

The 15th Juror
A Novel

Steve Jackowski

PREFACE

This is a novel based on an actual jury trial. I've fictionalized the key players, some of the locations, and the jurors and their backgrounds. Most of the case is real, though I've changed the order and types of testimony. Much went on between the attorneys and the judge behind the scenes, and while I now have some insight into that after spending time with the attorneys on the case, I've decided to tell this story from the jurors' perspectives.

I have included actual transcripts from the trial for the attorneys' opening and closing statements. For readability, particularly for eReaders, in the longer sections, I've removed the transcript line and page numbers and I've cleaned up the language, removing ums, ahs, and stutters. And obviously, I've changed the names of all the interested parties in the transcripts to match my characters. These transcripts should give you some idea what the attorneys were like; what the jurors saw every day.

I've also included the transcript of the Judge's instructions to the jury. This is very detailed in its definitions of the counts and how they're to be judged, so you might want to just skim or skip them altogether. I note that the prosecutor does a pretty good job of reiterating the charges in his closing statement.

Since there were originally sixteen jurors (the expected twelve plus four alternates), and because that's a lot of characters to keep track of, here's an introduction (for later reference) as to who they are. I've also included a list of the names of most of the witnesses, the family members, the court staff, and the attorneys.

Jurors:

16th Juror – Mark Mentor, early 60s, retired ex-Silicon Valley startup CEO.

15th Juror – Mathias Wright, Silicon Valley engineer, mid-thirties with 2 children under 5. Wife is Joan.

14th Juror – Jonathan Comstock, retired early 70s, ex-engineer.

13th Juror – Amy Friar, late 60s, retired Child Protective Services (CPS) social worker.

12th Juror – Steve Dietz, engineer in Santa Cruz startup, early-thirties, no kids. Father is a well-known prosecutor.

11th Juror – Brian Hamilton, early 50s, insurance broker, 2 kids in college – leaves mid-trial.

10th Juror – Maria Fugetti, retired physician's assistant, late 60s, 3

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grown children.

9th Juror – Erica Hesse, early 40s, CEO of a rapidly growing high-tech company. Single, no children.

8th Juror – Ben Singleton, mid-30s, state park ranger, 2 kids under 10.

7th Juror – Sue Markovsky, late 40s, unmarried, no children, recent arrival to the area. Political activist.

6th Juror – Andy Harrigan, early 50s, Supervisor, California EPA. One daughter about to graduate from high school, another daughter away at college. Wife is Amy.

5th Juror – Melissa Duplisse, early 70s, retired nurse.

4th Juror – Evan Garcia, mid-40s, Hispanic, film fanatic. Unmarried, no children.

3rd Juror – Linda Lancaster, early 40s, personnel manager in a larger corporation, married, no kids.

2nd Juror – Barbara Hatch, mid-40s, ER nurse, unmarried, no kids.

1st Juror – Laura Miles, late 60s, writer, no children.

Court characters:

Judge James Campbell

Henry Bolt – prosecutor (assistant DA)

Patricia Preston - defense

Heidi Koslovsky – clerk

Miranda Ainsworth – court reporter

Bill Statford – Bailiff

John Hanson – original prosecutor for the Preliminary Hearing

Principals in the case:

Albert Daniel Flores – defendant

Alejandra Rivera – Albert's wife

Sandy Rivera – alleged rape victim

Mandy Rivera – older sister

Armando – Alejandra's son

Sonia Flores – Albert's sister

Carrie – driver

Witnesses:

Sandi Lock – Detective – sexual forensic expert

Sam Davenport – first officer on scene

Carlos Garcia – Bilingual officer on scene

Frank Lopez – Bilingual detective
Richard Finnegan – Lieutenant head of detectives
Bob Aragon – supervisor of SART team
Lieutenant/Sergeant Cardova – interviewed Alejandra at hospital
Deputy Condor – Field training officer (FTO) for the first arrivals on scene
Frank Macdonald – CSI deputy
Bernadette Ramsey Victim advocate called by defense out of order after Macdonald (CSI)
Mary Williams – SART nurse
Amanda Hernandez – SART nurse
Frieda Monroe – forensic expert
Dr. Caroline Marcus – DNA expert (defense)
Denise Farrow – DNA expert (state)
Margery Hampton – Mandy’s teacher
Stephanie Phillips – Child Protective Services

Before diving into my story, I’d like to tell you a bit about the setting. The trial takes place in Santa Cruz, California.

