

STATE OF MICHIGAN

IN THE 77th DISTRICT COURT FOR THE COUNTY OF MECOSTA

PEOPLE OF THE STATE OF MICHIGAN,

v

File No. 15-45978-FY

KEITH ERIC WOOD,

Defendant.

JURY TRIAL

VOLUME II OF II

BEFORE THE HONORABLE KIMBERLY L. BOOHER, ACTING DISTRICT JUDGE

Big Rapids, Michigan - Thursday, June 1, 2017

APPEARANCES:

For the People:

Nathan L. Hull (P-72265)
Assistant Prosecuting Attorney
400 Elm Street
Big Rapids, Michigan, 49307
(231) 592-0141

For the Defendant:

David A. Kallman (P-34200)
KALLMAN LEGAL GROUP, PLLC
5600 West Mount Hope Highway
Lansing, Michigan, 48917
(517) 322-3207

For the Defendant:
Co-Counsel

Stephen P. Kallman (P-75622)
KALLMAN LEGAL GROUP, PLLC
5600 West Mount Hope Highway
Lansing, Michigan, 48917
(517) 322-3207

RECORDED BY:

Sabrina M. Marlette, CER 8103
Certified Electronic Reporter
(231) 592-8303

TABLE OF CONTENTS

WITNESSES:	PAGE
DARREN NICHOLS	
Direct Examination by Mr. Kallman	5
Cross-Examination by Mr. Hull	12
RANDALL VETTER	
Direct Examination by Mr. Kallman	16
Cross-Examination by Mr. Hull	24
KEITH WOOD	
Direct Examination by Mr. Kallman	27
Cross-Examination by Mr. Hull	62
Redirect Examination by Mr. Kallman	73
Further Direct Examination by Mr. Kallman	76
Recross Examination by Mr. Hull	83
REBUTTAL WITNESS:	
THERESE BECHLER	
Direct Examination by Mr. Hull	89
Cross-Examination by Mr. Kallman	93
Redirect Examination by Mr. Hull	95
OTHER RELATED MATERIAL:	
Closing Arguments by Mr. Hull	96
Closing Arguments by Mr. Kallman	104
Rebuttal Arguments by Mr. Hull	125
Final Jury Instructions	132 - 144
Jury Verdict	151

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Big Rapids, Michigan

Thursday, June 1, 2017 - 9:55 a.m.

THE COURT: We're back on the record in the case of People of the State of Michigan versus Keith Eric Wood, being file number 1545978FY.

We took a brief recess. Mr. Kallman, are we prepared for your witnesses?

MR. KALLMAN: We are, your Honor. Well, we have our first one. Our next one should be here shortly. He was going to be here at 10:00.

THE COURT: All right.

MR. KALLMAN: So I'm sure we'll be fine. But, again, I'll need to check.

THE COURT: Sure.

MR. KALLMAN: All right.

THE COURT: All right.

Then call your first witness.

MR. KALLMAN: We should --

THE COURT: Oh, I'm sorry. We might need the jury.

Please rise for the jury.

(At 9:57 a.m., jury enters courtroom)

You may be seated.

Mr. Kallman, call your first witness.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. KALLMAN: Thank you, your Honor.

May it please the Court, ladies and gentlemen of the jury, we would call Darren Nichols.

THE COURT: Mr. Nichols, come up here to the witness box. Before you have a seat, raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

MR. NICHOLS: I do.

THE COURT: All right.

Go ahead and have a seat.

MR. KALLMAN: May I proceed, your Honor?

THE COURT: You may.

DARREN NICHOLS

(At 9:57 a.m., called by the Defense, sworn by the Court, testified as follows)

DIRECT EXAMINATION

BY MR. KALLMAN:

Q Thank you. Sir, could you please state your full name and spell your last name for the record?

A Darren Scott Nichols, N-I-C-H-O-L-S.

Q And, Mr. Nichols, what do you do?

A I work for the IBW as a journeyman substation technician.

Q All right. And do you live here in Mecosta County?

A Yes, I do. I live in Morley.

