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State appealing new trial order for man who shot trooper

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The state Attorney General's office is asking an appeals court to take another look its decision to grant a new trial to a man convicted of shooting a state trooper in the head.

Martin Jones was convicted in 2011 of attempted murder for shooting then-trooper Scott Johnson, now Pacific County Sheriff. He was sentenced to 50 years in prison after a seven-week trial.

On June 5, a state appeals court overturned the conviction, ordering a new trial for Jones, based on a procedural error it concluded had violated Jones' right to a public trial.

Soon after the appeals court decision, the Attorney General's office considered filing a petition to the state Supreme Court to consider the case, but it instead filed a motion for reconsideration by the appeals court.

"We considered both, and we thought there were arguments to be made to the court of appeals that we hadn't made," Assistant Attorney General John Hillman.

Several relevant rulings were not considered by the appeals court initially, and "we wanted to ask them to reconsider their opinion in light of that case law," he added.

In the motion, the state argues the appeals court decision "overlooked important facts and law."

The error cited in the appeals court decision was the court clerk's drawing of numbers to determine which jurors would be alternates, and the numbers were announced after closing arguments when the court was back in session. The clerk drew the numbers during an eight-minute court recess, rather than during court with the record going.

The state says the trial court advised in advance that the clerk would draw the numbers, and she did so in the court room from a box which was visible to everyone. The process was Jones' decision; the state had requested that the last four jurors seated would be alternates. He made no objection during the trial.

In its motion for reconsideration, the state makes several arguments, including that the court wasn't actually or functionally closed when the clerk made her drawings.

It states there's no evidence Jones left the court room or that anyone was blocked from the room.

"Rather, the clerk performed a simple administrative task in an open courtroom that was accessible to the public, which is a common occurrence in any lengthy trial," the motion reads.

The state also argues that administrative tasks of the clerk related to jury seating aren't recognized as implicating the right to public trial, and that even if a public trial error happened, it was so trivial that it couldn't have amounted to a structural error requiring a new trial.

The appeals court upheld the trial court's decisions over numerous other objections from Jones in his appeal. There is no time frame for the court to issue a ruling on the motion for reconsideration.