

1999

JURY DUTY FOR MAD DOG

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The year was 1999. The year was going well.

Then, the letter inviting me to become a juror arrived. Actually, it was more than a invitation; it was a summons. It stated the place and time to be present, and included a poorly drawn map as to where to park and where to be when.

As I had never served on a jury before, I was looking forward to the opportunity to serve my country. While I had served in uniform for 28 years, I felt this was another opportunity, in a different fashion, to serve again.

I arrived earlier than prescribed — as is my habit.

A uniformed guard directed me to a large auditorium. There were a lot more seats in that room than a “normal” auditorium would be permitted to have under the law governing occupancy. In the front of the auditorium were two desks — one on the right and one on the left. There were no signs to indicate the purpose of those desks.

I sat in a seat nearest the aisle, about half way to the back of the room, based upon my assumptions that:

- ❶ Sitting in this area would be for quite awhile.
- ❷ During this time, I would have to visit the men’s room at least once.

The seats were very small both in width and depth. Shortly after I arrived, a very large man arrived and had to pry his girth into the seat.

I noted that, throughout the auditorium, thin people were temporarily comfortable, but large, heavy-set people were uncomfortable immediately. I’d estimate that if you weighed less than 150 pounds, the seats were acceptable (but not comfortable). However, if one weighed more than that, the seats were designed to be uncomfortable.

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Finally, after about the two longest of hours of my life, I — along with 24 other people — was called. We were directed to go to a room where we met an escort. The escort took us to a courtroom.

Then we were each given a number. I was Juror 25. As only 12 jurors were needed, I could only guess that the judge expected a lot of challenges.

Then we sat where the spectators would normally be seated.

Now, the female prosecutor entered. Spreading folders and papers upon a desk to the left of the judge but facing the jury box, she seemed like she had been here before. She was articulate, well poised and self-assured.

Soon a Hispanic man entered, followed by a female dressed in a well-tailored suit. Obviously, she was the defense attorney. Her suit, her satchel, and her mannerisms depicted someone who was used to being in charge. Whatever her outfit cost, it was hundreds of dollars more than the prosecutor's clothes.

The Hispanic man sat in the seat she pointed to. Immediately, I could tell he was uncomfortable in the ill-fitting suit he was wearing. The whiteness at the edge of his haircut revealed that it had been recently cut. My guess, based on the way he ran his hands in his hair, was that his hair had not long before been much longer — probably well below his shoulders.

The judge entered, and we stood.

The judge stated, "Take your seats," which we did.

Then he called Juror 1.

The prosecutor asked a series of questions:

- ❶ "Do you know me, or the defense attorney, or the defendant?"
- ❷ "Do you know any law enforcement officers?"
- ❸ "Are you opposed to the death penalty?"
- ❹ "Have you created any preconceived notions as to the guilt or innocence of the defendant?"

After receiving what appeared to be satisfactory answers, she told the judge she had no objections to this juror.

The defense attorney rose. Her first question was, "Will you be able to keep an open mind when you find that the defendant's nickname is '*Mad Dog*'?"

"Yes," was the response. The juror was accepted.

(Now I knew that the defendant was probably not a deacon in the local church.)

Juror 2 was called. The prosecutor asked the same four questions. The defense attorney asked, "Will you be able to keep an open mind when you find that the defendant was taking drugs at the time of the shooting?"

"Yes," was the response. The juror was accepted.

(Now I knew that there had been a shooting. Since the Hispanic was here, I could surmise that the other person was shot. Oh, and drugs were involved.)

Juror 3 was called. She was dismissed because her brother was a cop.

Juror 4 was called. The prosecutor asked the same four questions. The defense attorney asked, "Will you be able to keep an open mind when you find that the defendant was drinking heavily before he killed the victim?"

"Yes," was the response. The juror was accepted.

(Now I knew that the victim had not survived the altercation.)

Juror 5 was called. He was dismissed because he was a retired cop from another state.

Juror 6 was called. The prosecutor asked the same four questions. The defense attorney asked, "Will you be able to keep an open mind when you find that the defendant and the victim had quarreled at the bar the night before the shooting?"

"Yes," was the response. The juror was accepted.

(Now I knew that the killing had taken place in a bar and that the accused not only knew the victim but had quarreled with him the night before the shooting.)

Juror 7 was called. She was dismissed because she was a single mother raising four kids, and didn't believe she could pay attention during a lengthy trial.

Juror 8 was called. She was dismissed because she did not believe in the death penalty.

Juror 9 was called. He was dismissed because he believed the Bible prohibited judging anyone.

