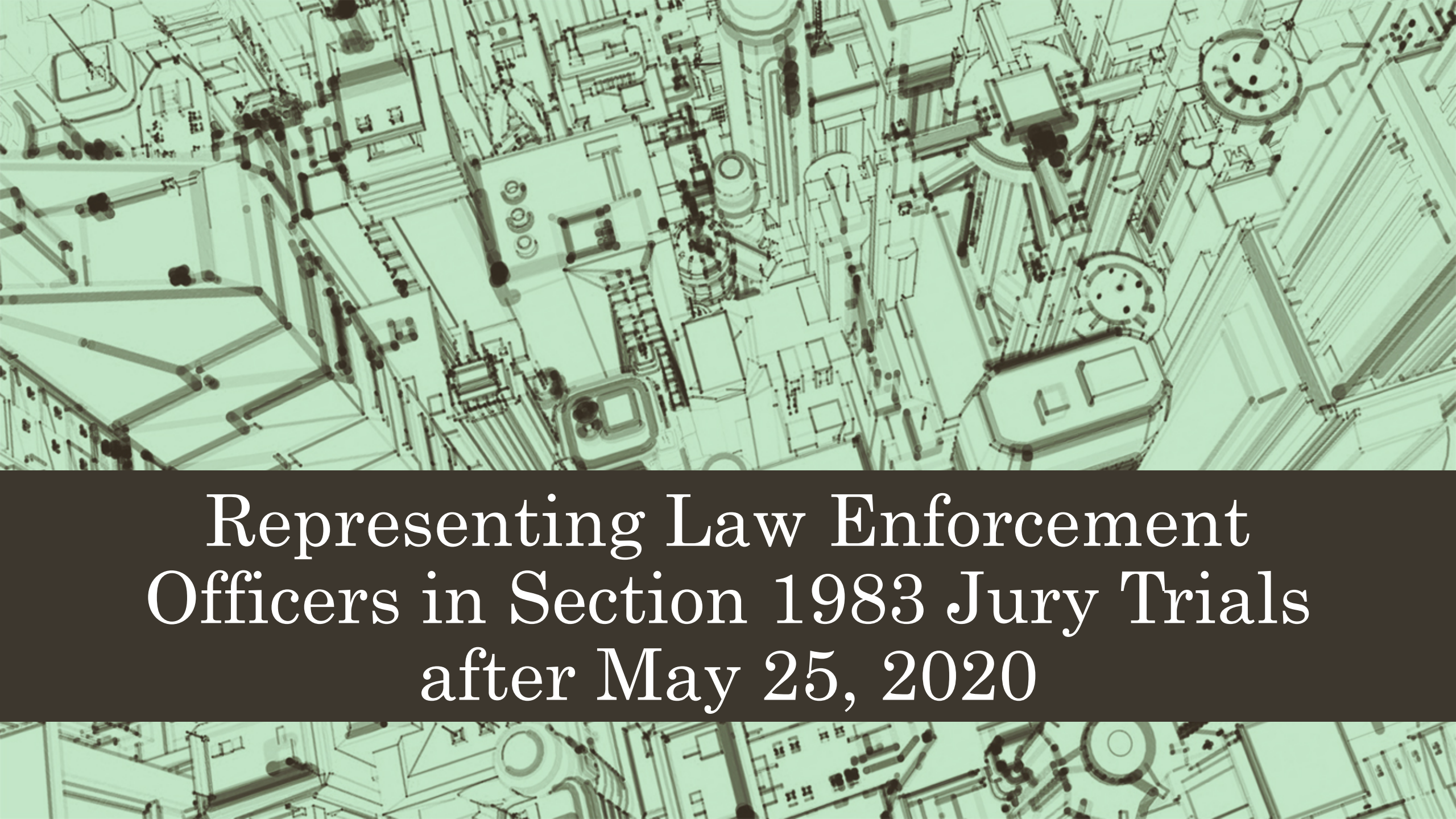


Representing Law Enforcement Officers in Section 1983 Jury Trials after May 25, 2020

May 25, 2020 – Death of George Floyd

- On May 25, 2020, Minneapolis police officers arrested George Floyd, a 46-year-old black man, after a convenience store employee called 911 and told the police that Mr. Floyd had bought cigarettes with a counterfeit $20 bill. Seventeen minutes after the first squad car arrived at the scene, Mr. Floyd was unconscious and pinned beneath three police officers, showing no signs of life.
- The day after Mr. Floyd's death, the Police Department fired all four of the officers involved in the episode.
- On May 29, the Hennepin County attorney, Mike Freeman, announced third-degree murder and second-degree manslaughter charges against Derek Chauvin, the officer seen most clearly in witness videos pinning Mr. Floyd to the ground. Mr. Chauvin, who is white, kept his knee on Mr. Floyd's neck for approximately eight minutes.
- On June 3, Hennepin County prosecutors added a more serious second-degree murder charge against Mr. Chauvin and also charged each of the three other former officers — Thomas Lane, J. Alexander Kueng and Tou Thao — with aiding and abetting second-degree murder.

May 25, 2020 – Death of George Floyd

- On March 12, 2021, the City of Minneapolis agreed to pay 27 million to settle the Floyd family's civil lawsuit.
- On April 20, 2021, Derek Chauvin was found guilty of second-degree unintentional murder, third-degree murder, and second-degree manslaughter for the death of George Floyd.
- On June 25, 2021, Chauvin was sentenced to 22 ½ years in prison.
- The other three officers' state criminal trial has been postponed until March 2022.
- All 4 officers were also indicted on federal civil rights violation charges.

Pre-May 25, 2020

Jackson v. City of DeWitt, Arkansas, et al













Black Lives Matter

From BLM website re the Chauvin verdict: "**This verdict does not change what we know all too well: White supremacy still exists.** An oppressive, racist system *cannot* and *never will* deliver justice for our people. It will never keep us safe. What we saw today was some form of accountability — *not justice*. Justice would mean George Floyd would be here. Justice would mean a system not rooted in white supremacy. It would be the end of state-sanctioned violence. It would be defunded police. It would be investments in our communities."

"Like we've seen time and again, peaceful protesters have been met with tear gas and riot gear from police. The police have done nothing but meet a hurting community with violence."

"The day we will truly achieve justice is the day that no Black person is taken from us at the hands of police."

"There are no accidents in police terror and white supremacy."

"At the exact same time the verdict of Derek Chauvin was being read for murdering George Floyd, police wasted no time in senselessly taking another Black child. . . . Ma'Khia Bryant called the police for *help*. Columbus police officer Nicholas Reardon showed up and shot this 16-year-old child point blank within a matter of seconds. **Another Black life stolen with no regard."**

Batson v. Kentucky, 476 U.S. 79 (1986).

