

DIARY OF A JUROR

By Christine B.

When the notice to serve at Jury Duty arrived in the mail, Cherie was ecstatic. She had always wanted to serve on a jury, but her life had insistently come up with reasons why it was not the right time. Finally, Cherie's life had changed. Her children were grown and on their own, she worked for the county and they paid full wages to employees serving, and she was divorced. Cherie had run out of excuses at last.

Cherie arrived at the courthouse early. She was soon joined by over one hundred other registered voters who received the same jury duty notice. Cherie's excitement dropped several notches when she realized that her chances of serving were then about twelve in a hundred. With waning hope she filled out the required paperwork and was ushered into the spectator section of the court room. The other potential jurors trickled in after her, filling the seating area to capacity.

Once all the potential jurors were seated the prosecuting attorney and the defending attorney arrived and took their places at the tables at the front of the courtroom. Neither attorney looked as old as Cherie's youngest daughter. Armed only with \$300.00 suits, overflowing briefcases, and not much of anything else, including experience, the young lawyers were prepared to do judicial battle.

As the bailiff brought in the defendant, Cherie noticed a young man standing near the judge's podium staring out the window that faced Main Street. He was tall and slim with dark wavy hair and dressed in jeans and a tee shirt. She hadn't noticed him standing there when she first entered the room, although she was sure she had looked in that direction several times after she sat down. As she observed him, a rush of sadness washed over her. The young man didn't seem disturbed by all the talking and movement that was surrounding him. He continued to look morosely out the window oblivious to his surroundings. After the defendant was seated the young man at the window finally turned and looked directly at the nineteen year old defendant seated next to his lawyer. The man at the window smiled slightly and then shook his head. The lady who was seated next to Cherie said something to her, but Cherie was so engrossed by the young man at the window that she didn't hear what the woman said. As Cherie continued to watch, the young man turned his expression from the defendant and looked directly at her. As he did this, Cherie instantly knew that his name was Josh Winters. Josh smiled and stared at Cherie for several seconds before the lady next to her pulled on the sleeve of her blouse.

"Are you all right?" she asked with more annoyance in her tone than concern.

"Oh, excuse me. What did you say?" Cherie didn't want to take her gaze away from the young man, but finally did and looked at the woman.

"I just asked you if you had ever served on a jury before,." she said with a definite edge.

"I'm sorry. I didn't hear you. My mind was wandering I guess. No, this is my first time." Cherie replied, attempting to sound cheerful.

"I've been here several times, but never made it to the jury box. I hope they call me this time." The woman forgave Cherie for ignoring her and offered Cherie her right hand. "I'm Sue Dolunce."

Cherie smiled and accepted the woman's outstretched hand. "Cherie Banks. I'd love to be called, as well. I've always wanted to do this."

"Me too . . ." Sue went on to tell Cherie how many times she had been called and sent home without serving. While the woman offered Cherie this information Cherie slowly turned her attention back to the window. The young man was no longer standing there. Cherie thought it strange that she hadn't seen Josh move away from the window, but returned her attention to Sue's story, attempting to look interested in what she was saying.

Minutes later the bailiff asked everyone to stand while the honorable Judge Wesley Bryant took his position at the bench. Role was called. Cherie soon forgot about the young man at the window and became enthralled in the tedious process of jury selection. The bailiff read the sixteen counts against the defendant, James Jefferies. With each count more potential jurors shook their heads in disbelief. The county was basically rural with seventy percent of its land allocated as National Forest. Cherie wondered how it was possible that this young defendant could have perpetrated so many crimes in such a sleepy community, one of them being murder, and six others attempted murder. Drive-by shootings were more of a normal occurrence in the larger cities, like Sacramento--not in the small foothill towns of the Sierras.

After the charges were read the judge welcomed the jurors to his courtroom. He thanked everyone for taking the time from their busy lives to respond to the summons to serve, (as if anyone had a real choice in the matter.) Judge Bryant then asked the clerk to call the names of the first twelve people for the jury. Each potential juror called responded by taking a seat in the jury box that the bailiff directed he/she to. Sue Doulance was called in the first round. Cherie thought her new acquaintance had finally made it to permanent status until the defending lawyer asked if anyone had any friends or relatives who were Police Officers or Sheriff's Deputies. Sue's hand rose. She told the court that her neighbor was a Deputy Sheriff for the county. Minutes later she was released from service. Looking depressed, Sue patted Cherie on her shoulder and wished her luck as she made her way out of the courtroom..

