 today because you got an invitation on an engraved piece
9 of paper inviting to you come down here and be with us,
10 right?

11 JUROR: Yes, sir.

12 THE COURT: And it also indicated to you that we
13 would be unhappy if you did not come and visit with us?

14 JUROR: Yes, sir.

15 THE COURT: Is that right?

16 JUROR: Right.

17 THE COURT: And that we might do something
18 unpleasant about that; is that right?

19 JUROR: Right.

20 THE COURT: Ordinarily, you wouldn't be here today
21 or any other day?

22 JUROR: No.

23 THE COURT: You would be doing something else?

24 JUROR: That's right.

25 THE COURT: So your normal plans have been

1 disrupted?

2 JUROR: Yes, sir.

3 THE COURT: You, together with 13 other judges,
4 have been brought down here to perform a function that
5 is part of the duties of citizenship. It can be a very
6 difficult function, but our criminal justice system
7 could not work without you and a number of other people.
8 Do you understand and appreciate that?

9 JUROR: Yes, sir.

10 THE COURT: Okay. Judge Morrison, you know what
11 you're going to be paid for being here today?

12 JUROR: Yes.

13 THE COURT: A large amount of money?

14 JUROR: No.

15 THE COURT: No?

16 JUROR: No.

17 THE COURT: Okay. As a matter of fact, you're
18 going to lose money?

19 JUROR: Yes.

20 THE COURT: And anyone else who is self-employed
21 will lose money. Maybe those who are working for
22 organizations will lose money. It doesn't often happen,
23 but it can. Judge Duncan, you are going to be paid, I
24 guess, 15 dollars a day plus mileage one way. Is that
25 right?

1 JUROR: Yes, sir.

2 THE COURT: All right. Trials involve the efforts
3 of a lot of people, a lot of people. Right now 14 of
4 you, the Court and its staff, the attorneys, and the
5 witnesses whose names you've heard read. They
6 constitute quite a few people; is that right, Judge
7 Forbes?

8 JUROR: Yes.

9 THE COURT: All called together in one place to
10 perform a task. Trials involve the efforts, the work of
11 a lot of people. They involve expense to the community
12 as a whole. All trials in each courtroom in this
13 building cost the citizens of this community something
14 in excess of three thousand dollars a day per courtroom.
15 That adds up to more than 15 dollars a minute per
16 courtroom. So trials are expensive in terms of money
17 and in terms of the efforts of a lot of people.

18 We find that we can best function if we function
19 using a common standard. A common standard: time. And
20 we function best when we all use the same timepiece; not
21 my watch, not yours, but the Court clock, which is
22 always right and is never wrong. It is always right and
23 never wrong. Everybody understand that?

24 THE JURY: Yes.

25 THE COURT: So that is the timepiece we will be

1 using, the Court clock. And I believe all of the clocks
2 in this building have the same time.

3 Now, you'll find, if you haven't already, that to
4 the best of our ability, this Court functions
5 punctually, on time, and takes sanctions against persons
6 who do not function on time, including this Judge. You
7 do expect me to be on time, don't you?

8 THE JURY: Yes.

9 THE COURT: And you expect one another to be on
10 time?

11 THE JURY: Yes.

12 THE COURT: Once you enter the jury room you cannot
13 leave the jury room without the Court's permission,
14 Judge Teeter --

15 JUROR: Yes.

16 THE COURT: -- barring an earthquake or fire or
17 something like that.

18 JUROR: Okay.

19 THE COURT: Once in there you have to say stay in
20 there until we ask you out. That effectively imprisons
21 you and your fellow judges. So, if one of your fellow
22 judges is not here when he or she is supposed to be
23 here, you and whoever else is in there is imprisoned,
24 cannot get out of there until that person arrives.