Santa Cruz is a town of about sixty thousand people located on the north end of the Monterey Bay about sixty miles south of San Francisco. The surrounding twenty-nine or so communities in Santa Cruz County bring the total population of the local area to about two-hundred-sixty thousand.

The official primary industry of Santa Cruz is tourism, and on a given summer day, tens of thousands of people leave the heat of the Silicon and Central Valleys of California to visit the beaches of Santa Cruz. Unfortunately, most don’t realize that summer has some of the worst weather of the year with night and morning fog clearing about noon, then rushing in again mid-afternoon with chilling winds chasing sunbathers back to their warmer locales.

The University of California at Santa Cruz (UCSC) is perched above the city in a redwood forest with spectacular views to the south across Monterey Bay, all the way to the Santa Lucia Mountains above Big Sur.

In addition to its over seventeen thousand students, UC Santa Cruz employs over twelve thousand full and part-time people. It brings over a billion dollars of revenue to the Monterey Bay Area.

With its proportionally large population of transient students,

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the University has significant political influence on the city. While Berkeley, California (home to the most famous of the University of California campuses) used to be considered the most liberal city in California, over the last several years, most would agree that Santa Cruz has taken that honor.

Agriculture is another major contributor to Santa Cruz County's economy. While surrounded by the Santa Cruz mountains, which rise to over thirty-five hundred feet, the majority of the flatlands are home to fields of Brussels' sprouts, artichokes, strawberries, lettuce, and countless other crops. This has brought in a huge influx of legal and illegal immigrant labor from Mexico and Central America.

In contrast to these struggling newcomers from the south, to the north, the Silicon Valley is overflowing with high tech companies and their financially successful employees. Tens of thousands have moved to Santa Cruz County, pushing home prices to dizzying levels, as they face the often treacherous commute over sinuous Highway 17 and the eighteen hundred foot summit that separates Santa Cruz from the Silicon Valley.

The area is one of the most beautiful in California and is home to the Monterey Bay Sanctuary, offering protection to sea otters, sea lions, harbor seals, elephant seals, several varieties of dolphins and whales, and countless species of birds.

Recreational opportunities abound with surfing, cycling, hiking in thousands of acres of parkland, wind and kite surfing, kayaking, fishing, swimming, and countless other activities to attract and entertain.

As our story begins, Santa Cruz is being pelted by torrential rains. After a five-year drought with water rationing for over four years, the citizens are glad to have the rain in spite of the flooded roads, landslides, and power outages which have become daily inconveniences in mid-January.

CHAPTER 1

THE JURY

“When you go into court you are putting your fate into the hands of twelve people who weren't smart enough to get out of jury duty.”

- Norm Crosby

Juror 16: Mark, early 60's, retired ex-Silicon Valley startup CEO.

When I received my jury notice, I figured that this time would be like the dozens of others - I call in each day and am told to call the next. At the end of the week, the recording thanks me for my service and says that I have fulfilled my jury duty obligation and would not be called for the next two years.

But this time was different. It started out the same; I called in to see if I had to report the first day and as had happened literally dozens of times before, I was told to call back the next day. Same thing the following day. I was sure that this was going to be a repeat. What was the likelihood that I'd be called in the middle of the week for a DUI trial? Almost everyone I knew who was actually called to appear was impaneled on a three-day DUI trial. Only a couple of people had to serve longer - a week or so on civil suits.

On my next call, I was told to appear on Thursday. The fact that I was supposed to show up at two o'clock near the end of the week should have been my first clue that more was going on here.