Synopsis:

Petitioner, a black man, was convicted in a Kentucky state court, and he appealed. The Kentucky Supreme Court affirmed, and petitioner sought review. The Supreme Court, Justice Powell, held that:

(1) Equal Protection Clause forbids prosecutor from challenging potential jurors solely on account of their race or on the assumption that black jurors as a group will be unable to impartially consider the State's case against a black defendant, and

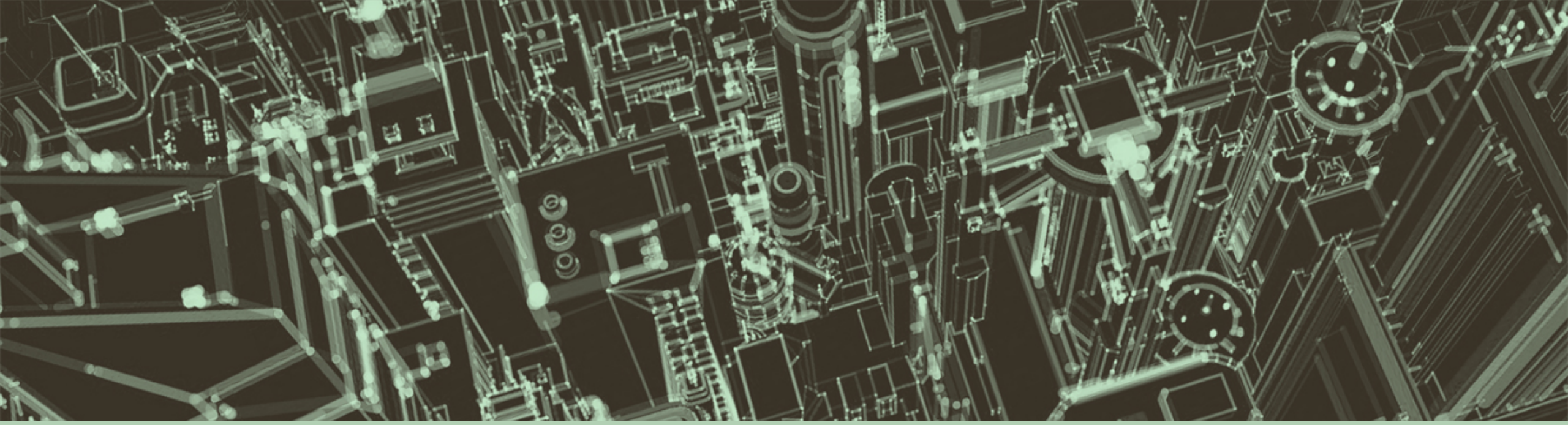
(2) to establish a prima facie case of purposeful discrimination in selection of the petit jury defendant must first
   - show that he is a member of a cognizable racial group,
   - that prosecutor has exercised peremptory challenges to remove from the venire members of the defendant's race, and
   - that the facts and any other relevant circumstances raise an inference that the prosecutor used that practice to exclude the veniremen from the petit jury on account of their race.

- *Powers v. Ohio*, 499 U.S. 400, 111 S. Ct. 1364, 1364, 113 L. Ed. 2d 411 (1991): all parties within a case, defendants especially, may question preemptory challenges during a jury selection, regardless of race.
- *Edmonson v. Leesville Concrete Co.*, 500 U.S. 614, 614, 111 S. Ct. 2077, 2079, 114 L. Ed. 2d 660 (1991): extended Batson to civil cases.
- *J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127, 114 S. Ct. 1419, 1420, 128 L. Ed. 2d 89 (1994): extended Batson on the basis of sex.

Last Name	First Name	City	Age	Sex	Education	Work	Juror B/f?	Lit. History	Kids	Spouse's Work	Interests	Military Service	Sought Employment in Law Enf.	Folks in the Know
Bates	Ronald	Pine Bluff	64	M	GED/HS	mechanic	No		2	homemaker	hunting, fishing, gardening, outdoor activities	No	No	
Belt	Michael Don	Sheridan	59	M	Bach.	construction engineer	Yes	has attorney, been party to a lawsuit, family member party to lawsuit	2	RN	outdoor activities, friends, family, active in community & church	No	No	
Boren	Cassi Yvette	Monticello				Claims Rep for Ins. Comp.								Chief Hubanks: may or may not be related to the late Cecil Boren who was a murder victim of a Cummins prison escapee. His name was Williams and was executed in 2016. Doesn't recognize the other names.
Bowden	Kimberly	Fountain Hill	57	F	GED/HS	self/emp	Yes		2	self/emp sawmill	hunting, fishing, gardening, active in community	no	No	
Brodski	Maurice	Sheridan	57	M	GED/HS	Scale Tech	Yes	lawsuit, family member been party to lawsuit	2	deli worker	family activities, stays current with news	yes	No	
Brown	Kisa	Pine Bluff	38	F	GED/HS	machine operator	No		4	single	family activities, outdoor activities	No	No	
Camp	Sheila	Prattsville	54	F	ssociates Degre	insurance agent	No		4	Auctioneer	family activities	No	No	FB: posts about her kids a lot, maybe lost a child in the military? Looks like she recently lost her own mother, said remember when you could have an opinion without offending someone
Cantrell	Shannon	Redfield	37	F	GED/HS	trust operations	Yes	Has Attorney	2	White Hall PD	family activities, hunting, fishing	No	Yes	FB: husbands a cop; posts about holding up women; posts a lot about kids;
Carter	Blaine	Pine Bluff	19	M	GED/HS	student	No			single	hunting, fishing	No	No	
Courson	Tyler	Star City	23	F	Bach.	P/t sales	No			single	family activities, reading, traveling	No	No	FB: female, vet major: Buzzfeed article share: "B/C I'm black."
Edwards	Heather	Pine Bluff	48	F	GED/HS	project manager	Yes		4	self/emp contractor	family activities, hunting fishing	No	No	FB: has Bible posts; grandkid posts;
Fleming	Steven	Dermott	62	M	post grad	retired teacher/coach	Yes		3	retired teacher	hunting fishing, traveling, church	No	No	Chief Deaton (Monticello): junior high FB coach, retired few years ago, super nice, extremely religious, really sympathetic to young kids who had problems at home, etc., help anyway he could, extremely fair, treated everyone on the team the same, didn't matter race or anything
Freeman	Amber	Altheimer	30	F	GED/HS	employed	No		3	unemployed	family activities, church	No	No	
Green	Lisa	Pine Bluff	49	F	GED/HS	Tyson	No		1	unemployed	reading, church	No	No	
Hall	Catherine	Monticello	46	F	post grad	teacher		has attorney, been party to a lawsuit, family member party to lawsuit	5	separated/divorced	family, church, political party	No	No	Chief (City M): she's a nut, she's the ex-wife of Jim Hall who ran for office and issues with him, her parents own A&M Rental Equipment, big into Pentecostal system, does stupid things and acts strange. Franklin Graham - "1 million moms" - "anti-gay"
Hampton	Riley	Pine Bluff	62	M	GED/HS	service operator	No		4	retired/ Edward Jones	Family, traveling, outdoor activities	yes	No	
Handie	Clarence	Eudora	66	M	GED/HS	Superior Uniform Group	Yes		3	disabled nursing assist	outdoor activities, church, current w news	No	No	Chief (City E): think he would be fair, make uniforms for Wal-Mart and different companies around the country, factory
Harper	Lynda	Sparkman	70	F	GED/HS	retired production wkr	No		2	retired production wkr	family activities, church, hunting, fishing	yes	Yes	
Herring	April	Almyra	36	F	Bach.	college financial aid office	No	family member has been a party to a lawsuit	1	warehouse wkr	family activities, hunting fishing, church	No	No	Chief (City D): is a good person, energetic, go-getter, smart, good head on her shoulders, she'd listen to facts, be fair. Mayor knows.
Holley	Timothy	Rison	49	M	GED/HS	car man	Yes	Been victim of serious crime, someone close victim of serious crime	5	business office mgr	family, hunting, fishing, reading, church	No	No	

