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DIVISION II

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COURT OF APPEALS, DIVISION II  
STATE OF WASHINGTON

STATE OF WASHINGTON  
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STATE OF WASHINGTON,

Respondent,

vs.

LEA DELAYNE OLNEY,

Appellant.

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On Appeal from the Pierce County Superior Court  
Cause No. 08-1-00839-0  
The Honorable Katherine Stolz, Judge

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OPENING BRIEF OF APPELLANT

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## **I. ASSIGNMENT OF ERROR**

The trial court abused its discretion when it denied Appellant's motion for a new trial without first ordering an evidentiary hearing to investigate allegations made by one of the jurors.

## **II. ISSUE PERTAINING TO THE ASSIGNMENT OF ERROR**

Where a juror alleged that she had felt pressured by other jurors and the judge to convict Appellant, and where the juror made written statements that caused the trial judge to be concerned that the juror may not be competent to sit as a juror, did the trial court abuse its discretion when it denied Appellant's motion for a new trial without first ordering an evidentiary hearing to investigate the allegations made by the juror?

## **III. STATEMENT OF THE CASE**

On February 12, 2008, an informant named Jim, who was hoping to have criminal charges pending against him dropped, told Fife Police Officer Jacob Stringfellow that he could purchase drugs from Lea Delayne Olney. (TRP 45-46, 404)<sup>1</sup> Jim contacted Olney and arranged to meet her in the parking lot of Freddie's Casino in Fife, where he would give her \$220 in exchange for drugs. (TRP 44, 47, 66)

Stringfellow and his partner, Officer Michael Malave, searched Jim for contraband, and then gave Jim \$220 in pre-

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<sup>1</sup> Citations to the transcripts of trial proceedings in volumes labeled Volumes I thru V, will be to "TRP" followed by the page number. Citations to the transcript of sentencing held on 05/22/09 in the volume labeled "Sentencing," will be to "SRP" followed by the page number. The transcript of the resentencing hearing on 07/24/09 is not referred to in this brief.

recorded bills to use in the transaction. (TRP 48, 50, 194, 195, 196) Stringfellow, Malave and Jim, along with a number of other Fife Police Officers, went to the Freddie's parking lot to meet Olney. (TRP 48) Olney arrived driving a gold Hummer. The officers saw Jim hand the money to Olney, then observed Olney drive away. (CP 69 71, 75, 76, 200-01)

Jim returned to Stringfellow and Malave, who were waiting in their vehicle. (TRP 76, 203) Jim told the officers that he "fronted" the money to Olney, and that she agreed to return soon with the drugs. (TRP 76) Jim and the officers waited for several hours both in the parking lot and back at the station, but Olney did not return and could not be reached by phone. (TRP 76, 77, 203-4) The officers heard Jim leave messages for Olney, but did not hear him threaten her. (TRP 4002-03, 418) Jim finally contacted Olney, who agreed to meet him within the hour back at the Freddie's parking lot. (TRP 81, 82-83)

The officers and Jim waited for about 30 minutes, when they saw the gold Hummer arrive in the parking lot. (TRP 87, 206) This time, a black male was driving, and Olney was in the passenger seat. (TRP 90) The officers saw Jim approach Olney, saw a hand-to-hand exchange, then saw Jim turn and give a pre-arranged

signal to the officers. (TRP 91, 92, 209-10) Several officers immediately moved in and took Olney, Jim and the driver into custody. (TRP 94, 230)

The officers found a candy wrapper containing a baggie of methamphetamine on the ground next to Jim, a second baggie of methamphetamine under a cup in the center console of the Hummer, and a glass smoking pipe under the back seat. (TRP 98-99, 104, 159, 282; CP 9)

The State charged Olney with one count of unlawful delivery of a controlled substance, and one count of possession of a controlled substance with intent to deliver (RCW 69.50.401(1)(2)(b)). (CP 1-2)

At trial, Olney testified that she likes to play casino slot machines, and that she met "Creepy Jim" at a casino. (TRP 304-05) She thought it was strange that he called her to ask for drugs, and she was also angry that he offered \$220 for drugs because he owed her \$150. (TRP 305-06) She agreed to meet him because she wanted to get the money he owed her. (TRP 306)

After their initial meeting in the Freddie's parking lot, Olney went about her normal day; she picked her daughter up from school and helped her with homework, ran errands, and visited friends.