For the remainder of the day jurors were called, questioned and released from service based on the prosecutor and defendant lawyer's requirements. Two prospective jurors were honest enough to retort that anyone with that many charges against him had to be guilty of something. They were almost immediately excused, which was probably their intent. When there were only four seats remaining for two last jurors and two alternates, Cherie finally heard her name called. She took a seat inside the jury box and answered the questions asked of her. To her amazement, she was chosen as a member of the jury. Two more names were called. After these new jurors were questioned the jury selection process was complete.

At 4:00 p.m. the Judge released all the potential jurors who had not been called and adjourned the proceeding until the next day at 8:30 a.m.

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Cherie was exhausted by the time she arrived home. She made herself a frozen dinner, and then relaxed in front of the television set. She hoped that the shows she watched would take her mind off what she experienced in the courtroom. Her plan did not succeed, however. At nine twenty-five she drifted into a light sleep in her recliner. She began dreaming almost immediately. In her dream she was at a party with people she didn't recognize. The party was held mainly outside. Cherie watched herself wander around the grounds of a large home. The laughter she heard seemed too loud and the voices of the party participants overlapped each other to the point of aggravation. She observed several young people swimming in the pool, which was situated at the front of the home. She thought the pool's location odd, but didn't waste much time thinking about it. Although she had a plastic glass in her hand she seemed to be the only person there who was sober. No one talked to her as she roamed the yard. As she moved past the pool Cherie noticed that there were several young men having a heated discussion near a few trees several hundred feet from the house. At one point, a gun dropped out of one of the man's jackets. When he bent over to pick it up he looked Cherie directly in the eye, but did nothing else to acknowledge her existence. Cherie recognized the man with the gun. He was the defendant, James Jefferies.

There was a building, which had several windows at its front and rear. It stood several hundred feet away from the house, close to the driveway near the front of the property. Cherie felt drawn to the building. She could hear music playing and saw many young men in the building through the windows. The closer she moved to the building, however, the more frightened she became. When she opened the door she could see a pool table and several young men playing pool. No one noticed her arrival. She moved to a corner of the room and watched as the young man at the pool table made an extraordinary shot. His back had been to Cherie when she entered the building so she couldn't see his face. After completing the shot the man cheered and turned to face Cherie. She dropped her glass when she recognized Josh Winters. No one in the building looked at her, even after her glass fell to the ground, except for Josh. He was the only person at the party who seemed to notice she was there. He smiled broadly at her, and then turned to make his next shot on the pool table.

Minutes later shots rang out. Several of the windows in the front of the building shattered. The young men in the building hit the floor and began screaming. It seemed to Cherie as if the shots went on for several minutes, instead of a few seconds. Smoke filled the building. The young men on the floor were cursing and crawling to move away from the windows and the broken glass that surrounded them. Although Cherie's point of reference was inside the building, she could also see the man on the street that was firing the shots into the building in her mind. It was the same man who was on trail for the murder. Cherie could also see the driver of the car and a younger man in the back seat of the car, whom she did not recognize. As the smoke cleared, Cherie looked around for Josh. She found him near her feet, moaning and covered in blood.

"I'm hit," Josh said weakly. No one seemed to hear him at first. Again he said with a slightly stronger voice, "I'm hit!"

The men on the floor slowly stood up and made their way to where Josh was lying. "Oh shit!" one of the young men shouted. "Josh's shot. Someone call 911 for Christ sake!"

Several men surrounded Josh. One man pulled out a cell phone and began dialing. Another man went up to him and stopped him.

"Hold on a minute, Ralph. Let's not go off half cocked here." Although Cherie had never seen the man before she knew his name was Jim Oberon.

"He's bleeding like a pig, Jim. Call the damn ambulance!" The young man closest to Josh seemed more concerned than the rest of the group. He held his hand over the wound in Josh's chest, but blood seeped out between his fingers within seconds.