Jackson v. Stair

- Tasing case—1st and 3rd tasing found to be objectively reasonable—question at trial was whether the 2nd tasing was objectively reasonable
- Voir Dire Question: Do you believe that police are out of control in this country?
- Several people (on defense side) saw an African-American female venire member roll her eyes.
- Defense moved to strike her.
- Batson challenge—Plaintiff argued it was her long eye lashes
- Judge calls her into the room and tells her the allegation, asks her if rolled her eyes, determined she had positive interactions with police and does not strike her
- Ends up on the jury
- Defense verdict



Corby v. Paragould, et al.

June 8, 2020




J. BOLING



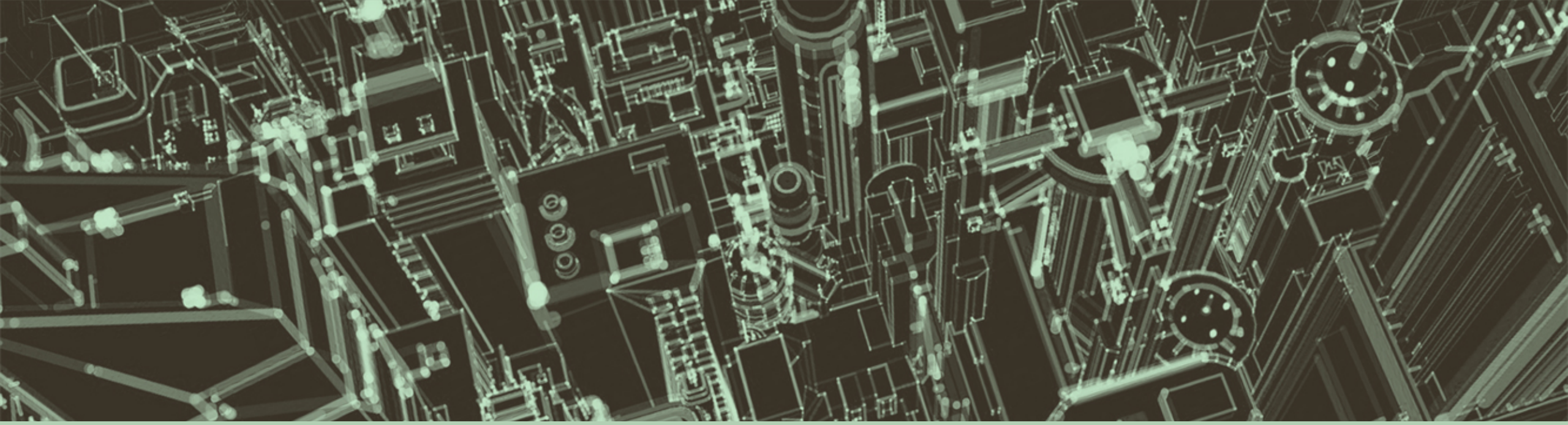


The Elephant in the Room

- ***Idiom*** / figure of speech meaning "a thing avoided, a truth being ignored, an issue not addressed."
- A looming big issue.
- Avoidance techniques / evasion = passive aggressive approach.
- Embarrassment or taboo
- Triggers arguments, changes, confrontation.
- Reveals problems in relationships (no open communication), lack of trust, power issues, problems.







Cole v. Hutchins, et al.

August 9, 2021



Cole v. Hutchins, et al. – The Facts

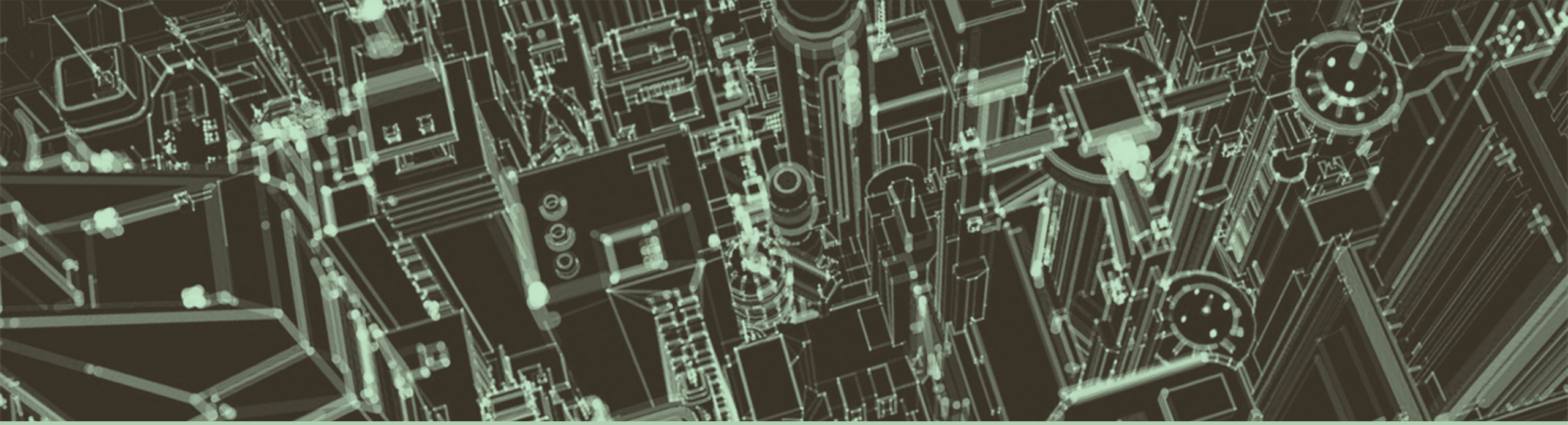
- October 25, 2016: LRPD Officer Dennis Hutchins and another officer, Juston Tyer, were responding to a series of multiple 911 calls about a fight between an intoxicated Roy Lee Richards, Jr., and his uncle, Derrell Underwood, in the early morning hours, at Mr. Underwood's home.
- Richards was black, Hutchins is white.
- Hutchins saw Richards and Underwood fist fighting, break apart, and Richards go to his vehicle. Officer Hutchins's view was from the passenger side of the vehicle.
- Officer Hutchins believed that Richards was going to his vehicle to leave, that the situation was resolved, and announcing his presence or inserting himself would only escalate the situation.
- Richards emerged from the driver's side of his vehicle, with what appeared to be a long gun, and began walking toward Underwood, who turned, and ran toward his front door.
- Hutchins fired five shots at Richards with his secondary patrol weapon, an AR-15 style semiautomatic rifle, striking him twice.
- Richards was on the steps of the home.
- The long gun turned out to be a BB gun.