(TRP311, 312) She did not notice that Jim had been calling her repeatedly. (TRP 313, 314) When she finally answered one of Jim's calls, he was angry and threatened to come to her house and settle things the "old school way." (TRP 315) Olney was scared, so she agreed to return to Freddie's to meet Jim again. (TRP315-16)

Her friend, Matthew Gillespie, drove the Hummer to Freddie's, and told her not to worry about anything. (TRP 312, 357) When they arrived, Jim approached Olney. (TRP 316-17) Gillespie gave a baggie of drugs to Olney, and she put it into a candy wrapper and placed it on her lap. (TRP 317) Olney testified that Jim reached into the car and took the drugs off her lap. (TRP 317) When Gillespie saw that the police were coming, he took something out of his pocket and hid it under a cup in the center console. (TRP 317, 367)

Olney testified that she had not seen any drugs until Matthew handed them to her, and that she did not know that the item under the cup was additional drugs. (TRP 391, 394) She testified that she only agreed to meet Jim the second time because she was afraid for her daughter's safety. (TRP 315-16)

The jury convicted Olney of delivery of a controlled

substance and of simple possession of a controlled substance. (TRP 515-16) The trial court imposed a standard range DOSA sentence. (SRP 15; CP 128, 131) This appeal timely follows. (CP 94)

#### **IV. ARGUMENT & AUTHORITIES**

During deliberations, Juror No. 9 sent a note to the judge, informing her that Juror No. 2 had “admitted, during deliberations,” that she was “basing [her] decision on ‘intuition.’” (CP 13) Juror No. 9 also informed the court that Juror No. 2 had twice attempted to speak to a local television news crew stationed at the courthouse. (CP 13)

The trial court questioned Juror No. 2 in open court. Juror No. 2 admitted that she had spoken to a member of a news crew, but that it was accidental and she had not discussed Olney’s case. (RP 504-05) Juror No. 2 also told the court that she was having difficulty expressing her viewpoint to the other jurors in a logical way, so her explanations to the other jurors “came from emotion.” (RP 506) She told the court that the other jurors had made her feel as if she were “on the stand” or “guilty of something.” (RP 506, 508) She described another juror’s actions toward her as a “verbal assault.” (RP 508) The parties and the judge decided not to

remove Juror No. 2, and to allow the jury to continue its deliberations. (RP 509-10)

After the verdicts but before sentencing, the court received a letter from Juror No. 2, wherein she asserted that she had felt pressured by the other jurors and by the judge to vote to convict Olney. (CP 52-53) She stated that she believed Olney was not guilty, and would have voted to acquit had she not felt “threatened” and “bullied” by the jurors and the judge. (CP 52-60) (A copy of Juror No. 2’s correspondence to the court is attached in the Appendix.) Olney moved for a new trial, and requested a hearing before a different judge to determine whether a new trial was warranted. (CP 61-62; SRP 4-6) The trial court denied the motion. (SRP 6)

Criminal Rule 7.5(a)(5) allows a trial court to grant a defendant a new trial when an “[i]rregularity in the proceedings of the court, jury, or prosecution” prevented the defendant from “having a fair trial[.]” A trial court should grant a new trial when an irregularity in the trial proceedings is so prejudicial that it deprives the defendant of a fair trial. See State v. Post, 59 Wn. App. 389, 395, 797 P.2d 1160 (1990), *aff’d*, 118 Wn.2d 596, 826 P.2d 172, 837 P.2d 599 (1992); State v. Johnson, 60 Wn.2d 21, 371 P.2d 611

(1962). The decision to grant or deny a new trial is reviewed for abuse of discretion. State v. Weber, 99 Wn.2d 158, 166, 659 P.2d 1102 (1983).

In determining whether a new trial should be granted, a court will generally not inquire into the internal process by which the jury reaches its verdict. Gardner v. Malone, 60 Wn.2d 836, 840, 376 P.2d 651 (1962); Richards v. Overlake Hospital Med. Ctr., 59 Wn. App. 266, 270, 796 P.2d 737 (1990). “The individual or collective thought processes leading to a verdict ‘inhere in the verdict’ and cannot be used to impeach a jury verdict.” State v. Ng, 110 Wn.2d 32, 43, 750 P.2d 632 (1988). Thus, a juror’s post-verdict statements regarding the way in which the jury reached its verdict cannot be used to support a motion for a new trial. Ng, 110 Wn.2d at 44.