Q And did you happen to be here at the courthouse back on

1 November 24th of 2015?

2 A I did.

3 Q And why were you here?

4 A I was summoned for jury duty.

5 Q Okay. And you got a general summons in the mail?

6 A Yes.

7 Q Okay. Did anything unusual -- or -- what did you observe
8 when you got to the courthouse and you were still outside?

9 A I observed a man handing out brochures, flyers.

10 Q Okay. And let's -- so you saw a man handing out flyers or
11 brochures. Was he out on the public sidewalk?

12 A Yes.

13 Q Where was he located; on the north side near the
14 courthouse, or somewhere else?

15 A Yes, it would be directly out the main doors --

16 Q Okay.

17 A -- on the sidewalk.

18 Q And when you look at the sidewalk there, there's some
19 steps out the main doors and then a sidewalk that takes
20 you directly to Elm Street, right?

21 A Uh-huh.

22 Q Is that a yes? I'm sorry. You have to say yes or --

23 A Yes.

24 Q -- no so they can pick it up.

25 A Yes.

1 Q Thank you. And then there's a cross sidewalk out near Elm
2 Street that heads east and west, right?

3 A Yes.

4 Q And is that out right by the road?

5 A Yes.

6 Q Okay. And was Mr. Wood then where that kind of cross of
7 the two sidewalks occurred or where was he when you saw
8 him?

9 A No, he was on the east and west sidewalk.

10 Q Okay. And was he, in any way, blocking the main sidewalk?

11 A No.

12 Q Okay. But, he was out near Elm Street?

13 A Yes.

14 Q Okay. So you approached -- did you approach where he was
15 standing; how did you make contact with this gentleman?

16 A I was walking down the sidewalk and he approached me
17 before I made the turn to the building sidewalk to head up
18 to the stairs.

19 Q Okay.

20 A And handed me out a flyer and said this has information in
21 it, letting jurors know their rights as jurors; what they
22 can and can't do, and say, and things like that.

23 Q Okay.

24 A And I said, "Thank you," and kept on my way.

25 Q All right. So he did not ask you, "Are you a juror in a

1 case today?" or anything like that?

2 A No.

3 Q Okay. Did he say to you, "Hey, there's a case going on
4 today; *People versus Yoder*, you need to know about this,"
5 and start talking to you about that particular case?

6 A No.

7 Q Was he yelling; was he making a commotion?

8 A Absolutely not.

9 Q Was he causing any kind of disturbance?

10 A None whatsoever.

11 Q So once you took the pamphlet; what did you do with it?

12 A I opened it and started glancing over it as I was walking
13 in, until I could find a seat, and then I started reading
14 it.

15 Q Okay. Were you able to read the whole thing --

16 A No.

17 Q -- or part of it?

18 A Just a few main things in it. I didn't get to read the
19 whole thing before they were confiscated.

20 Q Okay. And who confiscated the -- where were you when they
21 were confiscated?

22 A I was across the hall; in that room.

23 Q Okay. With other jurors?

24 A Yes.

25 Q Okay. And do you recall who came in and confiscated the

1 pamphlets from all of you?

2 A Yeah, I believe it was him.

3 Q You're pointing at the gentleman seated next to the
4 Prosecutor here?

5 A Yes.

6 Q Deputy Roberts; does that refresh your memory, or did you
7 know his name?

8 A I did not know his name.

9 Q Okay. Did you ever question why the brochures were being
10 taken?

11 A Yes.

12 Q And when did you do that?

13 A Shortly after he stated that all -- anybody who was handed
14 brochures or pamphlets outside the courthouse on their way
15 in needs to hand them over per Judge's orders. And that
16 question arose as people were naturally handing them to
17 him.

18 Q Okay. And then you stayed in the jury room, right?

19 A Yes.

20 Q Did there come a time when you were released?

21 A Yeah.

22 Q Were you -- you -- you could go home or --

23 A Directly --

24 Q -- about your business?

25 A -- after the Judge came in.

1 Q Okay. So Judge Jak -- was it Judge Jaklevic --

2 A Yes.

3 Q -- do you recall? He came into the jury room?

4 A Yes.

5 Q And what did he tell you?

6 A Thanked us for making it that day and said that the
7 defense actually took a plea so our services were no
8 longer needed.

