

Allen Ouzts

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Jury Pool

I had only read about these things in John Grisham novels. *The Firm, The Rainmaker, Runaway Jury*. As I sat in the court room, I wondered if this day would be as riveting as one of those tales. There were about ninety people filing into the pews of the courtroom, all from different walks of life. Some were like me; working professionals, button down shirts and khakis accented with watches, phones, and corporate badges. Others, at least to me, struck me as retirees, gray-haired men and women in polos, shorts, and orthopedic shoes. There were a few young women who struck me as homemakers or soccer moms; I had no evidence, just a hunch. Yet another clique seemed to be less affluent; they wore t-shirts and jeans, along with a few body piercings and tattoos.

A young man came in with an older gentleman, both clean cut and in suits. They situated themselves in a table ahead of us to the left. The defendant and his lawyer? On the other side, a smartly dressed young woman set her brief case and folders on the table before her. Perhaps the prosecutor?

The bailiff asked everyone to stand, and the judge came in and made himself at home at the bench. He introduced himself as Judge Post, and proceeded to discuss the basics of jury duty and the justice system.

The Prosecutor took the floor and introduced herself as District Attorney Jennifer Kuiper. She proceeded to tell us about this case, a sensitive one about a young lady who was raped. Ms. Kuiper cautioned, in an age of crime drama television, potential jurors have an unusually high expectation for forensic data. In this case, she conceded, while the victim had a compelling and believable testimony, there was a lack of physical evidence. In the grip of shame and fear, she didn't immediately seek help.

Counselor Kuiper continued to speak on behalf of the alleged victim, "This young woman has so much courage to come forward and face the defendant." Touching her sternum with her hands in a gesture of empathy, "When you hear her story, directly from her, you will-as I do-feel that her story is true."

Hearing her remarks, I felt she believed the alleged victim. Ms. Kuiper's demeanor seemed genuine and sincere. This young victim definitely had an advocate in her corner.

The defense lawyer presented himself to the jury pool. He was a contrast to the Prosecutor; stern, assertive, and meant business. The defense contended the lack of evidence was damning; a man's freedom hung in the balance. He also alluded to other facts about the case, but aimed to tamp them down.

The defender alluded to the jury pool, "You will see in the Prosecution's evidence a videotaped confession. However, the defendant has recanted this admission as it was

coerced from him.” With even more conviction, he continued, “This interrogation happened over several grueling hours. Under those conditions, statements-or even confessions-are all too often not reliable. This young man was tired and scared, and wanted it to be over. You will find these circumstances, and a clear lack of physical evidence, as clear and reasonable doubt.”

The defense provided an effective counter-punch. Not having seen the confession or the victim’s testimony personally, I had no frame of reference. Not *Matlock* drama, but effective.

We were dismissed for lunch. Ready for a stretch and some fresh air, I walked to Dee Lite’s Bar and Grill. It’s a nice little fifties diner, where I could get a good iced tea, club, and fries. Nice and quiet; time to read my book. Looking around, I was surprised to see Judge Post eating at a table with a colleague. I wondered; what do judges talk about over lunch? Do they talk shop or sports?

Following Lunch, Judge Post filled the jury box with twelve jurors and two alternates. He then explained how selection process would work; the defense and prosecution had a limited number of *challenge for cause* and *peremptory challenges*. During the course of an interview process, each side could excuse jurors. *Challenge for cause* would be a dismissal for a stated reason (i.e., the juror knows a witness). *Peremptory challenges* could be requested with no stated reason (demographic, intuition, etc).

Justice Post concluded with a final comment, "If you are dismissed, do not feel there is something wrong with you or you did something wrong. These lawyers are simply trying to select the most objective jury for their case."

I remained on the sideline through six hours of questions, answers, and dismissals. The line of questioning was interesting; some were center-field, some left-field.

"What do you do for an occupation?"

"Have you or someone you know been a victim of rape?"

"What's your favorite television show?"

"Have you ever been in trouble with the law? Did you feel treated fairly?"

"Do you have children and/or grandchildren?"

"Is anyone in your family in law enforcement?"

Another dismissal. Then I heard, "Juror seventy-nine." That's me.

I took my place in the juror's box and the prosecution questioned, "Hi Allen. How do you say your last name?"

"Ūts."

"I wouldn't have guessed that by the spelling." She says with a friendly smile.

"What do you do for an occupation?"

"I'm a mechanical engineer at a company in Zeeland, ODL. We make residential building products."

"I see. Well, thank you for taking time away from your job to help us today. Have you ever known anyone who has been the victim of rape?"

"No."

"What's your favorite television show?"

"*Phineas and Ferb.*"

"OK," with a chuckle.

"Do you think you could be impartial in this case?"

"I'd have to see the evidence and testimony. But yes, I think I can."

"Thank you."

Ms. Kuiper returned to her desk and the defense attorney stepped center stage.

He began his line of questioning.

"Phineas and Ferb? My kids love that show too." He said with the first smile I'd seen from him.

"Yeah, my sons are like clones of them." I laughed.

"Do you think you could convict a man based on one woman's testimony? With no physical evidence?"

"It would depend on the testimony and circumstances. How credible they are."

"What about confessions? Do you believe someone would confess to something they didn't do?"

"It depends. Even if an interrogation is not intended as aggressive, it could be perceived that way?"

"How so?"

"If the defendant is tired and scared, he might cave under duress."

"Duress?"

"Yes. I don't think I would, but I have not been in that situation."

"Thanks. That's all."

As he walked back to his desk, the prosecutor compared notes on her legal pad with her assistant. After a moment, she stood, "Your honor, the prosecution wishes to *exercise peremptory challenge* for juror seventy-nine."

"*Peremptory challenge* granted." Judge Post consented, "Juror seventy-nine, you are dismissed. Thank you for your time."

As I stepped down the steps of the Grand Haven courthouse, I was conflicted about being turned away. Part of me was squeamish about the nature of the trial (a rape), but part of me was enthralled with my first call for civic duty. It was an inside peek at a world I'd only known through fiction. And I didn't even make it out of jury selection.

While I didn't serve on that trial, I did get summoned back for another trial a couple days later. I entered the courthouse again, and proceeded through security. Placing my belt, phone, keys and coins in the tray, the security guard led me through the metal detector. Ironically, I noticed that same young defendant going through the detector beside me. As he went through it beeped and my heart jumped a beat. It startled me to think I was standing alongside an alleged criminal. He lifted the pant leg of his suit, and revealed the ankle tracker that set off the alarm.

After being processed, I entered the elevator for the second floor courtroom. As the doors were closing, a sharply dressed woman entered the elevator-Prosecutor Kuipers.

She gave me a smiling glance as she entered. "No hard feelings, I hope." She said, while continuing to look forward.

"None at all; you've got a job to do." I reassured.

"You seem like nice enough guy. Just in our job, engineers tend to be problematic for prosecutors. We've had more than one hung jury from an engineer who gets hung up on not having every detail."

"No worries. Good luck with your case."

"Thanks."

I was selected for the next trial, but *Drug House Jury Room Deliberation* is a story to itself. For me, the experience was an opportunity to experience the judicial system first hand. What strikes me more in retrospect is the quaintness and intimacy of our community. West Michigan is not so big and urban that you won't bump into the people you read about in the local paper.