But exceptions are made where it is alleged that an “extraneous influence” affected the jury, or where there is a strong showing of juror incompetence. Tanner v. United States, 483 U.S. 107, 107 S. Ct. 2739, 2746-47, 97 L. Ed. 2d 90 (1987).

In this case, Juror No. 2’s letter stated that she felt threatened and bullied by the trial judge. (CP 53-54) This assertion of external pressure can be considered in a motion for a

new trial (see Tanner, 107 S. Ct. 2746-47), and should have been investigated further in a hearing before a different judge, as Olney requested in her motion. (SRP 6; CP 61-62)

In addition, Juror No. 2 attached five pages to her letter, in which she details her observations of the State's evidence, the prosecutor, the defense attorney, the judge, Olney, and various trial observers. (CP 55-59) In regards to that attachment, the trial judge noted that Juror No. 2 had made numerous "wild accusations," and the judge was "a little concerned perhaps about her suitability as a juror." (SRP 6) There was a clear indication that Juror No. 2 may not have been competent to sit on the jury, which provides another reason why there should have been a hearing rather than a cursory denial of Olney's motion for a new trial.

Juror No. 2 also claimed that she felt bullied and pressured by the other jurors to change her vote to guilty. (CP 53-54) Washington courts have generally held that claimed pressure by other jurors inheres in the verdict and may not be used to impeach that verdict. State v. Forsyth, 13 Wn. App. 133, 138, 533 P.2d 847 (1975); State v. Hoff, 31 Wn. App. 809, 813, 644 P.2d 763 (1982).

In arguing to the judge that no hearing was necessary in this case, the State relied on Forsyth and Hoff. (SRP 3) But these

cases are distinguishable because there the claims of internal pressure were not brought to the trial courts' attention until after the verdicts. Forsyth, 13 Wn. App. at 135, 138; Hoff, 31 Wn. App. at 810, 813. In this case, on the other hand, the judge was informed of the problem during deliberations.

This is similar to State v. Vergilio, where a New Jersey appellate court found reversible error after the trial judge sent a distraught juror, who complained of significant unfair treatment by and pressure from other jurors, back to jury room for additional deliberation without either a further inquiry or a curative instruction. 619 A.2d 671, 674-75 (N.J. 1993). Similarly here, Juror No. 2 specifically told the judge that a fellow juror was "in her face," she felt like she had suffered a "verbal assault," and she was having trouble expressing her views and participating productively in deliberations. (RP 506, 508) But the judge sent her back to the jury room without giving any curative instruction. The judge should have at least instructed the jury to remain civil and respectful during deliberations.

The trial court abused its discretion when it failed to hold an evidentiary hearing, or to refer the case to another judge for an evidentiary hearing, to determine whether the issues with the jury or

with Juror No. 2 denied Olney a fair trial and required a new trial. The trial court should have fully investigated and considered the allegations of both internal and external pressure, and the possibility of juror incompetence.

**V. CONCLUSION**

Juror No. 2's allegations of both internal and external pressure to change her vote to guilty, and Juror No. 2's statements that caused concern that she may not be competent to sit as a juror, required at least an evidentiary hearing to investigate whether the problems with Juror No. 2 denied Olney a fair trial. The trial court abused its discretion when it failed to fully consider the allegations, and when it failed to order an evidentiary hearing. Olney's convictions should be reversed, and her case remanded for a hearing and full consideration of her motion for a new trial.

DATED: December 19, 2009



STEPHANIE C. CUNNINGHAM, WSB# 26436  
Attorney for Lea Delayne Olney

CO REC'D 11 PM 12/21/09  
STATE OF WASHINGTON  
DEPUTY  
COURT OF APPEALS  
INVESTIGATIVE

**CERTIFICATE OF MAILING**

I certify that on 12/19/2009, I caused to be placed in the mails of the United States, first class postage pre-paid, a copy of this document addressed to: (1) Kathleen Proctor, DPA, Prosecuting Attorney's Office, 930 Tacoma Ave. S., Rm. 946, Tacoma, WA 98402; and (2) Lea Delayne Olney, DOC#329343, Washington Corrections Center for Women, 9601 Bujacich Road NW, Gig Harbor, WA 98332-8300.