"Yeah, and you know what happens when we call 911? The cops come too. I don't know about you, Tommy boy, but I've got a warrant out for my arrest. There are a couple of us here who have the same problem, including our boy Josh." Jim moved closer to the man bleeding on the floor and asked, "Josh, can you hear me, man? What do you want us to do?"

Josh was barely conscious, but was able to grasp the gravity of the situation. "Call 911. Then you guys take off. I'll give them a phony name or something. Call the damn cops." Josh coughed weakly several times.

Without waiting to hear what Jim had to say, the man with the phone dialed 911. "Yeah, we're at 3535 Campton Road. There's been a shooting and someone's been shot. Please send an ambulance right away."

"Okay, I'm outta here." Jim stood up and made his way to the door. "Harry, you coming?"

"Yeah, man, I'm right behind you."

Four men left the building before Ralph hung up from his emergency call. Cherie felt helpless. She felt a warm tear fall from her eye and roll slowly down her face. Josh looked up at her and smiled. He then closed his eyes and went unconscious.

Cherie could hear the men around Josh talking and attempting to bring Josh back to consciousness, to no avail. When she heard the sound of an ambulance in the distance she woke up and sat up in her chair. She was awake but could still hear the sound of an ambulance. The sound drifted off as the ambulance moved further away from her house.

Cherie shut off the television and sat in her recliner for a few minutes before heading for the bathroom to get ready for bed. The dream had been so vivid that she remembered every detail of it. She thought of writing it all down, but decided against it. Even if she had somehow been mentally transported to the real party where Josh was shot, no one would believe her. She had experienced that problem many times before when she told family members or her friends about her dreams. Nothing she ever said would convince them that what she saw in a dream would really happen. Cherie pushed the recliner back to its upright position and realized what was so

different about this dream. Usually when she dreamed, she saw things that would happen in the future. This was the first dream she had ever had that recorded events that had happened in the past. Unnerved by her revelation, Cherie stood up and made her way to her bathroom. She felt the need for a shower to clear her head. It sounded like a good idea, but she knew it wouldn't help.

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The trial began the following day. The jurors were ushered into the courtroom after everyone else had arrived. The judge gave the new jurors brief instructions, the lawyers gave their opening statements and by nine o'clock the first witness was called.

Cherie took copious notes of everything she heard and senesced while listening to the first witness' testimony. The witness was a deputy sheriff that had been called to the home where the shooting had occurred two years pervious. A video tape was presented that displayed the crime scene, the expelled bullet casings and their location in the road at the front of the house, and the inside of the building where Josh and his friends were playing pool. Cherie was shocked as she watched the tape and saw everything almost exactly as she had seen it in her dream.

The next witness was someone Cherie recognized as soon as he walked into the courtroom. It was Jim Oberon, the man who had left the party after Josh was shot. The man in the witness chair did not look over at the jury the entire time he was on the stand. In a queer way, Cherie was thankful for that. She was sure Jim would recognize her as being at the party, even though she knew it was only from her own dream. After he finished this testimony, Cherie watched Jim Oberon leave the witness chair and walk down the main isle of the courtroom toward the door. As he walked through the middle of the spectator's seating section Cherie noticed Josh Winters standing behind a middle aged couple seated there. The young man was the only person standing. Again, Josh turned toward Cherie and then smiled.

The prosecutor called the next witness. The doors to the courtroom opened again and another man walked up to the witness chair. Cherie focused her attention on the witness as he was sworn in by the clerk. She recognized him as one of the men Cherie had seen in her dream. After the man was seated, however, Cherie glanced back into the visitor's section. Josh had disappeared again, just as he had the day before. Cherie wrote Josh's name several times on her tablet. During the remainder of the witness' testimony, Cherie looked back into the spectator's section of the courtroom several times. Josh did not return for the remainder of the day.

Several times during the first day of the trail the jurors were asked to leave the courtroom. Each time they left, the judge reminded them that they were not permitted to talk about anything related to the trail while out of the courtroom. Cherie was frustrated that she was not allowed to ask any of the other jurors if they had noticed Josh in the courtroom, but she obeyed the judge's instructions. During their banishment the jurors talked about the weather, the traffic on the street outside the jury room, and anything else that did not pertain to the trail. Although the frequent breaks from the courtroom were frustrating, the people on the jury became friendly with each other and a bond began to form between them. At 4:45 the judge announced that court was adjourned until the following morning at 8:30 a.m.