Cole v. Hutchins, et al. – The Trial

- Plaintiff had a biomechanical expert.
- Defendant had no expert.
- Jury makeup: 8 total, 4 white females, 2 black females, two white males.
- Two sets of deliberations for two verdicts over the course of two days.







Rochell v. Springdale, et al.

September 20, 2021



Rochell v. Ross

Johnnie Rochell





Cody Ross

Rochell v. Ross – Facts

- Feb. 19, 2016
- Det. Ross part of a multi-agency undercover surveillance team.
- He was the "eye," parked with traffic, on public street, in between Rochell's home and his neighbor's home.
- Neither Rochell nor his home were the target of the surveillance operation.
- Rochell arrives home with son; son crosses street to play with neighbor.
- Non-verbal back and forth x 3; Rochell visibly irritated.
- Thought Rochell calling 911; Ross tries to radio to have another officer call dispatch
- Rochell goes inside and retrieves AR-15 and approaches truck; does NOT point it at Ross.
- Ross looks up, Rochell 8-10 feet away with AR, Ross exits vehicle, draws down.
- Ross gives commands to drop gun x 7, warns that he will shoot if Rochell does not comply.
- Rochell disarms himself, places gun on ground, approx. 3 feet from his location.
- Ross gives multiple commands to get on ground; Rochell does not.
- Ross rushes Rochell, pushes him to ground.
- Rochell pushing up on ground trying to look at Ross.
- Ross straddling Rochell on ground, attempting to get hands.
- Ross's duty weapon remains out, in "sul" position with his finger indexed on the Glock.
- Ross cannot re-holster, has no cuffs, does not know if anyone knows that this is occurring, has no method of communication, has no other force options, AR is 3 feet away.
- Sgt. Brashear arrives, has duty weapon drawn, goes to Ross's location, holsters, grabs both of Rochell's hands while Ross retrieves handcuffs, cuffs Rochell.
- Entire encounter lasted approximately 60 seconds.

Rochell v. Ross – Procedural History

- 4/29/2016: Complaint filed; numerous officers and several different events; against Ross—excessive force, false arrest, false imprisonment, Monell claims; Plaintiff is pro se.
- 10/7/2016—7/7/2017: discovery conducted,written discovery exchanged, plaintiff and defendant officer deposed, along with multiple others.
- 1/6/2017: Plaintiff gets attorney.
- 8/2/2017: Summary judgment filed on behalf of all claims as to all defendants.
- 10/25/2017: Court rules on MSJ – all claims dismissed as to all parties except for the excessive force claims against Ross individually, and the false imprisonment claim.
- 11/3/2017: Plaintiff's counsel moves to be relieved; Plaintiff now pro se again
- 11/21/2017—Motion for Reconsideration on false imprisonment claim (Court denied)
- 11/22/2017: appeal to the Eighth Circuit Court of Appeals
- 4/25/2019: 8th Circuit rules that, under Rochell's facts, a 4th amendment violation occurred.
- Concurring opinion re false imprisonment.
- 5/7/2019: Petition for Rehearing (denied)
- 8/26/2019: Petition for Certiorari (denied)
- 5/4/2020: Defendant's Motion for Reconsideration on false imprisonment
- 6/18/2020: Settlement conference
- 1/4/2021: Plaintiff appointed counsel
- 2/25/2021: Court grants Motion for Reconsideration
- Reopening of discovery: experts, FOIAs, depositions, oh my!
- 8/22/2021: Plaintiff's Motion for Reconsideration on false imprisonment (sealing of disorderly charge) (denied)
- 9/20/21: Trial.

The Mock Trial

- The jurors.
- Plaintiff's Opening
- Defendant's Opening
- Rochell's testimony
- Ross's testimony
- Deliberations & Verdict

Pre-Trial Motions

- Covid Motion
- Motions in Limine
  - Plaintiff's Motions
    - Plaintiff's Criminal History
    - Plaintiff's Pro se / IFP Status
    - Golden Rule re Taxpayer Harm & Police Recruitment
    - Defendant's Military History & Good Character Evidence
    - Exclude Expert
  - Defendant's Motion
    - All the things.

Covid Motion

- Wanted to limit pool to only vaccinated individuals and for the pool to come from area that had heavier vaccination rates.
- Plaintiff most likely not vaccinated

  Question: Did he have any jobs in between the hospital and Lifestyles?

  Answer: No.

  Question: Okay. And why is it that he left?

  Answer: Because it was -- they were going to make him get a vaccine, and he doesn't want a vaccine.

- Defendant not vaccinated.
- Majority of witnesses not vaccinated.
- Federal Jury Selection & Service Act

Plaintiff's Motions in Limine

- Plaintiff's Criminal History
- Plaintiff's Pro se / IFP Status
- Golden Rule re Taxpayer Harm & Police Recruitment
- Exclude Expert
- Defendant's Military History & Good Character Evidence

Defendant's Motion in Limine

- State of policing, specific incidents on news
- Mistaken arrest for felon in possession of a firearm, ACIC "mix-up," subsequent booking for being a felon in possession of a firearm
- Actions did not warrant being charged/convicted of disorderly conduct
- Inadmissible character evidence from personnel file and prior/subsequent uses of force
- BOLOs
- Email between Judge's law clerk and Ms. Adams regarding Rochell having warrants
- City's policies and procedures
- Lay witness testimony about specific medical conditions
- Testimony of Kalin Rochell
- Officers who responded to FOIA requests to authenticate documents (which we agreed to stipulate to)
- Testimony of supervisor who had no personal knowledge of events
- Testimony of City Attorney for prosecuting disorderly conduct
- Testimony of Officer Motsinger (previously a Defendant for another incident involving Rochell) who had no personal knowledge of events
- Settlement negotiations
- Financial coverage from Arkansas Municipal League
- Golden Rule Arguments

The Pool

"Competence to serve as a juror ultimately depends on an assessment of individual qualifications and ability impartially to consider evidence presented at a trial."

Batson v. Kentucky, 476 U.S. 79, 87 (1986) (citing*Thiel v. Southern Pacific Co.*, 328 U.S. 217, 223-224 (1946)).