STEPHANIE C. CUNNINGHAM, WSB No. 26436

**APPENDIX**  
CORRESPONDENCE FROM JUROR NO. 2

Jo Anne Stafford  
Spanaway, WA 98387

May 5, 2009

Honorable Judge Bryan Chushcoff  
Pierce County Superior Court  
County-City Building  
930 Tacoma Avenue S, Room 534  
Tacoma, WA 98402

RE: Jury Duty March 9-17 - Judge K. M. Stolz presiding  
Case Number 081008390

Honorable Chushcoff:

I was a juror during a trial that was held in Judge Stolz court room. Trial started on March 9 and went through March 17. I do not feel that the verdict was correct.

As a law abiding citizen and a business professional, I took my jury duty seriously. I came each day ready to actively listen and take notes: I was shocked and disillusioned at the reality of the situation.

The jury itself had a member, Juror 4, that bullied and over-shouted all the others. She was apparently known for her behavior as the person that took the lead. The Jury Foreman for the jury said he had volunteered to do so simply because he did not want Juror 4 running over everyone else, as she had done to him the week before.

During the week of trial, I observed Juror 4 belittled and verbally attacked any juror who disagreed with her on any point, from the weather to the trial. I stood up to her a couple times, and paid the price during deliberation. During deliberation, after having listened intently and watched the behavior of the defendant, though I did not find her without blame, I did not find the defendant guilty of the crime she was on trial for. I thought that as a juror, that was our "job", to listen to the defense and the prosecution and see if the one proves their point with the most facts that line up. The evidence did not seem to support a guilty conclusion. When I expressed my doubts in deliberation, I was verbally assaulted by Juror 4: she raised her voice to talk over me and anyone else who might try to speak, she physically pointed her finger at me and shook it like she was scolding a child. She continued her verbal attack on me to the point that it seemed I was on trial in the jury room - as if I were the one charged with a crime. I was stunned. That evening I could not sleep due to her tirade and verbal assault on me.

The next day, when I arrived for continued deliberation, I was called out by the guard, which was confusing and nerve wracking, and next thing I know, I was actually put on the witness stand in the court room and the Judge began interrogating me. She even went so far as to accuse me of "seeking out" the press, KOMO 4. Also, she insinuated I was voting merely on sympathy for the defendant, and took it upon herself to lecture me again on the jury rules for what we are to base our decision on. She alluded to charging me with a crime for my decision making process.

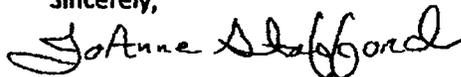
I was so upset, and felt so threatened by the Court, the Court's apparent power to charge innocents of crimes and the bullying juror, that I changed my vote from "not guilty" to "guilty", even though I did not truly believe it. The intimidation tactics worked, to the shame of all of us.

On March 18<sup>th</sup> at 8:00 a.m., I returned to the Court hoping I could relate this to the Judge. Since that was not possible this letter follows.

I have attached my reasoning for thinking the defendant was not guilty. My hope in writing this letter is that 1) no one else in a jury will be bullied by the judge and a fellow juror to change their decision; and 2) that the trial I was a juror for will be reviewed to see if perhaps the defendant's conviction should be changed or at the very least, re-tried in front a jury that will not practice intimidation.

Thank you for your time and consideration in this matter.

Sincerely,



Jo Anne Stafford

Enclosure.

cc: Randi Becker, Senator

**Reasons to question the verdict:**

- 1) Defendant's car search. The Fife police officer testified that she willingly allowed the search. However, throughout the trial, it came out that the defendant was taken from her car, placed face down on the pavement, and that a Fife police officer stood there with his foot on her head keeping it down on the pavement. The testimony was that the police officer kept his foot on her head for upwards of 10 minutes before the defendant "voluntarily" allowed the car search.

**My Thoughts:**

- A) I do not know of many people that would refuse a search of their vehicle while a police officer has his foot on their head pressing it into concrete. Sounds a little coerced.
- B) If she knew she had drugs in her possession, and was of her right mind, why would she allow this? If, however, she was afraid of the police officer crushing her head into the pavement, well, that makes more sense.

Please Note: During deliberation, there was a brief discussion regarding a statement the 1<sup>st</sup> police officer made. (There were two police officers that were called back for a second round of testimony during the trial because of conflicting testimony.) I explained that there was something the 1<sup>st</sup> police officer said that was i) out of context from the questions, and ii) sounded like a vigilante-style comment. What I heard, what was in my notes was that he had said "This is my city". What hit me was the strong emphasis he put on "my" and his tone and mannerisms, and again, out of context from the questions, it hit me as "something isn't 'right' here". When I mentioned this, three other jury members immediately noted that they also had taken that note, and had thought it out of context and vigilante-like.

