

The Ohio Jury Management  
Association Newsletter

The Ohio Jury Management  
Association promotes and enhances  
jury service through  
excellent jury management.

# Jury Notes

**E.J. Griffith, President**  
Greene County Common Pleas Court  
937/ 562.5300  
egriffith@co.greene.oh.us

**David Ballmann, Vice President**  
Montgomery Co. Common Pleas Court  
937/224-3887  
ballmand@montcourt.org

**Victoria Robertson, Sec/Treasurer**  
Butler County Common Pleas Court  
H. 513/ 423-0526  
VRRobertson@aol.com

**Jean E. Atkin, Trustee**  
Attorney  
jeactadm@aol.com  
Whitehouse, Ohio

**Hon. J. Timothy Campbell, Trustee**  
Greene County Common Pleas Court  
937/ 562.5135  
Tcampbell@co.greene.oh.us

**Robert G. Jackson, Trustee**  
Mahoning Co. Common Pleas Court  
330-740-2216  
rjackson@mahoningcountyoh.gov

**Tom Shields, Trustee**  
Franklin County Municipal Court  
614/ 645.7652  
shieldst@fcmclerk.com

**Willie Steiner, Trustee**  
Warren County Common Pleas Court  
513/ 695.1231  
willie@co.warren.oh.us

**Scott F. Sturges, Trustee**  
1622 Cambridge Boulevard  
Columbus OH 43212  
614/ 486-3046

**Hon. Reginald Routson, Trustee**  
Hancock County Common Pleas Court  
419/424-7009  
rjroutson@co.hancock.oh.us

**Vicky Unger, Executive Director**  
OJMA  
614/ 487.4475 vunger@osbf.net  
www.ohiojury.org

## *The Ohio Jury Management Association's Thirteenth Annual Ohio Jury Service Conference*

**Friday, April 29, 2011**

**Embassy Suites, 5100 Upper Metro Place, Dublin, Ohio**

### **Special Guest Speakers**

Justice Yvette McGee Brown , Supreme Court of Ohio

Paula Hannaford-Agor, JD, National Center for State Courts

Hon. R. Scott Krichbaum, *State v. Michael Davis*  
Mahoning County Common Pleas Court

Hon. Reeve Kelsey, Wood County Common Pleas Court  
Ohio Judicial Conference Jury Service Committee Co-chair

**\$75.00 Members    \$135.00 Non-Members**

CLE approval is pending.

*Registration materials will be mailed to members and posted on  
our Website March 1.*

**Vunger@osbf.net**

**www.ohiojury.org**

*The OJC is supported by the Ohio State Bar Foundation*

## **OfficialJuryDuty.com**

Many trial judges, court administrators, and trial lawyers want to learn lessons from the scores of empanelled jurors annually serving in our courtrooms. To date, there are no comprehensive measures of how Americans feel about the conduct and management of jury trials. An informal committee comprised of staff at the National Center for State Courts (NCSC), members of the Jury Management Committee of the National Conference of State Trial Judges (NCSTJ) and an experienced jury trial consultant are taking steps to fill this informational void.

Using [www.OfficialJuryDuty.com](http://www.OfficialJuryDuty.com), several NCSTJ trial judges from a variety of geographic areas in America are now asking jurors at the end of each jury trial to complete the questionnaire contained in the website in order to obtain their views about jury duty and the jury trial system. The survey questionnaire covers such topics as whether:

- The court provided the juror with adequate information to fulfill his/her trial tasks,
- Juror privacy was adequately protected,
- The evidence was presented clearly,
- The overall experience was favorable or unfavorable

At the end of each trial, participating judges draw the attention of the parties, the lawyers and jurors to the project's public purpose. They also mention the online questionnaire, and emphasize the confidentiality of juror responses.

The data gleaned from the pilot project will set the stage for a larger launch of a juror survey across larger segments of the nation. It is envisioned that, eventually, the results of the survey will be placed in the public domain for use by court administrators, bench and bar policy makers, and others who are interested in improving trial by jury.

For further information about this public opinion research, please contact Judge Gregory Mize, Judicial Fellow, National Center for State Courts, at 703-841-6932 or at [GMize@ncsc.org](mailto:GMize@ncsc.org).

## **Jury Managers' Toolbox Training**

The NCSC will conduct a webinar-based training on the use of the Jury Managers' Toolbox on February 23<sup>rd</sup> at 1:00 p.m. The webinar is expected to last 60-90 minutes. This training is designed for jury managers, court managers, and judges who are responsible for day to day jury operations. The Jury Managers' Toolbox is an online diagnostic tool designed to help state court administrators and jury managers evaluate and improve jury management operations and procedures. The toolbox and the training are free. However, please send an email to [sbaptiste@ncsc.org](mailto:sbaptiste@ncsc.org) to register for the webinar.