HONORABLE TIMOTHY L. BROOKS
DATE TO REPORT: 9/20/2021

VENIRE LIST
NORTHWEST DIVISION

Printed on 9/14/21 @ 8:42 am

THE FOLLOWING JURORS HAVE BEEN NOTIFIED TO REPORT

	Name	Occupation / *(Spouse Occupation)*	Age	Marital Status[1*]	# of Children	Years in AR
1	**ABREGO, JOANNA** City: ROGERS	COORDINATOR *(SHIPPING AND RECEIVING)*	40	M	3	7
	Comment					
2	**BAGGETT, GREENFIELD MARION** City: SPRINGDALE	JANITOR *(TITLE AGENT)*	45	M	1	13
	Comment					
3	**BAKER, CATHERINE ELLEN** City: SILOAM SPGS	BUS DRIVER *(SELF EMPLOYED FARMER)*	67	M	4	67
	Comment					
4	**BASKETT, JAMES JEFFREY** City: BENTONVILLE	RETAIL *(BANKING)*	52	M	2	9
	Comment					
5	**BATY, REGINA IRENE** City: SPRINGDALE	TEACHER *(UNEMPLOYED)*	47	M	4	47
	Comment					
6	**BOSWELL, SHELLY ANN** City: HARRISON	UNEMPLOYED *(HEAVY EQUIPMENT OPERATOR)*	50	M	0	50
	Comment					
7	**BOTTOMS JR, BILLY RAY** City: HUNTSVILLE	ASSISTANT OPERATIONS MANAGER *(CAFETERIA MANAGER)*	53	M	5	51
	Comment					
8	**CARTER, JOHN RANDOLF** City: ROGERS	FOOD SALES *(PHYSICAL THERAPIST)*	42	M	3	42
	Comment					
9	**CHIODO, MARILEIGH GRACE** City: CENTERTON	PROJECT MANAGER *(SENIOR MANAGER II)*	31	M	0	9
	Comment					
10	**CLEMENCE, SHANNON G** City: GREEN FOREST	TRUCK DRIVER *(QUALITY ENG)*	52	M	2	52
	Comment					
11	**EAST JR, ROBERT CASHION** City: FAYETTEVILLE	SOFTWARE *(TEACHER)*	39	M	2	14
	Comment					
12	**FLETCHER, DANIELLE MARIE** City: GRAVETTE	UNEMPLOYED *(SELF EMPLOYED-CABINET MAKER)*	36	M	3	36
	Comment					
13	**GARCIA CENTENO, MARIA D** City: SPRINGDALE	DEBONE DEPT. TYSON *(CONSTRUCTION)*	35	M	3	20
	Comment					

1* Marital Status: M=Married, S=Single, D=Separated/Divorced, W=Widowed

Voir Dire – The Court

- Basics – do you know the parties, witnesses, anything about the case?
- Ever been a plaintiff or a defendant in a civil case?
- Ever been a defendant in a criminal case in which you were charged with a felony offense?
- Any prior jury service?
- Live in Springdale?
- Any law enforcement connections?
- Anyone ever been detained or arrested or treated in a bad or unprofessional manner by law enforcement?
- Political hot button issues / movements: Black Lives Matter & Blue Lives Matter

Voir Dire – The Plaintiff

- Asking for damages, okay awarding money?
- Excessive force case, black man accusing a police officer.
- Who owns a gun?
- Anyone own an AR-15?
- Anyone ever been threatened with a firearm?
- Strong feelings for or against the police?
- Anyone own a thin blue line flag?
- Anyone ever attended a rally or fundraiser on behalf of police officers?
- Anyone have any thoughts about defunding the police?
- Black lives matter
- Anyone ever had implicit bias training?
- Anyone aware of any stereotypes with respect to black men?
- Do you work with anyone of color?
- Anyone ever feel like someone played the "race card"?
- What does the 4th amendment mean to you?

Voir Dire – The Defendant

- Anyone have any legal training or experience?
- Has anyone ever been a witness in Court?
- Anyone have strong feelings about lawsuits in general?
- Does anyone have any bumper stickers on your vehicle?
- If Plaintiff fails to prove his case, anyone have trouble with the idea of not awarding him any money?