9 Q Okay. And -- I'm sorry?

10 A I just cleared my throat.

11 Q Okay. I thought you were saying something. Sorry. Did
12 you ask Judge Jaklevic about the brochure?

13 A Yes.

14 Q And what -- what did you say?

15 A I asked him why they were confiscated; was it because they
16 contained illegal information, or were they handed to us
17 illegally, or -- you know -- why were they being taken
18 from us because -- you know -- they're our property and
19 they don't really have a right to take them. And all he
20 stated was that the man handing them out was not working
21 for us -- or however he worded it -- and that he was now
22 in our county jail.

23 Q Okay.

24 A Which --

25 Q Did Mr. Wood, at any time, indicate to you, "Hey, I work

1 for the court?"

2 A No.

3 Q Did he ever indicate to you that he was in some kind of
4 official capacity on behalf of anybody in the court
5 system?

6 A No, there was nothing he said, did, or acted otherwise
7 that would have made me think he worked here or was trying
8 to make me go a certain way. He just seemed like a normal
9 guy handing people information.

10 Q Okay. And that's the way you took it?

11 A Yes.

12 MR. KALLMAN: Thank you.

13 I have nothing else.

14 Thank you, Judge.

15 THE COURT: Mr. Kallman and Mr. Hull, before you
16 go, would the two of you come forward, please?

17 (At 10:04 a.m., bench conference held)

18 (At 10:04 a.m., bench conference concluded)

19 BY MR. KALLMAN:

20 Q Mr. Nichols, we just want to clear up a point on where you
21 were. I think I used the phrase jury room; you indicated
22 you were in the courtroom across the hall, right?

23 A Yes.

24 Q Okay. So when I said jury room, that's what you meant,
25 you were in the district courtroom with all the other

1 prospective jurors across the hall?

2 A Correct.

3 MR. KALLMAN: Okay.

4 Thank you.

5 THE COURT: Thank you.

6 CROSS-EXAMINATION

7 BY MR. HULL:

8 Q Good morning, Mr. Nichols.

9 A Good morning.

10 Q So on -- on November 24th, you were summoned to appear for
11 jury duty?

12 A Yes.

13 Q And you came based on that order to appear, right?

14 A Yes.

15 Q And as you were coming up the sidewalk, on the north
16 entrance, Mr. Wood approached you?

17 A No.

18 Q You said in your direct that he came up to you.

19 A On the east and west sidewalk.

20 Q I'm sorry. On the east and west sidewalk. I apologize.
21 But, as you were on the sidewalk, he came up to you; is
22 that correct?

23 A I basically crossed paths. I don't -- don't recall him
24 actually meeting me anywhere. He just never really moved
25 from the spot he was at.

1 Q Okay. So you --

2 A I passed him on the sidewalk.

3 Q So you -- you crossed paths on the sidewalk; you passed by

4 him?

5 A Yes.

6 Q Okay. He handed you a pamphlet?

7 A Yes.

8 Q And he said that this contained information that jurors

9 need to hear or something about this containing

10 information about jurors that jurors needed to hear?

11 A For lack of better words, yes.

12 Q Yeah. So something to the effect that this is information

13 for jurors or that jurors needed to hear that -- that --

14 something to that effect?

15 A He just said it lets you know your right as a juror.

16 Q Okay. Okay. And then you got a chance to read at least

17 some of the pamphlet before it was --

18 A Uh-huh.

19 Q -- taken; is that correct?

20 A Yeah.

21 Q And I apologize. Is that a yes; we can't do --

22 A Yes. Sorry.

23 Q Okay. And from what you read; what was the -- what was

24 basically the contents of the pamphlet from what you read?

25 A The main thing that I got out of it was that jurors could

1 make a decision solely on their moral beliefs.