## **Prosecutors explain juror's wink in mistrial motion for motel manager**

Mark Gokavi , Dayton Daily News

Reprinted with permission. October 15, 2010

XENIA — The Greene County Prosecutor's Office this week filed a memorandum in opposition to a mistrial motion by the attorneys of a Fairborn Motel 6 manager convicted of rape and seven other counts of sexual misconduct.

The memo detailed how juror Paul Gibbs talked with Fairborn police Detective Lee Cyr, on the way into the courthouse on Sept. 28, about an ex-Fairborn police department employee.

When Cyr, the lead detective in the prosecution's case against Patel, realized Gibbs was a juror, both testified the discussion stopped. The 12-page document detailed also the post-trial wink Gibbs gave to Cyr. On Sept. 29, the memorandum states Cyr "became aware that the juror was celebrating his birthday on that day."

After jurors were released from duty by Judge Stephen A. Wolaver, the memo said Cyr wished the juror happy birthday, to which the juror responded with a wink. Cyr took that as a thank you for the birthday wishes.

Defense attorney Kevin Lennen of Rion, Rion & Rion made a motion for a mistrial after the initial discussion between Cyr and Gibbs was made known. Gibbs testified he forgot about the conversation with Cyr and never mentioned it to the other jurors. Rion, Rion & Rion filed a 10-page supplemental memorandum in support of a motion for a mistrial after Patel was convicted Sept. 29, based on the detective's and juror's conduct. Wolaver will hold a hearing Oct. 20 to discuss and possibly rule on the mistrial motion.

The state's response, which cites court cases to support that juror misconduct must include discussion relevant to the case at hand, was filed by assistant prosecutors Jeffrey Hunter and David Hayes. Prosecutors Adolfo Tornichio and Nicole Burke, who represented the state during the trial, were subpoenaed as witnesses in next week's hearing.

Patel's sentencing for guilty counts of rape, abduction and gross sexual imposition against two employees of Motel 6 is preliminarily scheduled for Nov. 17. Patel could face 16 1/2 years in prison if he received the maximum for each count.

Seven other misdemeanor counts involving two other Motel 6 employees were remanded to Fairborn Municipal Court. Patel will be arraigned on those charges today.

## **Richland County judge orders investigating jurors to pay for mistrial**

Mark Caudill, News Journal

Reprinted with permission November 17, 2010

MANSFIELD -- Three jurors whose conduct caused a mistrial in a murder case will have to pay for the trial. In a Tuesday hearing, Richland County Common Pleas Judge James DeWeese ordered Kira Hudson and Batrina Stroud to pay \$2,100 in restitution and Randi Martin to pay \$1,604.50 for doing their own investigation in the murder case against Christopher Brown.

DeWeese also ordered the women to write letters of apology to their fellow jurors and to the families of the victim and the defendant. The judge spared them jail time; they could have gotten 30 days apiece.

DeWeese ruled Martin was less culpable than the others because she admitted the misconduct. The three women visited the crime scene on Sycamore Street during a lunch break, a violation of the judge's instructions. DeWeese previously said that a fourth juror alerted the court.

"We need to have absolute public confidence in our system," he said Tuesday. "Jury duty is one of the most important civic functions we can perform in a democratic society."

Brown is accused of the March 9 shooting death of his friend, 25-year-old DeCarrio Couley. His retrial is scheduled for Nov. 30.

Hudson, Stroud and Martin each had a different attorney. "She went into jury service in good faith," attorney Bernie Davis said on behalf of Hudson. "She realizes that she has caused a terrible amount of inconvenience to the court. She understands that she caused a lot of harm for a lot of people." Hudson told DeWeese she took the duties seriously.

"We were informed by another juror that we needed to see the road," she said. "I wanted to make sure that I made the right decision. Looking back now, I see that it was an investigation. "I didn't realize I jeopardized the case."

Hudson said she didn't tell DeWeese the truth initially because she was scared.

"I've never been in trouble," she said.

Defense attorney Randy Fry and Stroud said she had no excuses for violating the judge's instructions. "There's nothing I can do to take back what I've done," Stroud said.

Attorney Rollie Harper, representing Martin, said his client didn't realize she was doing anything wrong. "I do now," Martin said. "I feel absolutely remorseful. I did not mean to hurt anybody."



***OJMA Information for you ...***  
***In response to frequently asked questions:***

**How long should our court keep juror questionnaires?**

Rule 26 does not give a specific time frame. OJMA recommends keeping them for a minimum of one year.



**Do You Require Identification?**

OJMA recommends that the court checks the official identification of jurors as they report in. By doing so, you can avoid the confusion of having family members with the same name.

For more information on Ohio courts and jury management, review the results of the 2010 Court Survey on our website [www.ohiojury.org](http://www.ohiojury.org).

We had 137 courts that responded.

