

Judge chews out reluctant juror in murder case

By [Scott North](#), Herald Writer

EVERETT -- A week after he [declared a mistrial](#) in a murder case because of problems selecting jurors, a Snohomish County judge on Thursday threatened a man with jail and fines for ignoring jury duty.

The man, 18, was one of dozens of people who were summonsed to the courthouse this week to serve as potential jurors. On Tuesday, he was chosen to serve on the panel now hearing testimony in a [first-degree murder case](#) linked to a July 2012 fatal shooting at Blue Stilly Park in Arlington.

The juror was told to show up Wednesday morning for the start of what is expected to be a three-week trial. Instead, on Tuesday evening he wrote an email to the law clerk for Superior Court Judge Michael Downes and said he wouldn't be available.

Downes started the trial on Wednesday with 12 jurors and two alternates, not the 15-person panel the lawyers wanted.

The recalcitrant juror was ordered to appear in Downes' courtroom, first thing Thursday morning.

The man was ashen-faced when a perturbed Downes left no doubt that he was weighing whether to find the man in contempt and toss him into jail for up to 30 days.

The man's jury questionnaire listed no reason serving on the case would be a particular hardship, Downes said. Instead about three hours after court closed on Tuesday, he sent an email Downes said was titled "Inconvenience."

The man wrote that jury duty was a "new experience" and he "wasn't comfortable" serving, the judge said.

"This is a first-degree murder trial," Downes said. "He was empaneled as an adult, as a juror."

The judge on Thursday morning gave the man a few hours to get legal representation. At the urging of the man's lawyer, Downes agreed not to make an immediate ruling.

Instead, the man is scheduled to face Downes again Oct. 29.

The hearing is scheduled for the 84th anniversary of [Black Tuesday](#), the day the stock market crashed and the U.S. economy tumbled into the Great Depression, Downes said.

"You better hope Black Tuesday is not doom for you, son," Downes said. "You better be here."

Prospective jurors in Snohomish County undergo an orientation about civic duty, citizenship and the

importance of jury service to justice.

"Once selected to serve on a trial, the Court is counting on each juror to be there every day until a verdict is reached and the Judge releases you," the county's [jury information website](#) says.

Jurors have created complications from the start in the trial of Dennis Watters, 42.

On Oct. 10, defense attorneys convinced Downes to declare a mistrial in what was expected to be the final day of selecting jurors.

The judge decided a new jury panel was needed because one believed the murder case could lead to the death penalty, despite being told otherwise. Earlier, Downes had booted several potential jurors from the pool after he learned they'd made comments about the case despite his repeated admonitions to keep quiet.

Watters is charged with first- and second-degree murder in the fatal shooting of Ryan Mumm, 20. The Tulalip-area man told police he acted in self-defense.

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