2 Q And that was --

3 A And not solely what the law states.

4 Q And that was information that he indicated you wouldn't be
5 receiving by the judge; is that -- or that the pamphlet
6 indicated the judge wouldn't tell you?

7 A It didn't say that he wouldn't. It just said that he may
8 not.

9 Q Okay. So it said the judge may not tell you that; that's
10 what the pamphlet said?

11 A I can't say that it said the judge directly.

12 Q Okay.

13 A But --

14 Q So either way, basically, it was giving you information in
15 regard to being a juror; that's what that pamphlet had,
16 right?

17 A Yes.

18 MR. HULL: Okay.

19 No further questions.

20 Thank you.

21 THE COURT: Thank you.

22 Mr. Kallman, redirect.

23 MR. KALLMAN: No redirect, your Honor.

24 THE COURT: Any questions from the jury?

25 THE JURORS: (No verbal response).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: No.

All right. May this witness be excused?

MR. KALLMAN: Yes, your Honor.

THE COURT: All right.

Sir, thank you for coming in today.

THE WITNESS: No problem.

THE COURT: You may be excused.

(At 10:07 a.m., witness excused)

Next witness.

MR. KALLMAN: Thank you, your Honor.

If I can check the hallway here real quick.

(At 10:08 a.m., Mr. Kallman retrieves next witness)

THE COURT: Sir, come up here to the witness box, please.

MR. KALLMAN: Your Honor, we would call Randy Vetter.

THE COURT: Sir, raise your right hand.

Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

MR. VETTER: I do.

THE COURT: Go ahead and have a seat.

Go ahead.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RANDALL VETTER

(At 10:08 a.m., called by the Defense, sworn by
the Court, testified as follows)

DIRECT EXAMINATION

BY MR. KALLMAN:

Q Thank you, your Honor. Mr. Vetter, could you please state
your full name and spell your last name for the record?

A Randall Vetter, V-as in Victor-E-double-T-E-R.

Q And, Mr. Vetter, what is your profession or occupation?

A I am an industrial lubrication salesman and a township
supervisor?

Q Okay. Which township?

A Grant.

Q Grant Township. Are you a resident of Mecosta County?

A I am.

Q I would like you to think back to the date of November
24th, 2015; do you recall that day?

A I believe so, yes.

Q Okay. Did you come to the courthouse that day?

A Yes.

Q Why did you come to the courthouse that day?

A I was summoned for jury duty?

Q And how were you summoned for jury duty?

A A letter.

Q It came in the mail?

1 A Yes.

2 Q Okay. Did it say -- do you recall that summons saying to
3 you, you're being summoned as a juror in the case of
4 *People versus Yoder*?

5 A No.

6 Q It did not say that?

7 A Not to my recollections, because some of us were
8 discussing what case we were here for.

9 Q Because you didn't know, did you?

10 A We didn't know.

11 Q Okay. When you arrived here in the courthouse on that
12 date, November 24th, of '15 -- and if you don't recall the
13 exact date; do you just recall coming for the jury pool?