- C) If she was a "seasoned" professional at selling drugs in the Fife area (as the prosecutor was presenting it), why did she go into a parking lot of a casino that was not under the Tribal jurisdiction? That made me wonder if she had a record, or any idea of what she was doing. Frankly, if she was "seasoned" at selling or buying drugs, I find it unlikely she would have gone to Freddy's parking lot, instead of any of the other casinos in Fife that are under Tribal jurisdiction. It is hard to believe she would have capitulated to a car search, even with a hard shoe pushing her face into the pavement. She did not display, verbally or non-verbally, manipulative or cunning behavior or mannerisms.
- 2) The drugs and the "buy bust" was against the man in her car, perhaps, not her. After all, the police officers admitted in testimony that she was not the target of the "buy bust". Yet, she was the one that told the police she had done it. Of course, she also mentioned being in extreme fear. A man fitting Mathew Gillespie's description came into the courtroom at two different times. The first visit she began to exhibit signs of distress and fear. Her eyes began darting around, her back and shoulders tensed, she starting crying. This was the first time she showed any other emotions other than exhibiting signs of being narcoleptic.

**My Thoughts:**

- A) Was she coerced or under threat at the time of her "confession"? Why did this woman, that literally fell asleep during the trial a couple times, why did she go from that level, to being extremely stressed and crying whenever that person walked into the courtroom? Was she afraid for her life and/or for the life of her 15 year old daughter? Why did she repeatedly incriminate herself on the witness stand? Why did her attorney allow her to do so?
- B) Is it possible she purposefully went to the one casino parking lot where the local police had jurisdiction so they could possibly stop the events from happening and catch the drug dealer that was in the car with her? Instead, it backfired and they held her instead of him. Is it possible? Is it probable? We'll never know – the defense attorney never explored that possibility. He simply did nothing to defend or offer a defense for his client's actions or inactions.
- 3) As it turns out, she has no criminal record, yet the defense attorney failed to mention this the entire time of the trial, actually leading the jury to believe that she was a seasoned, if not hardened, criminal – this actually came up during deliberation as a reason to convict, that she "obviously had lived a life of crime". She had not lived a life of crime – this was her first time to be in trouble with the law, and now she faces a felony charge.

**My Thoughts:** Why did her attorney not mention this until asked by the jury after the trial, during the jury's deliberation? Why wasn't that attorney under some sort of obligation to "defend" her?

During the jury deliberation, I was firm in my belief that the defendant did not have a criminal record. In my opinion she did not have behavior or mannerisms. Many times I stated this to the jury. The defendant lied when she should not have, and when she should have lied, she did not. Criminal behavior is cunning, manipulative and calculating. She did not display this behavior and therefore I strongly believed that she did not have a criminal record.

- 4) She obviously had some sort of physical or mental problem, but nothing was said to explain it. That is, she appeared to suffer from narcolepsy. She fell asleep often. She did manage to stay conscious long enough to reveal the name of Mathew Gillespie who was from Tacoma, and apparently connected to the "buy bust" the police were after. Mr. Gillespie was also the one driving her Hummer, and the one that drove the defendant's Hummer to a house in Tacoma. He was there at the time of the arrest of the defendant.

**My thoughts:**

- A) Does Mathew Gillespie have a history of drug issues? Does he have a record? Is it possible that he is the one the police were trying to bust? Why wasn't that part of it explored in any way? Why wasn't Mr. Gillespie a "witness" in the trial?
- B) To say she just didn't care did not compute with her tears and her fear. Was she under the influence of drugs at trial? Was she on prescription anti-anxiety drugs, or on illegal drugs, or is she a narcoleptic? If she was on anti anxiety, well, that would certainly make a case that she was under duress and/or fear the entire time.

- C) When we asked the defense attorney what was wrong with his defendant, he just shrugged, "I don't know", like he simply did not care. How was that helpful toward the defense of his client? That left each jury member to have to guess, based on each jury member's life experience and knowledge, they each had to "guess" or "judge" what her problem was. This was not to her benefit.
- 5) The defense attorney did not try to defend her. In fact, when she was on the witness stand *incriminating herself* and the prosecuting attorney was barraging her with questions in a hostile manner, the defense attorney made no attempt to protect his client, did not object to any of the harassing style of the questions, etc. He just sat there and did nothing to mitigate the circumstances or help her defend herself. He made no attempt to reveal or explain her sleeping issue – the jury was left to make assumptions regarding whether she was narcoleptic, or on drugs, or simply that the defendant just truly did not care.