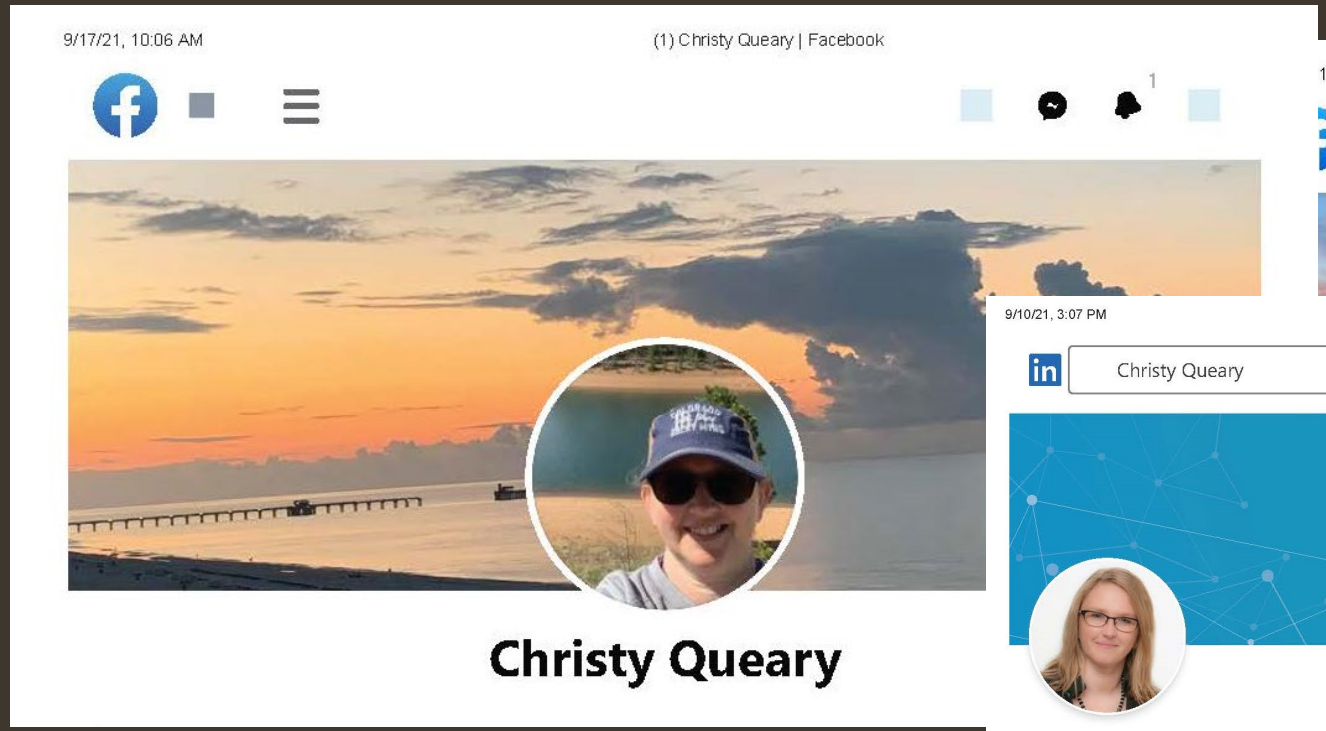
The Jury

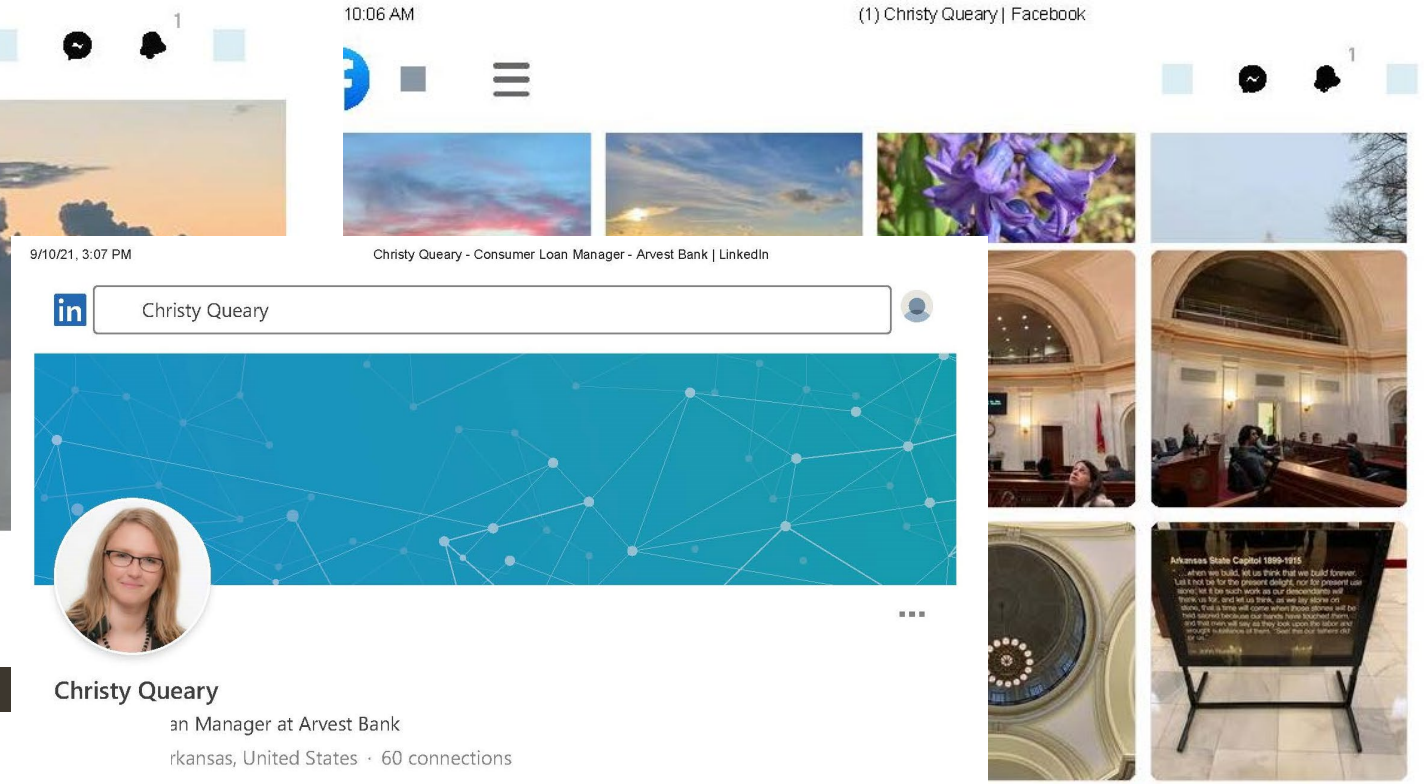
5 26 Christy Lee Queary		6 16 Jenny R. Henderson		7 27 William Kent Raymick		8 14 Agustin Garcia Quiroz	
1 29 Melissa Sue Sample		2 42 David E. Zemlicka		3 40 Julie Rene White		4 3 Catherine Ellen Baker	

CASE NO. 5:16-CV-5093
JOHNNIE ROCHELL JR v. CODY ROSS

Plaintiff Counsel:	Matthew Bender Alicia Canfield Ruby "Katie" Sparrow	Defense Counsel:	Jenna Adams Amanda LaFever
Judge: Timothy L. Brooks		Reporter: Paula Barden	
Clerk: Sheri Craig		Date: September 20, 2021	