14 A Yes.

15 Q Okay.

16 A Yes.

17 Q Did you run into anybody out in front of the courthouse
18 handing out literature?

19 A Yes.

20 Q And tell us what happened; how did you meet this person,
21 how did it come about?

22 A I parked out in front of the courthouse, exited my
23 vehicle, and was approached on the sidewalk.

24 Q Okay. Now, you say you parked your vehicle; was that on
25 Elm Street?

1 A If -- yeah, that's the street out front here.

2 Q Okay. And where was the gentleman located on the
3 sidewalk?

4 A About 20 feet from my car.

5 Q Okay. On the east west sidewalk, along Elm Street?

6 A Yes.

7 Q Okay.

8 A Yes.

9 Q So he was not up by the courthouse or --

10 A No.

11 Q -- inside --

12 A No.

13 Q -- the courthouse?

14 A No. No, he was on the sidewalk parallel to the street.

15 Q Okay. And that would have been just within a few feet of
16 Elm Street, right?

17 A Yeah, like I say, 20 -- 20 feet from my car. I just
18 exited --

19 Q Right.

20 A -- my car.

21 Q But when you got to him, there was a sidewalk then that
22 you had to turn onto to go up to the courthouse, right?

23 A That's correct.

24 Q Okay. Was Mr. Wood on that sidewalk or --

25 A No, no.

1 Q -- was he on the east west --
2 A No.
3 Q -- sidewalk?
4 A The sidewalk parallel with the road.
5 Q Okay. And what was he doing?
6 A Handing out literature; a trifold --
7 Q Okay.
8 A -- piece of paper.
9 Q All right. And did he give one of those flyers to you?
10 A Yes.
11 Q And did you accept it?
12 A Yes.
13 Q Okay. And did he say anything to you at the time he
14 handed you this flyer; if you recall?
15 A He -- what I recall -- what he said to me was, "Here is a
16 flyer that describes your rights."
17 Q Okay.
18 A And I was running a little behind so I just stuffed it in
19 my inside coat pocket and --
20 Q Kept on --
21 A -- made my way --
22 Q Kept on walking?
23 A -- into the court. Yep.
24 Q All right. Did he say -- did he ask you, "Are you a juror
25 in a case today?"

1 A No, no. He just said here's a flyer so you -- excuse me
2 --
3 Q Okay. Did he say to you, "Hey, the case of *People versus*
4 *Yoder* is going on today --
5 A No.
6 Q -- this is an important case?"
7 A No, I --
8 Q No.
9 A -- no idea what would be heard that --
10 Q And he didn't ask you about --
11 A No.
12 Q -- the *Yoder* case?
13 A No.
14 Q Okay.
15 A No, it was very brief.
16 Q Okay. He didn't say to you, "Hey, you know, I think Mr.
17 *Yoder* is being railroaded. If you get on that jury do the
18 right thing;" I mean, did he say anything like that to --
19 A No.
20 Q -- you?
21 A The only thing he said to me was, "Here's a pamphlet so
22 you know your rights," and --
23 Q Okay.
24 A -- and that was the --
25 Q That was it?

1 A -- interaction.

2 Q All right. Now did you have a chance to read the
3 pamphlet?

4 A Just briefly the front of it. I never even got into the
5 trifold.

6 Q Okay.

7 A Like I said, I was running a little behind schedule
8 getting checked in.

9 Q Okay. And where did you go once you checked in as a juror
10 that day?

11 A Into the courtroom across the hall.

12 Q In the district courtroom right across the hall?

13 A Yes.

14 Q Okay. And all the jurors who had been summoned were in
15 that same courtroom with you?

16 A Yeah, there were several people.

17 Q Okay. And did there come a time where you were asked to
18 turn in your pamphlet?

19 A Yes, one of the Sheriff's Department bailiffs or uniformed
20 officers came into the courtroom and asked if anybody had
21 received one and that the Judge had requested that they be
22 collected.

23 Q Okay. And so you turned yours over then, right?

24 A Yes.

25 Q Okay. Did you ever have a chance to read it or --

1 A No.

2 Q In depth or anything?

3 A I -- I glanced at the front of it. That was it.

4 Q Okay.

5 A And that was when I got it and when I handed it in.

6 Q All right. Did there come a point in time when you were
7 released as a juror and you were free to go about your
8 business?

9 A Yes.

10 Q About how long were you in the courtroom waiting; if you
11 remember?

12 A Thirty to 45 minutes.

13 Q Okay. Did someone come in to the courtroom where the jury
14 was to tell you you were free to go?

15 A Yes, the Judge made an appearance.

16 Q Judge Jaklevic.

17 A Yes.

18 Q Okay. And did he comment on what was going on or -- or
19 what occurred?

20 A He came in and said, "I have good news and bad news."

21 Q Okay.

22 A "The good news is the case was settled across the hall
23 prior to coming to court and the bad news is you all --
24 you came in for nothing."

