My dog ate my jury duty



I am writing this article as a bit of therapy. I will not include dates or details of the trial at hand, because they are not within the scope of this article. This is about my embarrassment as a potential juror. Hopefully this will assist you in the future.

I was called to jury duty, but was unfamiliar with the process. I was upset about the way the summons was issued because I was not even informed that I was in a period when I could be called. I will say that the court staff was extremely kind and understanding. That settled me quite a bit.

As potential jurors were dismissed, I eventually wound up in the jury pool. I had several problems. I provide health care assistance for another person and their family. I do not have transportation. Yes, in this day and age, I can afford neither a vehicle nor the insurance to cover it. Much less the gas.

I was offered a hotel room and was okay with that. As a reporter I was not sure if I reported on this particular case, but I found out I did not. So that was okay. I had to arrange for a care taker for my friend, however. The judge was kind enough to grant a short recess to arrange for a possible replacement. The transportation to get to the court house (about 35 miles away) was borrowed. I had to return it because it was used to transport my friend. Yet, if selected, I would not have that opportunity. One thing after another conspired

against me.

As I was speaking—with the bailiff watching—I realized that I had no place to keep my dog. This fact was insurmountable. My dog would only stay with one other person for any length of time with comfort. That person was out of my life.

I believe that the bailiff saw the stress was just too much for me and informed the judge who eventually excused me.

You might be thinking *Good job. You got out of jury duty.* I see web sites with braggarts about their ducking their Constitutional responsibility.

You might also find it curious to find that I wanted jury duty. You see, I am a veteran. Over 17-years of my life was spent protecting and defending the very right to trial by a jury of my peers. To defend a person against unconstitutional incarceration—To prevent a person from being railroaded into jail—would be the epitome of my service in the Navy. Of course if guilty, getting a criminal off of the streets would also be important to me.

I am the guy Janet Napalitano warned you about. I am a veteran with a copy of the Constitution (usually) who knows how to use it. As Thomas Jefferson wrote to Thomas Paine in 1789:

> *I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."*

You may not be able to pick up a gun and kill an enemy. You may not be able to spend days on end under the sea. Not everyone can bring themselves to go into battle. Jury duty, however, is one area in which you can serve your country and preserve the Constitution without having to duck.

WHY IS TRIAL BY JURY IMPORTANT?

Imagine you come home from the graveyard shift. You are tired and you feel it is all right to leave the windows of your car open because you have another job to go to tomorrow and the summer days heat up quick. You hope that the interior of your car might just be cooler in the morning. You crawl off to bed for a restful night sleep.

At about 5 a.m., you are wakened by an incessant knocking at your door. You open it to find two police officers at your door. They inform you that there was a robbery and the alleged firearm was found in your backseat.

Who would you want as a juror? Someone who wants to serve? Or someone who is there simply because they could not come up with the right excuse?

At this point I would encourage you to find the movie Twelve Angry Men and watch it. Or read the play. [1] It is not only an entertaining film, but watch it for the lesson of what might transpire in the jury deliberation room.

Benjamin Franklin is oft quoted as writing: [2]

> *That it is better 100 guilty Persons should escape than that one innocent Person should suffer, is a Maxim that has been long and generally approved.*

The "Maxim" was derived from an earlier quote by Voltaire:

> *that 'tis much more Prudence to acquit two Persons, tho' actually guilty, than to pass Sentence of Condemnation on one that is virtuous and innocent.*

In *Commentaries on the Laws of England* 9th ed., book 4, chapter 27, p. 358 (1783, reprinted 1978), Sir William Blackstone wrote:

> *"For the law holds, that it is better that ten guilty persons*

> *escape, than that one innocent suffer."*

Whatever "X" factor you wish to choose, the point is that trial by a jury of your peers has been guaranteed as a right since the Magna Carta of 2015; over 800-years ago.

So you would let a rapist or murderer go free? you might ask. I would not like to, no. Nor would I want to send a man to death row for thirty-years for murders he did not commit. If the prosecution cannot prove guilt beyond a reasonable doubt, you have to vote not guilty.

During the term of someone claiming to be governor of Arizona, the State created a guilty until proven innocent law. That law was used on Harold Fish [3] who was found guilty of defending his life. The law was reversed and grandfathered to his case. He was exonerated at a re-trial. The appellate court reversed the decision because:

> *In July 2009, the Arizona Court of Appeals reversed Fish's conviction because the* ***trial judge failed to give necessary jury instructions****, and because the judge improperly excluded evidence of Kuenzli's past acts of violence which Fish attempted to present to support his claim that Kuenzli was the aggressor.[4]*

Now do you see the importance of your place on a jury? More importantly, do you see why it is important for you to understand your authority as a juror? Even though Arizona passed a guilty until proven innocent provision, you know that is unconstitutional. It flies in the very face of the basis of our justice system. You can vote to acquit. That includes courts at the local and, so-called, federal level. It only takes one.