Christy Lee Queary – 26





Uncategorized

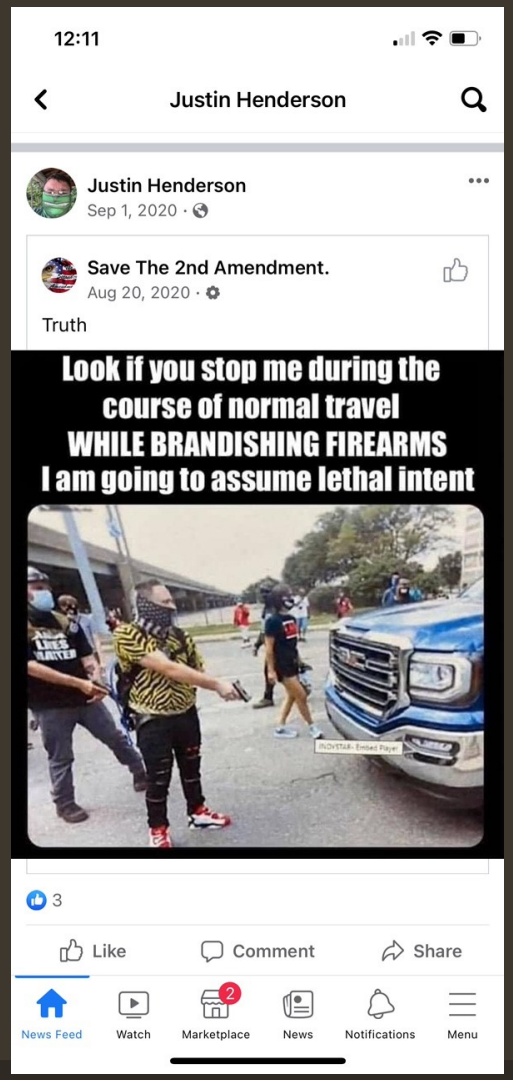
Leadership Class XXV Members Announced

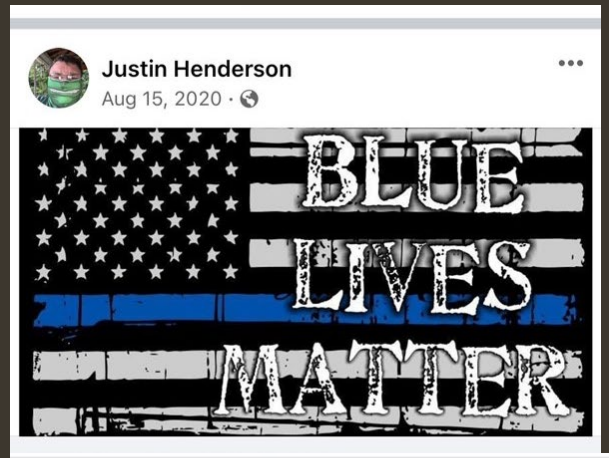
/ AUG 12, 2019

Christy Lee Queary – 26, cont'd

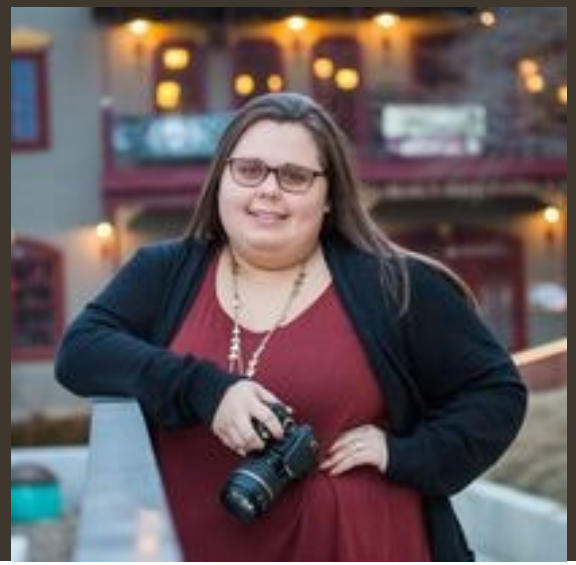
- What we knew going in . . .
  - 48-year-old white female
  - Lifelong Arkansas resident, resides in Lowell
  - Employed as consumer loan sales manager
  - Divorced
  - 4 kids
  - Found her on FB, online articles, court records
- What we learned during voir dire . . .
  - Regarding thin blue line flag: no feelings on it, no flags flying personally.
- What we learned after the fact . . .
  - Police are taught to lie.
  - Wanted to give Plaintiff a house.

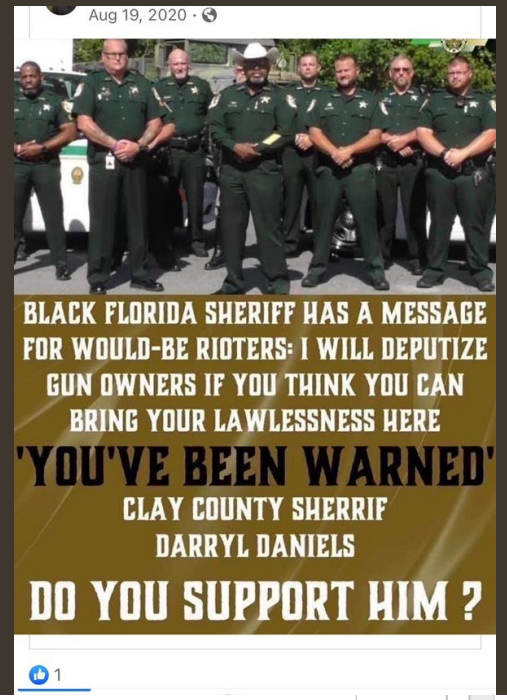
Jenny R. Henderson – 16











A tweny-six year-old Cave Springs man who lives on Shores Avenue in that Bewnton County community was arrested for sexual crimes involving a minor and held in jail over the weekend according to information frrpom the Benton County Sheriff Office.

Justin Lee Henderson, 26, of 799 Shores Avenue, Cave Springs, was arrested



Jenny R. Henderson – 16, cont'd

- What we knew going in . . .
  - 27-year-old white female
  - Has resided in Arkansas for 20 years, lives in Cave Springs
  - She's an associate print service administrator
  - Married, husband is a parts delivery driver.
  - No children.
  - Husband had been accused recently of sexual assault and sexual indecency with a child.
- What we learned during voir dire . . .
  - Any thoughts regarding defunding the police? She's respectful to officers.
- What we learned after the fact . . .
  - She was team defense.

William Kent Raymick – 27

What we knew going in…

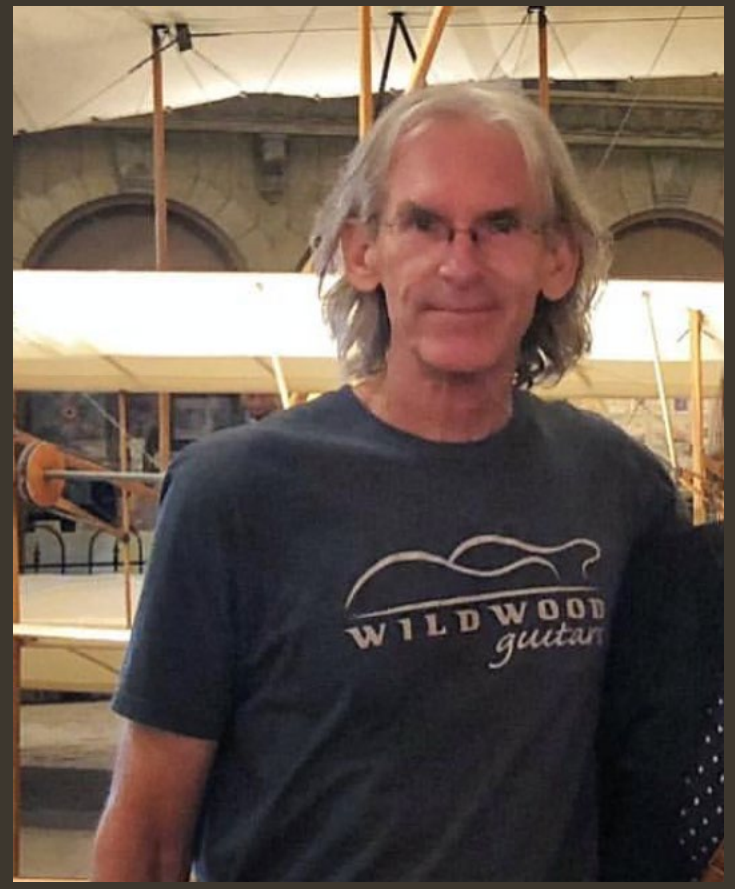
- 67-year-old white male
- Native Arkansan
- Lives in Fayetteville currently
- Retired teacher
- 2 children
- Current spouse was a public-school teacher and counselor
- Divorced in 1997

What we learned during voir dire…

- Educator, Principal
- Worked for 19 years in Pine Bluff, 17 years in Siloam Springs
- Founded the SRO program at Pine Bluff
- Confiscated 6 guns in 4+ years while at Pine Bluff
- Previously threatened with a firearm.
- “Lucky today I didn’t get shot.”
- Provided “extensive testimony” as a witness in juvenile court.
- Only firearm he owns is a shot gun that was over 60 years old, never shot it.

#27 Continued: What we learned after the fact . . .

- Foreperson
- It was skewed 1-7 in favor of Plaintiff.
- When the force became excessive.
- “We’re not experts in police tactics.”
- “You know, we see this sort of thing on TV all the time.”
- Believed EVERY word the Officer said.
- Were NOT impressed with Plaintiff or Plaintiff’s counsel.
- Paid attention regarding the limiting instructions.
- No guideposts re damages, bought a car.
- Per fellow juror, fairly vocal team Plaintiff.



Agustin Garcia Quiroz – 14

- What we knew going in . . .
  - 37-year-old Hispanic male
  - Has lived in Arkansas for 15 years
  - Resides in Rogers
  - Quality control technician
  - Married, spouse is general labor
  - No children
- What we learned during voir dire . . .



- What we learned after the fact . . .
  - Very quiet during deliberations, but team Plaintiff.