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The next day in the courtroom Cherie and the other jurors heard more Prosecution witnesses describe almost exactly what Cherie had seen in her dream. Two of the people who testified had been subpoenaed. They answered only what they had to and used only “yes” or “no” answers when they could get away with it. Their testimony supported the Prosecution’s case that James was angry with the people at the party because they had asked him to leave. Several witnesses testified to the fact that James had beat up one of their friends a couple weeks before the party, and that he wasn’t welcomed there.

After the lunch break, the Defense presented its witnesses. Since several of the defendant’s family members and acquaintances testifying also had criminal records, it was difficult for Cherie to believe anything any one of them had to say. Every witness’ testimony confirmed that everyone at the party was drunk, including Josh and James Jefferies. One of the witnesses testified to the fact that the gun James had the night of the party was actually a plastic toy gun. His testimony angered Cherie. Not only because she knew better, but also because the young man actually thought that the jury would believe his testimony. The Defense attorney also attempted to shift suspicion from James onto his friend, Ernie Sheffield, the man who had been driving. Cherie determined this to be another attempt to put reasonable doubt in the minds of the jury.

When the judge adjourned the trial for the day, he promised that the jury would be sent to the jury room for deliberation by the end of the week.

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The next day began with the jury being left in the jury room for two hours after they arrived in order for the Judge and the attorneys to discuss testimony that they did not wish the jurors to hear. Although frustrated, the jurors passed the time by talking to each other, reading courtroom jokes the bailiff had brought them, and generally becoming more closely acquainted. Cherie was outgoing and friendly with everyone and was chosen as the person to read the book of courtroom jokes out loud. Her sense of humor was appreciated by the other members of the jury. There had also been an incident when the jurors were asked to leave the courtroom while the judge conferred with the attorneys in his chambers. Cherie boldly requested that the jury be allowed to stay seated since the judge and attorneys would be gone. After the judge granted her requested and left the courtroom with the attorneys, the other jurors cheered her. It had been one of those days when the jurors had left the courtroom several times and they had been aggravated with the process. This also ingratiated Cherie to the other members of the jury, and when it was finally time for the jury to retire to the jury room for deliberations, the members of the jury voted Cherie as Foreman.

The following morning closing statements were presented. Cherie was amazed by how unprofessional the lawyers seemed. Their statements were not memorized and some of the things they said made no sense. “We are a product of our own TV fantasy world,” Cherie thought. On TV the lawyers were always self assured and said the right things. It was obvious

that the Prosecutor and the Defense Attorney didn't have any help from Hollywood when writing and presenting their remarks.

After the final closing statements were given, Judge Bryant addressed the jurors, gave them final instructions and then sent them to the jury room to deliberate. Nervous because of her inexperience, Cherie reread aloud all the charges against the defendant. Along with the charges, there was extensive legal "Mumbo Jumbo" detailing what each charge meant. After reading it all, Cherie poled the other jurors asking if anyone believed that the defendant purposely intended to kill anyone. Everyone agreed that the six attempted murder charges for the men who were in the building should be answered by "Not Guilty."

Discussions began for the other charges. There were two charges regarding the death of Josh Winters, one being murder in the first degree, and the other manslaughter. A polling of the jurors showed that the murder charge should be answered by "Not Guilty", but the manslaughter charge needed further discussion. Several members of the jury expressed that they were not sure that the defendant was the person who shot into the building. Cherie bit her tongue, and did not mention that she knew for a fact, because of her dream, that James Jefferies was the man who shot into the building. Instead, she told everyone why the testimony made her believe Jefferies was guilty. Others on the jury, who agreed with Cherie, also added their opinions. Two jurors changed their minds.