***Thank you to all who participated!***

**Darke County Common Pleas Court**

Judge Jonathan Hein

Stephanie Blier, Court Administrator

[commonpleas@co.darke.oh.us](mailto:commonpleas@co.darke.oh.us)

**Location: Greenville**

**Jurisdiction: 51,814 people**

**Number of Jury Trials in 2010: 4 criminal jury trials  
1 civil trial**

**Number of Jurors Called: 1125 (three courts)**

Darke County Common Pleas Court is a single-judge court with criminal, civil, and domestic relations jurisdiction. The court has one appointed part-time magistrate who primarily hears domestic relations cases.

The voter registration list is the source of jurors and we use Jury View software. A jury poll is conducted three times a year with the goal of drawing 350 petit jurors and 25 grand jurors for each of the three terms.

Judge Hein allows petit jurors to take notes during the trial and he permits them to submit questions after the attorneys have finished their inquiry. The questions are collected by the bailiff and the Judge and attorneys review the questions to see if they are appropriate. If so, the Judge asks the questions to the witness.

Our Court also emphasizes the value in demonstrative evidence. Studies indicate that 70% of the population learn and retain information better when visual images accompany witness testimony. Use of document cameras, computerized images and video recordings are encouraged. The Courtroom is equipped with a projector and screen which project these sources onto a 7' by 7' image in front of the jury.

Exit surveys consistently indicate that jurors favorably rate the note-taking, questioning and projection technologies. They feel more involved in the process and do not become bored or confused.

During deliberations, meals and beverages are provided and whenever a trial goes into a third day, the jurors receive additional "favors" such as fruit, donuts and juices to provide a little extra pampering. The jury room is sound-proofed and isolated and there are private rest-rooms for each gender.

Judge Hein has presided over one capital murder case and that occurred in 2004. The jury was handled in essentially the same manner as any other case except that the Court was prepared to sequester the jury overnight during its deliberations. The jury worked late into the night to reach its verdict and in the end, they only required an escort to their cars.

**OJMA MEMBERSHIP APPLICATION**  
**Membership from January 1, 2011– December 31, 2011**

Is this a renewal of current membership? \_\_\_\_\_ New Member? \_\_\_\_\_

Did any one refer you? Name \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

County: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**MEMBERSHIP DUES:**

Active Member: \$50.00

An Active Member shall be a person and shall be entitled to one vote.

Organizational Member: \$125.00

An Organizational Member shall be an organization, either a public or private entity, and shall have no vote. (Three people may be listed as members associated with an Organizational Membership.

Each should include a completed membership form, including contact information.)

**I would like to show my support for the work of OJMA in promoting and enhancing jury service through excellent jury management in Ohio. Enclosed is my tax-deductible donation to OJMA:**

\$10     \$20     \$30     \$50\*

**\*A \$50 donation entitles you to become a non-voting, Associate Member of the Ohio Jury Management Association. Thank you for your generous support!**

Membership fees and application to be submitted to: Ohio Jury Management Association  
1700 Lake Shore Drive  
Columbus, OH 43204

**Make checks payable to Ohio Jury Management Association and write "OJMA Dues" on memo line.**

I hereby agree to abide by the articles of incorporation, code of regulations, bylaws, and rules of this corporation.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

If you have any questions, contact Vicky Unger, OJMA Director, at 614-487-4475 or [vunger@osbf.net](mailto:vunger@osbf.net)

**2011 OJMA Award Nomination Form**

The Ohio Jury Management Association (OJMA) Trustees created this annual award to recognize the efforts and accomplishments of individuals and/or organizations who have contributed in an exemplary way to the mission of OJMA to promote and enhance jury service in Ohio.

This award will be presented at the annual OJMA meeting. Anyone may nominate a person or organization for this award .

The following criteria will be used by the selection committee for choosing the award recipient.

Nominated individuals or organizations should meet one or more of these criteria, and persons making the nominations should clearly show how the person or organization has met one or more of these criteria.

Current trustees of the Ohio Jury Management Association are not eligible to be nominated.

1. Any person or organization whose actions have had a significantly positive effect upon jury service, the jury management profession, justice system, and/or community.
2. The nominee has been a dynamic advocate for jurors and jury programs. The nominee has exhibited an extraordinary commitment to improving the jury system in his/her court and/or for the State of Ohio.
3. The nominee serves as a role model for others in addressing the needs of individuals summoned for jury service.
4. The nominee has provided outstanding support to OJMA.
5. The nominee has contributed significantly to the development of policies, procedures, laws, and/or rules that have had a positive impact upon the jury system in Ohio.

**Nominee:** Name: \_\_\_\_\_

Associated with (Court or Organization): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_

**Nominator:** Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_

1. Identify by number which criteria apply to the nominee: \_\_\_\_\_
2. Please attach a 1- 2 page letter that includes detailed information supporting the nomination of the individual or organization. Please indicate how the person or organization has met one or more of the criteria. A brief biographical sketch, resume or organizational history should accompany the letter.

**Return completed form to:**  
**Ohio Jury Management Association**  
**1700 Lake Shore Drive**  
**Columbus, OH 43204**

**Deadline: March 15, 2011**