Melissa Sue Sample – 29

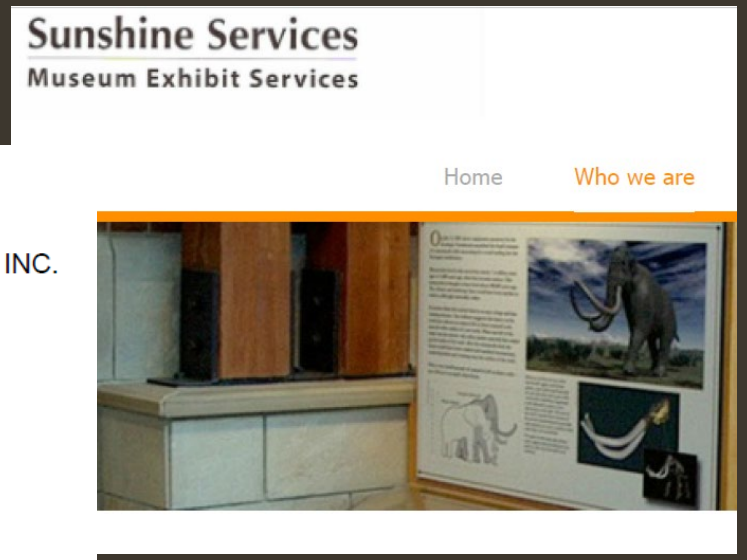
- What we knew going in . . .
  - 55-year-old white female
  - Resided in Arkansas 50 years
  - Lives in Rogers
  - She's a secretary
  - Married to someone self-employed
  - Has 3 children
- What we learned during voir dire . . .



For service of process contact the Secretary of State's office.

Corporation Name	SUNSHINE SERVICES CO., INC.
Fictitious Names	
Filing #	100096486
Filing Type	For Profit Corporation
Filed under Act	Dom Bus Corp; 958 of 1987
Status	Good Standing

- What we learned after the fact . . .
  - Initially team defense, but closer to the fence.



David E. Zemlicka – 42

- What we knew going in…
  - 50-year-old white male
  - Resident of Arkansas for 18 years
  - Resides in Rogers
  - Sales consultant
  - Spouse is substitute teacher (Venezuelan).
  - 3 kids
- What we learned during voir dire…
  - Previously served as a juror in Benton County on a child molestation case; guilty verdict; wasn't the foreperson.
  - What does he think about Blue Lives Matter? That it's pushing back against Black Lives Matter.
  - Has a University of Wisconsin bumper sticker.

#42 Continued: What we learned after the fact . . .

- It was skewed 3-5 in favor of Plaintiff.
- When the force became excessive.
- Ross put himself in the position.
- One of the maybe 4 in the pool who didn't own a firearm.
- "We're not experts in police tactics."
- Zemlicka's guideposts for excessive force: Rodney King & George Floyd.
- Zemlicka's daughter attended a BLM rally in Bentonville.
- Kenosha kid with an AR-15.
- Believed EVERY word the Officer said.
- Was NOT impressed with Plaintiff or Plaintiff's counsel. Like, really unimpressed.
- Paid attention regarding the limiting instructions.
- No guideposts re damages, used other cases.
- Watches a lot of Perry Mason & Matlock.

Julie Rene White – 40

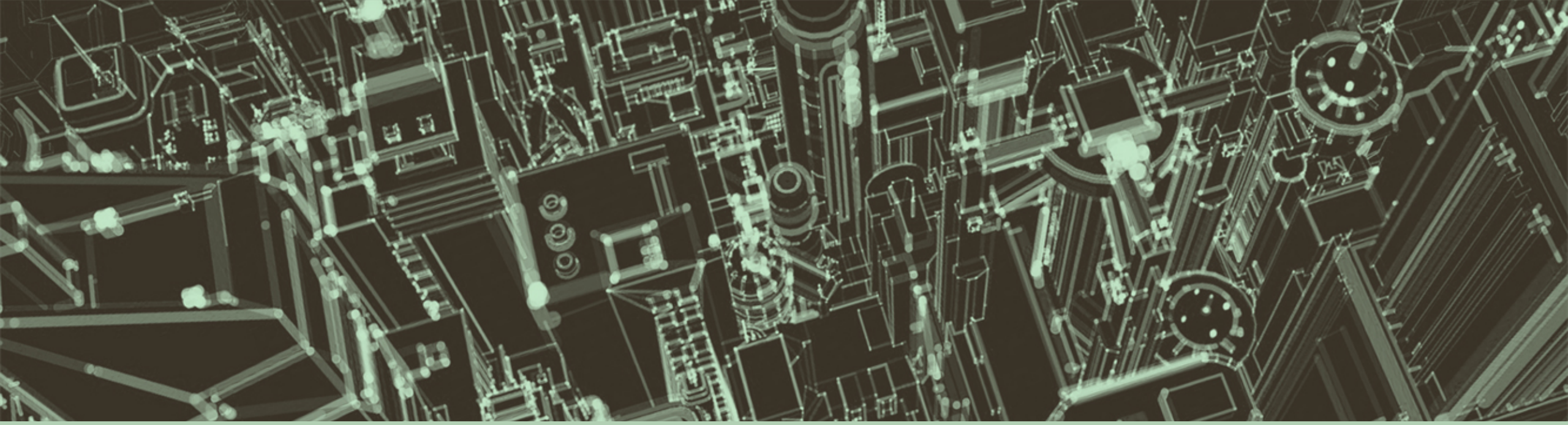
- What we knew going in . . .
  - 53-year-old white female
  - Lived in Arkansas 45 years.
  - Resides in Gentry
  - She's a paraprofessional
  - Married, spouse is employed at a wastewater treatment center
  - 3 kids
- What we learned during voir dire . . .
  - "All lives matter."
  - Previously served as a juror on child molestation case, guilty verdict, not foreperson.
  - Nephew is an attorney at a private firm in Springdale.
- What we learned after the fact . . .
  - Lives out in the country & owns an AR-15.

Catherine Ellen Baker – 3

- What we knew going in . . .
  - 67-year-old white female
  - Life-long Arkansas resident, Siloam Springs
  - Bus driver
  - Married to a farmer
  - 4 kids
- What we learned during voir dire . . .
  - "It's our right to own firearms."
  - Owns a 38 for protection.
- What we learned after the fact . . .
  - She fell asleep during trial.
  - She was team Plaintiff from the get go.

Takeaways

- Try to get the Court to handle the “hard questions” during voir dire, but don’t be afraid to ask them yourself if necessary.
- A well-crafted and specific Motion in Limine can keep it between the ditches.
- Expert witnesses in this day and age are important—too many jurors rely on “what they see on tv” for purposes of police practices
- Utilize other law enforcement officers for a mock.
- Covid sucks for jury selection and watching juror. One of the jurors reported having fallen asleep, never saw it, never noticed.
- Can’t read facial expressions or body language during voir dire.
- Can’t read facial expressions or body language during trial.



Presented by:

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Jenna Adams, Litigation Counsel, Arkansas Municipal League