After driving around the courthouse for thirty minutes in search of parking, I finally found a spot on Water Street. I walked into the Jury Assembly Room, dripping wet because of the raging storm, with barely ten minutes to spare. I filled out the basic questionnaire and took a seat among well over a hundred people. A few minutes later, a friendly Sheriff's Deputy led us through security and into the courtroom where we struggled to find seats. Judge James Campbell greeted us warmly and encouraged the stragglers (me among them) to sit in the jury box and to fill the six chairs in front of the box.

Once we'd all taken our seats, the judge began. Looking over at us in the jury box, then at the crowded courtroom, he said, "Now that we have filled the jury box and alternate seats, we have our jury, the rest of you can go home."

I looked at the people next to me and saw my own shocked face reflected back at me. Was this a new way to select a jury?

As a few people in the courtroom started to get up to leave,

the judge stated seriously, “Not so fast! I was just joking. I’m sure most all of you have seen how TV thinks this works, and while they don’t have it all correct, you should have a basic idea of how jury selections are done. There are a lot of you here for a reason. This is a very serious case. It may take us several days to finalize our jury. Let me thank you in advance for coming. You’re now part of the most fundamental of our country’s democratic process – right to trial by jury; presumed innocent until proven guilty.”

Over the course of the next twenty to thirty minutes, Judge Campbell explained our responsibilities as jurors and how the process worked. He also made it very clear that no one was getting out of jury duty without a very good reason. Then he dropped the bombshell. This was a five week trial and the defendant was charged with raping his seven year-old daughter.

There were countless audible gasps in the courtroom, followed by an eerie silence as the significance of the case struck all of us.

Could I do this? My wife was sexually abused as a child. My ex-wife was sexually abused as a young teen and suffered horrible psychological damage leading to her violent death. And although I hate to think about it, when I was eight years old, I was molested by three teenaged boys. This case was going to bring up a lot of history that I didn’t want to think about.

9th Juror – Erica Hesse, CEO of a rapidly growing high-tech company. Single, no kids.

Oh Fuck! A child sexual assault case? A father raping his daughter? No way I'm going give up five precious weeks for this. Not that it's not important. It's just very bad timing for me.

I have enough drama in my life. I didn't struggle all these years, giving up family, friends, and time off to get my company to this point only to miss out on its first steps into major success. There's just no way I can put in over a hundred hours a week at work and do a jury trial. It just can't be done.

I'm sure there's a way out.

Hopefully, the hardship questionnaire will work. After making his disruptive announcement about the nature of the case, the judge explained that we were all to complete a questionnaire. And for those of us who wanted to get out, we could also complete a hardship questionnaire. Full-time students and people with already-purchased tickets for overseas travel would be excused as would people with certain medical conditions (a doctor's certification would be required) and those who could prove that they had a financial hardship.

Certainly he'll see that a woman CEO of a Silicon Valley startup that has just received its Series A round of venture capital funding can't afford to leave her fledgling company at this critical time. If I could convince three venture capital firms dominated by Stanford-graduate old-boys to give us money, I can certainly write a persuasive argument to get out of jury duty. Clearly, it would be a hardship on my employees, my customers, and my investors if I weren't able to work these next five weeks.

Before we left the courtroom to fill out the questionnaires, the judge said, "Please do not discuss this case with anyone including each other, your family members or your friends. You must not conduct any independent research about this case, the matters in the case, and the individuals involved in the case. In other words, you should not consult dictionaries or reference materials, search the internet, websites, blogs, or use any other electronic tools to obtain information about this case or to help you decide the case. Please do not try to find out information from any source outside the confines of this courtroom.

“That said, I want to thank you all for your service thus far and I look forward to seeing you all here Monday morning at 10am.”

I picked up one of the huge questionnaires – there were at least twenty double-sided pages – and asked the clerk for a hardship questionnaire. I stepped outside where dozens of people were rapidly scribbling responses. I wrote up a great argument for the hardship questionnaire then dove into the other one. As a single woman who has fought to succeed professionally, I’ve had to harden myself to most of the behaviors women encounter in the workplace. I must admit that I’ve ignored a lot of nasty shit to get where I am. And even worse, I’ve judged other women who I found to be too sensitive to succeed. But this questionnaire rattled me. I finished it over an hour later and saw tears streaming from several people’s faces, and it wasn’t just the women.