25 JUROR: That's not fun.

1 THE COURT: Or until the Court releases you, right?
2 That might make you unhappy?
3 JUROR: Oh, yeah.
4 THE COURT: And it would make me unhappy too if
5 everything is held up because of one person, especially
6 if it's held up because of me, and I don't intend to
7 hold anything up. All right?
8 JUROR: Okay.
9 THE COURT: Now, some of you who have served on
10 juries before know that there can be delays. Who do we
11 have now who has been on a jury before?
12 JURORS: (Raised hands)
13 THE COURT: There can be delays. The reasons for
14 the delays are not explained to jurors either because
15 the law prevents the Judge from doing so or the Judge
16 chooses not to do so, for whatever reasons he or she may
17 have. And this can be irritating, can't it, Judge
18 Morrison?
19 JUROR: Yes.
20 THE COURT: It can get you very upset when you're
21 sitting in there not knowing what's going on and nobody
22 tells you why, right?
23 JUROR: Yes.
24 THE COURT: Is that your experience too, Judge
25 Fowls?

1 JUROR: Yes, sir.

2 THE COURT: Okay. Getting upset is normal, human,
3 and it's expected. The thing we get concerned about
4 though is who you get upset with. Okay? Are you
5 following me so far, Judge Fowls?

6 JUROR: Yes, sir.

7 THE COURT: Now, we would be very concerned about
8 you getting upset with anybody in the gallery, all
9 right? Now, there's one person you can always be upset
10 with and it won't make any difference, because the
11 person is paid for that. Who could you suppose that is,
12 Judge Morris?

13 JUROR: The Judge.

14 THE COURT: That's right. The Judge. So if
15 anything wrong or irritates any of you, who do you
16 blame?

17 THE JURY: The Judge.

18 THE COURT: Me, right? I didn't hear you.

19 THE JURY: The Judge.

20 THE COURT: Is that right, Judge Fowls?

21 JUROR: Yes, sir.

22 THE COURT: Don't blame anybody out there in the
23 arena. Even if you see them do something that you think
24 they should be blamed for, you blame me, not them.
25 That's my responsibility. Is that clear?

1 THE JURY: Yes.

2 THE COURT: Okay. When you come back the Court is
3 going to give you some instructions that have to do with
4 your function, mine, that of the parties, and the nature
5 of the charges in this case, and we will proceed with
6 the trial.

7 You are, each of you, a judge. Make no mistake
8 about that. You are each judges. You are expected to
9 comport yourself as judges. You are expected to keep
10 your own counsel, not to talk about this case amongst
11 yourselves or with anybody else until the time comes for
12 you to discuss it, and then only in the jury room.

13 Judge Moore?

14 JUROR: Yes.

15 THE COURT: They gave you and your fellow judges
16 some stickers to put on which would, which indicate that
17 you are a prospective juror. These badges indicate that
18 you are on a sitting jury, that are you a full-fledged
19 judge. And we're going to give these to each of you to
20 wear while you are on jury service. When they are
21 displayed on your person, you can enter the building
22 without having to go through all that security hassle.
23 We trust that you don't bring bombs, knives, or guns in
24 the building with you, okay?

25 One other thing that we ask of you is that those

1 stickers you have now, you can either throw them away or
2 frame them or do whatever you want to with them, but
3 don't put them on here, okay? They're difficult to
4 remove and somebody else has to use them. We'll want
5 them back from you at the conclusion of your jury
6 service.

7 Whenever you are excused from the courtroom, you
8 will be free to go wherever you want, unless the Court
9 tells you otherwise, you will be free to go wherever you
10 want, except two places. You cannot for any reason go
11 to the tenth floor. You cannot for any reason go to the
12 tenth floor. You cannot for any reason go to another
13 courtroom. Otherwise you can go wherever you wish. Is
14 that clear to each of you?

15 JUROR: Yes.

16 THE COURT: We want you back here in this jury room
17 by or before 2:00, by what clock, Judge Esparza?

18 JUROR: The clock on the courtroom wall.

19 THE COURT: All right. Leave to your right,
20 please.

21 (Jury leaves courtroom at 12:13 p.m.)

22 THE COURT: Mr. Hutting, has the Prosecution any
23 special requests to charge as a preliminary matter?

24 MR. HUTTING: No, your Honor.

25 THE COURT: Mr. Good, has the Defense any special