When asked, after the verdict was read, if he could tell the jury what was wrong with his defendant, he just shrugged. He truly appeared to the jury to not only not care at all about whether his client was guilty or innocent of the charge she was on trial for, he also did not appear to care if she had a health issue, or was on drugs. He also had no idea of her obvious change in behavior whenever that one man entered the court room.

- 6) During the testimony of the police officers, the Fife police officers mentioned a confidential informant. The confidential informant was supposedly in jail at the Fife police department. He was being held for traffic violations and similar drug charges. The police offered him a "get of jail free" card for turning over any drug dealer.

My Thoughts:

- A) Where is this man called "Creepy Jim"? I found it impossible to give any credence to third party (hearsay) testimony of what "Creepy Jim" supposedly said to them.
- B) I believe the jury gave too much credit to this man's part in the "buy bust". He never personally testified in the trial – but the police officers "presented" Creepy Jim's testimony, in other words, they relayed to the Court what they claim they heard Creepy Jim say. The defense attorney never tried to get that third party testimony thrown out. I have to wonder, though, what would Creepy Jim be willing to say to get his "get out of jail free" card? He was not presented to us during the trial and neither attorney informed us as to why he was not put on the stand. My comment to the jury during our deliberation was that he probably was not put on the stand because he would have made the defendant look like an angel.
- C) The Fife Police Department put out, according to their testimony, \$220 toward this "buy bust" and did not recover their monies. In turn, I assume several thousands were spent trying to make this case. But, was it made correctly and directed at the right person?
- 7) A young African American woman with an African American man, both wearing court badges, came into the courtroom when the defendant took the stand to testify. Other than the other man I mentioned above, these were the only visitors in that courtroom. While she testified, the defense attorney went and stood next to those two visitors. Other jurors said that they thought the two visitors were employees of the Court.

**My Thoughts:**

The police officers made it clear that the actions leading up to the "buy bust" in which the defendant was arrested included following the defendant's Hummer to the home in Tacoma where they believe Mr. Gillespie and the defendant purchased or picked up some meth. They then followed the Hummer back to Fife. The officers also had mentioned that their "goal" had been to get the person who was selling the meth.

Were the visitors that were wearing court badges waiting for the defendant to say the name of the person M. Gillespie had visited in Tacoma? Was the entire trial just an attempt to get a name from her? Even with the prosecuting attorney badgering the defendant she revealed that person only as a friend never revealing a name.

What about the guy who was the 3<sup>rd</sup> person visiting the court room who's physical description seemed to match that of Mr. Gillespie and who's appearance seemed to completely un-nerve the defendant? After each visit in the court room - a sheriff would come into the court room. The first visit from that 3<sup>rd</sup> person, one sheriff came in; after the second visit, two sheriffs came in.

- 8) Many jurors were angry with the defendant because during the trial, it came out that the defendant had a Hummer which she claimed to have purchased after the sale of her home that was being foreclosed on. She claimed to have used the \$27,000 she received out of the home to put down on the purchase of the Hummer. The defense attorney never mentioned that the defendant sold her house prior to the actual foreclosure, and she was able to sell it for more than she owed on it - public record. This led the jurors to believe that the Hummer was purchased with drug money because they did not understand how anyone could have money out of a pre-foreclosure sale.

**My thoughts:** During these economic times, people are highly sensitive about foreclosures and money. Knowing the times we are in, why didn't the defense attorney clarify these things so the jury would not be so angry against his client over the fact that she owned a Hummer. That fact does not make her guilty of the crime: nor does the fact that she sold her house under the threat of foreclosure. Neither fact equates to be guilty of what she was charged with.

**After the verdict was read:**

After the verdict was read, not a jury member wanted to miss the interrogation of the defense counsel. Juror 4, she who had verbally attacked the other jurors and myself, as well as bullying the entire process, she verbally attacked the defense attorney in a humiliating and demeaning manner.

During this questioning of the defense counsel, I asked why entrapment had not been used as a defense in this case. The only response was a knowing smile between the prosecuting attorney and the defense attorney. So, was the case a complete set up? Was there truly no intention of either counsel that the defendant would receive an active defense?

The defense attorney was questioned about the mental capacity of his client. To this, he responded that he did not know, and he used a tone and mannerism that indicated he simply did not care.