I had a bad feeling about this.

6th Juror – Andy Harrigan, early 50s, Supervisor, California EPA, daughter about to graduate from high school, other daughter away at college.

God! What a questionnaire. It took me nearly two hours to complete. I can only imagine what it might have been like for someone who'd experienced sexual assault. I guess I was lucky growing up. I'm from a big family where everyone looked out for each other. We're Irish and our family has been in Santa Cruz, on the Central California coast, for about one hundred fifty years. We started out in logging, developing what today would be called sustainable logging techniques long before anyone knew what that was. Although my great-great grandfather bought up most of the mountains surrounding Santa Cruz, he knew that he had a limited amount of land. If he cut trees, he replanted, rotating logging areas and scheduling his cutting so that there would always be trees. For him, this was farming with a crop that took a long time to get to harvest.

As generations came and went, we expanded into a lot of different business areas. Fishing became a big deal to the family and as we had great visibility into how different fish were doing, we moved quickly into conservation, building fish hatcheries on local creeks when stocks declined. My grandfather donated much of his landholdings to the State, forming a circle of parks around the city.

Don't get me wrong, I'm not one of the rich landed gentry. Our family has always been practical and down-to-earth. Each of us had to make our own way. Certainly there was family money if someone got into trouble, but almost all of us worked our way through college (for those of us who went), started our own businesses from scratch, or went to work for causes we believe in.

We were all raised with a strong sense of right and wrong, with a belief that hard work would bring value to our lives, that we could make a difference – make the world a better place. Sure, there were a few black sheep over the years, but it's funny how a strong family support system with beliefs in common ideals helps keep everyone in line or brings them back to the straight and narrow if they stray.

For me, it was the environment and conservation. I grew up fishing, diving, and surfing, and the ocean is my first love. I've seen the damage that people have done to this most precious of resources and I've seen almost miraculous recoveries. I think back to when I was a kid and sea otters were almost extinct. Same with brown pelicans. Now they're back; welcome companions that I get to see in the ocean every day.

But back to the questionnaire.

I've completed dozens of questionnaires, even written quite a few for my job at CalEPA. But this one was one of the best I've seen.

It started out pretty innocuously. There were several easy-to-answer personal questions – family, education, science background, work, have you ever been on a jury before, do you know any attorneys, do you know any judges, do you know the defendant, members of his family or anyone associated with this case. Each question also gave you a chance to explain in more detail. Then it gradually progressed into asking about your feelings about the justice system. Did you believe that everyone had a right to a fair trial? Did you believe in 'innocent until proven guilty'? Questions like that.

Next it moved into questions where you answer on a graduated scale of strongly agree, to strongly disagree. Each of these REQUIRED an explanation. These got to be a bit more personal, like 'Children can be trusted'. The police are more likely to tell the truth than other people.' 'Someone who has been arrested is likely to be guilty.' 'Minorities are more likely to commit crimes.' - Lots of questions intended to get into your head about prejudices, your sense of honesty, trust in other people, police, lawyers, scientists and children(!), and about your faith in law and order and the justice system and how it works.

But the most challenging questions were about your own personal experiences with violence, sex, sexual abuse, sexual harassment, drugs, alcohol, and your friends' and families' experiences with violence and abuse. If you had a positive answer to a question like 'Do you know anyone who has experienced sexual abuse?', you had to describe this in detail.

Although I've bragged about my wonderful family, the truth is, there were some incidents. I've known a lot of women in my life, and a large percentage have experienced sexual abuse. Almost all have experienced sexual harassment through much of

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their lives.

By time I finished this section of the questionnaire, I found myself thinking about issues that I thought were settled for me years ago. I've been married for almost 25 years and have two nearly-grown daughters. And while there were some difficult times for my girls growing up, I've always thought Amy and I did a great job, preparing our girls to deal with the world. But this questionnaire made me rethink things. And after describing some of the incidents I'd seen and heard about in our family, I also began to ask myself just how wonderful my family actually was. Were we really better than most?

