

## Judge withholds punishment for juror who balked

By [Scott North](#), Herald Writer

EVERETT -- A Snohomish County man who ignored jury duty in a [murder trial](#) won't know whether he'll be [held in contempt](#) of court until after the panel he was supposed to join first tries to reach a verdict in the case.

Snohomish County Superior Court Judge Michael Downes on Tuesday told the one-time juror in the trial of Dennis Watters that he wants to see what happens with jury deliberations before making any decisions on his fate.

The man, 18, could face up to a month in jail and fines.

He was one of 12 jurors and three alternates selected and sworn Oct. 15 to hear testimony in Watters' weeks-long trial.

Instead of showing up, however, he sent an email, saying he wasn't going to serve.

Another member of the jury got sick during the trial and had to be excused. That meant there was just a single alternate left as the jury began its deliberations on Tuesday afternoon.

That was too close for comfort to the "fine edge of having a mistrial" for lack of jurors, the judge said.

He decided Tuesday to postpone deciding how to address the recalcitrant juror's conduct until after deliberations. The next few days will give him a chance to ponder and also "more time to see how the whole situation plays out," the judge said.

The man, who was known as Juror No. 38 in the Watters jury pool, graduated in June from Mariner High School and has a job in an auto body shop, his attorney, Gurjit Pandher of Everett, said Tuesday.

He was too overwhelmed to speak up about the hardship jury service presented and opted to send the email later on the advice of family, Pandher said.

That explanation didn't satisfy Downes, who noted that he'd specifically ordered jurors not to discuss the case with anyone. He also wasn't swayed by the lawyer's argument that no act of contempt occurred because the man's conduct -- sending an email -- hadn't actually been witnessed by the judge in court.

The man opted to have his lawyer do most of the talking, but he told Downes that he understood the gravity of his error and had no intent to "inadvertently disrespect" the judge or the court.

There was nothing inadvertent about what happened, Downes responded. He told the man that many people had been counting on him to fulfill a duty he had sworn an oath to perform.

"The day you turn 18 you are an adult and held to an adult standard," the judge said.

Jury problems forced Downes on Oct. 10 to declare [a mistrial, after](#) one potential juror sparked speculation about punishment. Others were kicked off the panel for making comments about the case.

Watters faces first-degree murder and other charges linked to a July 2012 fatal shooting of Ryan Mumm, 20, at Blue Stilly Park in Arlington. The Tulalip-area man, 42, claims he acted in self-defense.

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