Juror 10 was called. The prosecutor asked the same four questions. The defense attorney asked, "Will you be able to keep an open mind when you find that the defendant threatened to kill the victim during the argument the night before the shooting?"

"Yes," was the response. The juror was accepted.

(Now I knew that the defendant could reasonably expect trouble when he entered the bar.)

Juror 11 was called. She was dismissed because she had been the victim of an armed assault.

Juror 12 was called. The prosecutor asked the same four questions. The defense attorney asked, "Will you be able to keep an open mind when you find that the defendant was carrying a concealed weapon at the time of the shooting?"

"Yes," was the response. The juror was accepted.

(Now I knew that the defendant had armed himself before returning to the scene of the previous night's argument at the bar.)

Juror 13 was called. He said that he believed that anyone who took another's life should be "fried." As he was about to go into what could only be described as a "religious diatribe against those who sinned against God," the judge ordered him from the room.

Juror 14 was called. The prosecutor asked the same four questions. The defense attorney asked, "Will you be able to keep an open mind when you find that the defendant was carrying a concealed sawed-off shotgun?"

"Yes," was the response. The juror was accepted.

(Now, I'm pretty open-minded, but I think carrying a sawed-off shotgun stretches the definition of a "concealed weapon.")

Juror 15 was called. She was so nervous that she had to ask that the prosecutor repeat questions the prosecutor had asked 14 times before. While her responses (in paragraph forms, rather than a simple "yes" or "no") were most entertaining, the prospective juror did not answer any of the questions. I mean, how long would it take you to answer the question, "Do you know me, or the defense attorney, or the defendant?" This potential juror seemed really relieved when she was dismissed. (I'll bet the judge was too.)

Juror 16 was called. The prosecutor asked the same four questions again. The defense attorney asked, "Will you be able to keep an open mind when you find that the defendant has a history of violent offenses?"

"Yes," was the response. The juror was accepted.

Jurors 17 through 20 were dismissed because of relationships with police, fire, or other law enforcement people.

Juror 21 was called. The prosecutor asked the same four questions. The defense attorney asked, "Will you be able to keep an open mind when you find that the defendant is an illegal alien?"

"Yes," was the response. The juror was accepted.

Juror 22 was called. The prosecutor asked the same four questions. The defense attorney asked, "Will you be able to keep an open mind when you find that the defendant fled the scene after the shooting?"

"Yes," was the response. The juror was accepted.

Juror 23 was called. The prosecutor asked the same four questions. The defense attorney asked, "Will you be able to keep an open mind when you find that the defendant fired at the police before surrendering and only stopped firing when he ran out of shells?"

"Yes," was the response. The juror was accepted.

Juror 24 was called. The prosecutor asked the same four questions. The defense attorney asked, "Will you be able to keep an open mind when you find that the victim was unarmed?"

"Yes," was the response. The juror was accepted.

Well, there you have it. Twelve jurors called and seated.

The judge said, "Juror Number 25 (that was me), we will not be needing your services. You are dismissed."

I left. I guess I was supposed to go back into the jury pool for the remainder of the day, but I was not motivated to go back into the "cattle pens" and subjected to that process again.

On the drive home, I couldn't help thinking how really dumb those jurors must have been. *If* they had taken notes — which none of them had done — they would have reached the same conclusions I had reached. *Before* the trial even began, I knew that:

- ❶ Mad Dog and the victim had argued violently the night before.
- ❷ Mad Dog had armed himself with a sawed-off shotgun before reaching the bar.
- ❸ Mad Dog had concealed the shotgun and drank several drinks while patiently waiting for the victim.
- ❹ Mad Dog had shot, at very close range, an unarmed man who had no opportunity to defend himself.
- ❺ Mad Dog had fled the scene.

- ⑥ Mad Dog had fired at police sent to capture him.
- ⑦ Mad Dog had mixed cocaine and alcohol which is a well-known lethal combination.
- ⑧ Mad Dog had gained an appeal for some unknown reason. This shooting had not occurred recently; but it had happened several years ago.
- ⑨ Mad Dog is not the kind of guy you hope your daughter brings home while announcing, "Guess what? We're engaged!"

Mark Twain said, "*We have a criminal jury system which is superior to any in the world, and its efficiency is only marred by the difficulty of finding twelve men every day who don't know anything and can't read.*"

I was not selected to be a part of "12 people too stupid to get out of jury duty, yet bright enough to determine the guilt or innocence of the accused."
I sure would not want those jurors judging me.
I've not been called for juror duty since that time.
I'm no longer as eager "to serve and to protect" on a jury.

What I once perceived as an honor has been revealed to be a waste of time and this valuable human flesh.