I turned in my questionnaire knowing that I was pretty qualified for this jury. I could be impartial and didn't have any personal history or strong biases that would disqualify me. I guess we'd find out on Monday. The judge and attorneys would take Friday and the weekend to go through all the questionnaires. We had Friday off. Still, I couldn't shake a truly ominous feeling about what I might get into here.

2nd Juror – Barbara Hatch, mid-40s, ER nurse, married, no kids.

It was raining hard Monday morning when I finally found a parking space in front of the County Building. I hoped that the parking pass which said it was valid for the previous week would still be good today.

I opened my umbrella and tried to get into the courthouse without getting soaked. But in spite of my raincoat, the bottom of my pants legs and shoes were wet by time I got to security. After more than four years of drought, it looked like Mother Nature had decided to be generous this year. I don't think we'd seen the sun in nearly two weeks. So, in spite of the fact that I'd spend most of the day with wet clothes, I, like everyone I knew, was grateful for the rain.

After my embarrassing fiasco getting through security the previous week when I had to pass through three times, holding everyone up, I'd decided to go without jewelry today and to put everything metallic into a large bag. I don't usually carry a purse. I don't like the constraints that come with one, and years ago, I had a few incidents where my purse was stolen. The worst though was in an upscale restaurant in San Francisco. I had put my overly-large purse on the floor next to my seat, and the woman behind me surreptitiously lifted my wallet from my bag. Since then, I've learned to live without a purse. However, I was pretty sure I could go a day with one to avoid problems getting through security.

I was sure it would only be a day. You see, I work as an ER nurse. Over the last twenty years, I've seen dozens of sexual assault victims come into the ER. After triage, I've worked with some of the sexual assault teams. And while I don't have any particular biases, I suspected that my background would disqualify me from the jury.

I made it through security with no problems, but didn't even get a returned smile from the sheriff's deputies. It was all routine for them and clearly they didn't remember me.

I joined the standing-room-only throng of jurors waiting in the hallway outside the courtroom watching the rain pellet the parking lot outside. Ten o'clock came and went. At ten-forty-

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five, a sheriff's deputy came out of the courtroom and invited everyone inside. The judge welcomed everyone back and thanked us for braving the weather to appear. He apologized for the delay, but said that he and the attorneys had several issues to resolve before opening the courtroom. He then stated that he had reviewed the hardship questionnaires. The court clerk would be reading the names of those who would be excused and thanked them in advance for their service. I started counting, and thirty-seven people were excused for hardship.

He then said that there were several potential jurors that he and the attorneys wanted to interview one-on-one. The court clerk read the list. My name was on it. As I suspected, I was going to get out. He asked everyone to wait outside. The bailiff would call each of the seven in individually.

The bailiff came out and called a name. An elderly woman limped into the courtroom and the door closed. Less than five minutes later, she exited with the bailiff, smiled at those of us waiting nearby and left the courthouse.

The second to be called in was a well-dressed man in his early thirties. That interview took about ten minutes and the young man came out, but didn't leave the courthouse.

I was next.

I followed the bailiff inside and walked up to where the attorneys seemed to be waiting for me. No one asked me to take a seat, or told me where to stand so I just approached the gate separating the spectator seats from the attorneys, the court clerk, and the judge. I'm not sure why, but I was a little nervous. I hadn't really looked at the attorneys before, but now both were only a few feet away. The defense attorney was impeccably dressed in a suit with a conservative blouse. Her very curly dark blond hair was pulled back almost severely. She looked like a high-powered lawyer from some big firm, not a public defender.

For his part, the Assistant District Attorney was lanky and of average height. His mouth was tight and his eyebrows furrowed, like someone who carries the weight of the world on his shoulders. He seemed a bit fidgety.

"Good morning Ms. Hatch," the judge began. "This is Ms. Preston, the defense attorney for Mr. Flores, and Mr. Bolt, representing the People for this case. We've reviewed your questionnaire and have a few questions for you. I'll start.