25 Q Okay. So --

1 A And then the gentleman two down to my left raised his hand
2 and asked the Judge about the collection of the flyers.

3 Q Okay.

4 A And --

5 Q Do you recall Judge Jaklevic commenting on that?

6 A Yes, he smirked and said, "That gentleman was escorted in
7 and he is now the" -- I think his words were, "the newest
8 resident of our local jail," or the Mecosta County Jail.

9 Q Okay. Did he say anything about how Mr. Wood came into
10 the courtroom -- or -- courthouse or anything that you
11 recall?

12 A No, he --

13 Q Okay.

14 A Not to my recollection anyway.

15 Q And that's fine, sir. Thank you. Just one moment, your
16 Honor. Did you see any other people around you when you
17 were outside and Mr. Wood handed you a brochure?

18 A No.

19 Q Did you see him interact with anybody else?

20 A Nobody else.

21 MR. KALLMAN: Okay.

22 Thank you.

23 I have nothing else.

24 THE COURT: Mr. Hull.

25

CROSS-EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MR. HULL:

Q Thank you, your Honor. So you -- you came in the north entrance over here -- or -- you came towards the north entrance; you parked on the road; is that correct?

A That's correct.

Q Okay. And as you got out of your car, you were approached by the gentleman with the pamphlets?

A Well, we basically converged because he was on the sidewalk and, as I exited my car, I came across the grass onto the sidewalk where he was.

Q Okay. So -- so you guys converged; you met up at some point on the sidewalk?

A That's correct.

Q Okay. And then he handed you the flyer?

A Yes.

Q And he said something -- and -- and you took the flyer when he handed it to you?

A Yes.

Q And he said something about this flyer describes your rights or something to the fact that so you know your rights?

A He said, "This flyer is about your rights."

Q Okay. And that's what he said as he handed you the flyer?

A Yes.

1 Q And you -- you said you -- you read the -- just the first
2 line or the --

3 A I just glanced at the front of it. As I remember, it was
4 a trifold.

5 Q Okay. And do you remember what the front of it said or
6 no?

7 A Nah, I couldn't tell you.

8 Q Okay. So at this point -- but -- because you just glanced
9 at it, you can't even --

10 A Yeah, like I say, I was running behind schedule. I just
11 shoved it on the inside pocket of my coat and --

12 Q And you were --

13 A -- came into --

14 Q -- done with it?

15 A -- the courthouse.

16 Q Okay. Did you see -- since you came in late -- did you
17 see how many other people in the courtroom; how many other
18 jurors in the courtroom, were holding the pamphlet?

19 A I did not.

20 Q Okay. So you can't speak to that?

21 A No, I --

22 Q Okay.

23 A I have no idea.

24 Q When he handed you the pamphlet and he said so you know
25 your rights; how far were you from the -- from the

1 courthouse?

2 A Again, it had to be within 20 feet of my car. So just
3 across the grassy area, just onto the sidewalk.

4 Q Okay. And just so we understand, you were -- you were
5 summoned to appear on that day?

6 A That's correct.

7 Q So you were ordered to appear for court for a trial?

8 A Yes.

9 MR. HULL: Okay.

10 Thank you.

11 No further questions.

12 THE COURT: Mr. Kallman, redirect.

13 MR. KALLMAN: No. Thank you, your Honor.

14 THE COURT: Questions from the jury?

15 THE JURORS: (No verbal response).

16 THE COURT: Sir -- I'm sorry -- can this witness
17 be excused?

18 MR. KALLMAN: Yes, your Honor. We would ask
19 that.

20 THE COURT: All right.

21 Sir, thank you for coming in today.

22 THE WITNESS: Okay.

23 THE COURT: You are excused.

24 (At 10:18 a.m., witness excused)

25 Next witness.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. KALLMAN: Thank you, your Honor.

We would call Keith Wood.

THE COURT: Mr. Wood, come up here to the witness stand. Before you sit down, raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

THE DEFENDANT: I affirm.

THE COURT: Have a seat, Mr. Wood.

Mr. Kallman, go ahead.