Cherie made another attempt to persuade the last two hold outs on the jury of James's guilt. "Okay, let's discuss the fact that the young man who was in the back seat of the car with James when he shot into the building has not been found to testify. This man is James's cousin, Marty. Marty's family has testified that he is 16, and that no one knows where he is. Yet his family did not seem too concerned that they did not know the whereabouts of their son, nor did they mention filing a missing persons report with the police. Don't you think the young man's family would be a bit more concerned if they really didn't know where he was? All of the testimony we heard implied that James and his cousin were close. If James's cousin had any information that would clear James, do you think he would have left town before testifying on his cousin's behalf? But, on the other hand, if he knew that James did shoot into the building, wouldn't he be more likely to take off to avoid testifying under subpoena for the prosecution?"

"You're right. I didn't think of that." One of the hold out jurors said.

"I didn't either," The lady sitting next to Cherie was the last hold out. "That makes a lot of sense. Not only that, but in the Defense Attorney's summation he even admitted that he wasn't sure if Ernie was the person who shot into the building. If he wanted us to believe that James didn't do it and that Ernie did, you would think he wouldn't have said that."

"I noticed that too," piped up another juror. "That's one of the reasons I feel James is guilty of the shooting."

Cherie asked, "Well, should we take another vote on James being guilty of manslaughter?"

The vote was taken, and this time everyone agreed that James Jefferies was guilty. The other charges were obvious guilty verdicts after that was decided; discharging a weapon, discharging a

weapon from a vehicle, shooting into a building, etc. Cherie carefully noted the jury's verdicts on each of the charge documents, dated them and signed her name as the Foreman of the jury. Once everything was checked and double checked, Cherie called the bailiff and told him that the jury had completed their process. It had taken the jurors only three hours to review everything and to decide on the verdicts, but it took the lawyers another hour to get back into the courtroom. While the jury waited to be brought back, Cherie thanked everyone for their participation. There had been no heated arguments, and no need for Cherie to tell anyone about her dream. She was grateful for that. But before leaving everyone she could not help but ask one question, "Did anyone see anything unusual in the courtroom during the trial?"

"Like what?" one of the men asked.

"Well, did anyone notice anyone standing in the spectator section the first day?" Cherie was afraid of losing credibility at that point, but she just needed to know if she was the only one who saw Josh Winters standing behind his parents.

The room was silent for several seconds. "I saw him." Marie Carpenter said in almost a whisper.

"You saw who?" the juror who sat next to Marie asked.

Cherie smiled at Marie. She was relieved that she had not been the only person to have seen Josh.

"I saw him too." This time it was one of the men who volunteered the information, Kent Mason.

Cherie was shocked. "You did?"

"Yeah, I did, but I didn't want to say anything to anyone. I saw him the first day too—he was standing by the window." The man's face grew beet red with embarrassment.

"What the heck are you all talking about?" Tom, the professional landscaper asked.

Cherie hesitated, and then answered his question. "What we saw was the truth in that courtroom. It wasn't the prosecutor's truth, or the defendant's truth—it was Josh Winter's truth."

The man who confessed his vision agreed, "Yep, that's exactly what we saw." Kent smiled broadly at Cherie and then at Marie.

Seconds later the bailiff opened the door and escorted the jury back into the courtroom. The verdicts were read by the clerk. James Jefferies was taken away to jail amid sobs from his family. The Judge thanked the jury, and they were released.

As Cherie was picking up some belongings she had left in the jury room, Kent came up to her and whispered in her ear. "You saw him too, didn't you?"

Cherie looked up at him and smiled. She had been attracted to the man throughout the trial, but was too shy to have said anything. “Yes, I saw him—in the courtroom and by the window, and in a dream I had the first night of the trial.”

Kent stepped back a few paces. “Oh my! We really must be on the same wave length, or something. I’ll share my dream if you’ll share yours. How about over dinner tonight?”

Cherie smiled and her cheeks glowed with delight. “That sounds like a wonderful idea.”

“Good. Where would you like to go?” Kent took her by the arm and guided her to the elevator.

“I’ll let you decide,” she said smiling. As they stepped into the elevator and turned Cherie saw Josh standing near the courtroom door. He was smiling and he tipped his head to her right before the elevator doors shut. Cherie smiled again, knowing why Josh was smiling. “You do me a favor and I’ll do one for you.” She thought. Kent was talking about where they might go for dinner. She looked up at him and said to herself, “Thanks, Josh.”