"We see you're an ER nurse at Community Hospital and that

you've seen numerous sexual assault victims during the course of your career. Have your experiences in the ER or with these patients in any way prejudiced you such that you wouldn't be able to render a fair verdict in this case? Could you presume Mr. Flores is innocent unless Mr. Bolt proves beyond a reasonable doubt that Mr. Flores is guilty?"

I thought about it only briefly. There was no question I could be fair and open-minded. I took a deep breath and responded, almost surprised at myself when I answered, "Your Honor, I've seen a lot in the ER and along the way, I've learned that you can't jump to conclusions based on the obvious."

I looked over at Mr. Flores. He was dressed in a dark suit with a conservative tie and his long dark hair pulled back in a low pony tail. The suit was a bit too big for him and he looked nervous, almost frightened. My reaction to him was more curious than sympathetic, and I didn't pick up any dangerous vibes. I hated to admit it to myself, but I wanted to do this. I wanted to be on this jury. Maybe my medical experience could come in handy.

I finished my answer, "So yes, Your Honor, I could certainly presume Mr. Flores is innocent until proven guilty beyond a reasonable doubt."

"Thank you, Ms. Hatch. Mr. Bolt, do you have any questions for Ms. Hatch?"

"Ah, yes, Your Honor."

"Please proceed."

"Good morning Ms. Hatch. I see from your questionnaire that you've had some training in handling sexual assault victims. Have you ever been part of a SART team?"

I almost chuckled at the use of 'SART Team' since SART stands for Sexual Assault Response Team, and he didn't need the extra 'team' but I knew what he meant.

"No. As you would expect, in the ER, we're focused on triage and emergency treatment. Sometimes we need to make decisions very quickly, without paying attention to what police or forensic examiners might want. My training is intended to minimize any loss of evidence that might need to be collected. That's not to say we can always do that – some situations require urgent, drastic care, but with most sexual assaults, we can preserve the evidence."

"Thank you Ms. Hatch."

Mr. Bolt paused, taking what for me was an uncomfortable minute to think about his next question.

“Ms. Hatch, do you think you’d be better able to assess forensic evidence than the average person?”

“Well, for forensic evidence like blood or DNA, I don’t think so. I know about collection, but not about analysis. On the other hand, I’ve seen a lot of injuries and probably have more experience than most in assessing the nature and extent of injuries.”

“Thank you Ms. Hatch. Your Honor, I have no other questions.”

“Ms. Preston?” the judge asked.

“Thank you, Your Honor. Good morning Ms. Hatch. Have you ever collected evidence in a suspected sexual assault case?”

I noticed that right off the bat, she used the word ‘suspected’ I guessed this is how it would be throughout the case with the defense.

“I have never been the primary nurse for forensic collection. Although I do have the training, I never wanted to be part of a SART. However, there have been a handful of cases where I’ve been asked to assist in collection of evidence, following the instructions of the lead nurse.”

“And did your training involve how to handle children as well?”

“Yes. It did. In addition to understanding the issues of collecting evidence, there’s the issue of not contaminating the victim either physically or emotionally.”

“What do you mean by contaminating the victim emotionally?”

“We have to be careful not to suggest causes, events, or reactions to victims during our examinations and treatments. We can all be susceptible to suggestions and this can taint what people remember and how they react. This is especially true for young children when they’re being examined, treated, or interviewed by someone who is perceived as an authority figure. Most children want to please.

“Our training is to ask open-ended questions that are limited to what we need to know to provide treatment or to get an examination done.”

I wondered if I went too far in my explanation. Ms. Preston smiled and thanked me, revealing nothing of her reaction to what

I'd said. The judge asked me to wait a moment while he and the two attorneys had a brief hushed discussion to the left of the judge's perch. The attorneys returned to their respective tables and the judge thanked me and asked me to join the other jurors outside. I wasn't going to be excused at this point.

15th Juror – Mathias Wright, Silicon Valley engineer, early-thirties with 2 children under 5.

I was one of the seven people called in for a private discussion with the Judge and the attorneys. I'm not really sure why they called me in. I don't have any previous experience with sexual assault. I do have two kids and am a fiercely protective father. My kids are only two and four years old. Both are girls. What kind of animal could rape his own daughter?