In the case of Harold Fish, I would have been that one.

MY PROBLEMS WITH THE JURY PROCESS

I do have problems with the jury process as it is practiced today. The Supreme Court has decided that it is not required that the courts instruct you on the power you actually have. Thus you will probably have to research the jury duty process for yourself.

During my research I found the Fully Informed Jury Association site. There is a lot of good information including a PDF on how to survive the Voir Dire process. The Voir Dire process is the process in which defense and prosecuting attorneys can eliminate potential jurors. Saying the least is the best.

The prosecutor in this case asked if our family or friends would call me a "conspiracy theorists." Did anyone believe, for example, that we did not land on the moon. I raised my hand and the prosecutor asked if I really believed we did not land on the moon. I explained that I had seen the evidence and it was not conclusive. To set the record straight, I believe we landed on the moon because I neither have the time or inclination to examine the evidence.

My "conspiracy theories" are more along the lines of the erosion of our Constitution and Bill of Rights. The fact that windmills are more dangerous than good to our environment and wildlife. The fact that global warming has nothing to do with anthropomorphic C02, but simply the natural wobble of the earth on its axis. United Nations treaties targeted at destroying our Constitution and sovereignty as a nation. Things I can prove. Or disprove.

I have a problem with the courts not following the Seventh Amendment [5] which reads:

> *In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.*

It does not say, *…where the value in controversy shall exceed twenty dollars to be increased 6% per annum allowing for cost overrides and etc. ad nauseum, the right of trial by jury shall be preserved.* It says *twenty dollars*. Admittedly you are probably not very bright if you are demanding a jury trial for a parking ticket. After all you are likely in line for a warning or maybe a fine of less than $100. If you persist, you may wind up with much more. Especially since you will upset the people that had to be pulled in for jury duty.

The point is that if you demand a jury trial, you are due one. Especially in the case of the employees you hire called the government are trying to take your property that might be well over $20. It should be twelve of your peers.

I was concerned about a jury of less than eight of my peers. I have found evidence in my studies, however, that there were juries of less than twelve in the past. If there is the possibility of you spending more than a year in prison or a hefty fine that you obviously cannot afford (and, thus, have to make it up in prison), you need a jury of twelve of your peers.

PLAN AHEAD

So my advice is that if you are ever summoned for jury duty, plan ahead. Plan on being picked. In fact, call the clerk and tell them you want to be in the first venire or panel. Remember that if you serve, you will not be required to serve again for a certain number of years. In Arizona it’s two. Otherwise they can keep summoning you.

In my case, I did not understand that—if chosen—I would have to stay there for the duration. Or find away to travel the 70 miles back and forth each day. For the courts part, they offered me a hotel room which I immediately accepted. I thought that I would be able to take the borrowed car home. I found out that I would not. Next time I will see if a person

is going to, or can take me to, the city of the court in question and pick me up if I do not get selected.

As for my friend, there are free services to caretakers—even if you are not a family member. In other words, if I need a vacation or, say, need to do jury duty, the county would have provided a free substitute for the duration. I did not realize this until after I was excused.

As for my dog, I have a problem. There is only one person that he would stay overnight with comfortably and that person is no longer in my life. It would be a stress on him to stay overnight with anyone else, much less three days (four including the day for jury selection). I would, however, arrange to have him stay with the closest person I know and he will have to suffer through. Have a trusted friend collect your mail daily and feed your cat or fish.

If you get summoned, just plan on getting selected. Especially if you are trying hard enough. Arrange for transportation if needed. Call the court and see if a taxi service is available. In my rural area this might not be an option.

Call the county or local offices and see if services are available to help you serve on jury duty. Aid in transportation or taking care of sick relatives. If you might be late for a bill payment, call the creditor or utility company and explain that you might be late because of jury duty.

Make your employer aware of your summons right away so that he can arrange to have that time frame covered. Employers are not required to pay for the time you spend at jury duty in most states, but they cannot fire you. It will be less stress on your employer if you arrange for a cover just in case.

The point is that you should want to serve on a jury. A Grand Jury might be a little more of a problem, but it is an important part of our jury process. In fact the Grand Jury has

to pass the case onto trial. You might be able to stop a politically motivated case from even going to trial.

My day with Luca Zanna

Here is my interview conducted by Luca Zanna of Love, Guns and Freedom on KTOX radio. I am in the second hour.