Maybe my questionnaire betrayed some of my bias against criminals. I do believe in the police and do think they have insane jobs, risking their lives with druggies, the mentally ill, the homeless and transients we have in Santa Cruz, and these sexual predators, to help keep us safe and society under control.

Yeah, it was probably that question – do you believe the police are more trustworthy than other people? And maybe the other one – do you believe a police officer is less likely to lie when testifying. And now that I think about it, yeah, there were probably several more.

The prosecutor seemed pretty happy with me. But that defense attorney. She's tough. She was very polite, but her questions were – what's a good word? Incisive. Yeah, incisive. They cut right to the issues. Ultimately I had to admit that the police could lie, that some people might be more trustworthy than a corrupt police officer, but in reality, I don't really believe that your average cop is a bad person. Your average cop is a hero in my eyes.

This didn't come up in their questioning, but I used to live in Brooklyn, near the old Navy Yard. If you know Brooklyn, then you know that twenty-odd years ago, Vinegar Hill, where we lived, was not a place you necessarily wanted to raise kids. Our neighborhood seemed nice enough, but we were only a street or two away from the Farragut Houses – the projects.

I was probably seven or eight years old. The school bus had dropped me off a couple of blocks from my house as usual. But on that day, a huge, beat-up car pulled up beside me as I walked home. A Puerto Rican guy, who seemed really nice, asked if I could help him. As my Mom had taught me, I told him that I couldn't talk to strangers. He then told me his name was Julio

and that if I told him my name, we wouldn't be strangers anymore. I said, "Sorry, I gotta go home," and kept walking.

He pulled over, jumped out of the car and grabbed me by the arm. He tried to pull me into his car. I fought as hard as I could, kicking and hitting him, screaming all the time, but I was only a kid. Just then, God smiled upon me. A patrol car beeped its siren and pulled up behind Julio's car. Julio literally threw me across the street. I landed hard, the pavement tearing through my pants and ripping up my knees, hands, and forearms.

The police officers were out of the car before Julio could get his started. One pulled Julio's door open and dragged him from the car while the other tended to me. I'll never forget him. His name was Officer Moody. He made sure that I was okay, aside from the scrapes. He invited me to sit in the front seat of his patrol car while he called for backup. He asked me what had happened, and I told him, though apparently, he had seen most of it.

Within a few minutes, two other police cars arrived. Officer Moody's partner stayed behind while Officer Moody took me home. He told my Mom that the man who had tried to hurt me would be going to jail and wouldn't hurt me or anyone in the neighborhood again. He explained that while I might have to make an official statement, he had taken down what had happened to me and he suspected Julio, who they'd been looking for, would spend a lot of time in jail for other crimes he'd committed.

So I do believe that I was telling the truth when I said on the questionnaire that I had never been the victim of a crime. That's why I didn't have to talk about this incident.

After the defense attorney for Mr. Flores had finished questioning me, and the prosecutor asked a few positive, encouraging questions, they went up to the judge and had a hushed discussion. I couldn't hear anything but since she kept looking over at me with an exasperated expression, it was clear that the defense attorney didn't want me there. In the end though, they didn't dismiss me. I'm glad they didn't.

After the rest of the seven were interviewed, they called all the jurors into the courtroom. They had already dismissed a few dozen people for hardships, leaving about sixty or seventy of us. They called twelve and the jury selection began. The judge spoke to the entire courtroom of potential jurors and told us that we

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needed to pay attention to the questions asked, particularly his questions as they were generic and asked of all the jurors. To avoid repetition, he would ask subsequent jurors if there was a specific reason from his list for why they couldn't serve. These included things like knowing the attorneys, knowing the defendant or the victims (I didn't know there were multiple victims!), knowing members of law enforcement or experts who might be working on the case, the willingness to follow the judge's instructions (when given) regarding the law, and the inability to render an impartial verdict. He went into detail on what that meant.

Several hands went up. One woman talked about the fact that her husband was a police officer on a Sexual Assault Team and that she had a lot of exposure to these types of cases. They discussed it for a while, but the Judge ended it by asking if she could render an impartial verdict in spite of what she'd heard from her husband. She thought about it and admitted she could.

Another said she had to get her children to school and pick them up. The judge told her that court started at ten most days and ended at four-thirty. Her excuse wasn't good enough.

There were a few who were excused and their seats were immediately filled by others.

One interesting case was a woman who said she had done a long jury trial a year before. After suffering for several weeks watching attorneys battle each other, ignoring facts, just trying to put points up on the board, she said she had become disgusted with the whole process. She couldn't support the adversary system of our courts by being a juror again. She didn't believe in the system, didn't believe that the truth could come out and said she wouldn't follow the Judge's instructions since the laws were often bogus and the arguments for getting to the decisions were bogus too. After many challenges from the Judge, she was excused.

The next step was for the attorneys to interview the potential jurors. They worked from their notes and questionnaires. If I remember correctly, the prosecutor started. He greeted the jurors and introduced himself. Then he picked specific jurors and asked them questions. The questions were similar to those I answered during my private interview. He asked about their work, how it affected their points of view about the law, but most of the time, it seemed like he was trying to see if the person could be

impartial. I hadn't expected that.

When he was done, the defense attorney would ask her questions. Once again, I'll use that word, incisive. Her questions were much more probing. She seemed to be able to get into people's heads and to get them to say things they might not have said otherwise. I thanked God for my luck on that front.

When she was done, the Judge asked the prosecutor if he had more questions. He did. Then he asked the defense attorney. She did. Then the two attorneys joined the Judge on the side of the bench and conferred just like they did when I was interviewed. After much discussion, they returned to their tables. The judge excused two jurors for cause, thanking them for their service, then the prosecutor thanked three people who left, and the defense attorney thanked two who left.

They seated seven more and the judge announced the lunch break. We were to return by one-thirty and were not to discuss the case with each other or anyone else. Nor were we to form any opinions about the case.

I walked across the river in the pouring rain and went to Zoccoli's Deli for lunch. I noticed a couple of the other jurors there but we avoided eye contact.

When we returned, we waited outside for about ten minutes, then got called into the courtroom. That afternoon, we got through two more iterations, and it looked like they were close to having a jury.

"Okay," the Judge began. "It's almost four-thirty. I want to thank you all for your patience. It looks like we need to seat two more jurors and four alternates. We should be able to complete that tomorrow morning. However, I think we can excuse a fair number of you today. We'll call out the names of those who are excused. I'd like to thank you for your service."

You could hear the sighs of relief.

The Judge conferred with the Clerk for a few minutes as they went over a list. Then the Clerk stood up and called out about thirty names, leaving about twenty of us left, me among them.

"For the rest of you, please be here tomorrow morning at ten-thirty. Again, please don't discuss this case with anyone. Don't do any internet searches about the case or the law pertaining to the case. And please don't form any opinions in this matter. We'll see you tomorrow morning."

I left nervous but a little excited too.

The 15th Juror

The next morning went quickly. They seated two more in the jury box and I was included in the four alternates. There were a lot more questions. When one of the people in the jury box was excused, they randomly pulled an alternate into the jury box and seated another alternate. I thought I would have chance to get into the jury box, but no. I was juror number 15. An alternate. Unless someone dropped out, I'd be sitting through five weeks of trial and would have nothing to say about it. That isn't my plan. But I'll trust in God. If He wants me on this jury, I'll be on it.

ABOUT THE AUTHOR

Writer, extreme sports enthusiast, serial entrepreneur, technologist.

Born into a military family, Steve traveled extensively throughout the US and overseas, attending fifteen schools before graduating from High School. After studying mathematics, computer science, comparative literature and French at the University of California, Steve began his career with IBM as a software engineer. He later founded three successful high-tech startups.

A former competition hang glider pilot, Steve continues to surf, ski, kayak whitewater, and dance Salsa with his wife Karen whenever possible.

Steve divides his time between Santa Cruz, California and the Basque Region of France.

For more about Steve, his sports, and his other novels, please visit <http://www.stevejackowski.com>.