KEITH WOOD

(At 10:19 a.m., called by the Defense, sworn by the Court, testified as follows)

DIRECT EXAMINATION

BY MR. KALLMAN:

Q Thank you, your Honor. Mr. Wood, could you please state your full name and spell your last name for the record?

A Yes, my name is Keith Eric Wood, spelled W-O-O-D.

Q And, Mr. Wood, back in November of 2015; did you live in Mecosta County?

A I did.

Q So you were a resident here?

A Yes, sir.

Q Do you live -- do you have a house, do you have a family, what?

A We rented a home in Mecosta, Michigan. My wife and, at

1 the time, we had seven children.

2 Q Okay.

3 A We now have eight.

4 Q Okay. And what's your occupation?

5 A I'm self-employed. I'm a licensed insurance broker and I
6 help Medicare beneficiaries find the best Medicare
7 insurance solutions for their needs and their budget.

8 Q Okay. And did you have a -- your own business here in
9 town then?

10 A I -- I did. I worked from home and I traveled. But, I --
11 yeah -- I covered the entire State of Michigan.

12 Q All right. Well, we all know why you're here so let's get
13 to it.

14 A Okay.

15 Q How did you become interested in the whole issue of juror
16 rights, and what they're told, and that sort of thing?

17 A Well, I was surprised to learn that the trial by jury
18 system had changed dramatically over the last 100 to 150
19 years. And that's when I became interested in juror
20 rights issues.

21 Q So you just started researching it?

22 A I did.

23 Q It was just something of interest to you?

24 A With the internet you can find a lot of information; some
25 good, some correct, some bad.

1 Q Okay. How did you hear about the *People versus Yoder*
2 case?

3 A Well, somebody in the area sent an email out. It was an
4 email blast and I received it. I don't remember exactly
5 who. I do have several email addresses with my business
6 and two personal email accounts. So I did receive an
7 email. And it generally talked about the *Yoder* case and
8 it invited people to come to the *Yoder* case; the pretrial
9 hearing, at -- on November 4th, if they were interested.

10 Q Okay. Do you recall approximately when you would have
11 received this email?

12 A I don't know for sure, but if -- I would say a couple
13 weeks before November 4th. So possibly mid-October.

14 Q Okay. So you get this email, it piqued your interest, and
15 you decided to go to this pretrial?

16 A I -- I did decide to go.

17 Q Okay. And we've all seen the video. That is you sitting
18 there in the pretrial isn't it?

19 A That was me, yes.

20 Q Okay. Andrew Yoder is the name of the gentleman who was
21 involved in that case, *People v Yoder*, we keep referring
22 to. Do you know Andrew Yoder?

23 A I do not know Andrew Yoder. We have never met before.

24 Q You've never met him at any time?

25 A Never met him at any time.

1 Q Have you had contact with him since November 24th --

2 A I have had no --

3 Q -- of 2015?

4 A I have had no contact with Andrew Yoder since -- did you

5 say November 4th?

6 Q The 24th of 2015?

7 A No. I have had no contact with him.

8 Q Okay. And when you were here on the 24th and the case was

9 being -- we've heard testimony that was resolved and --

10 did you talk to Andrew Yoder that day?

11 A I did not talk to Andrew Yoder that day.

12 Q Okay. Did you know his attorney?

13 A I -- I knew his name because he was at the pretrial.

14 Q Okay. But do you have any -- was he a friend of yours --

15 A No.

16 Q -- I mean, did you know him?

17 A He was not a friend of mine, no.

18 Q Okay. Well, did you coordinate with Mr. Yoder and/or his

19 attorney to pass out pamphlets on November 24th?

20 A Absolutely not. I did it on my own accord.

21 Q Did you call him up and tell him; hey, guys, I'm going to

22 show up on November 24th and hand out these brochures

23 because I want to help you out. I mean, did you call him

24 and tell him?

25 A I did not.

1 Q Now, you did go to that pretrial on November 4th, right?

2 A I did.

3 Q And you've talked about the email and that it was open to
4 the public; the email told you that?

5 A It did. I was -- it was open to the public.

6 Q Okay. When you were there -- and I think it was shown on
7 the video -- did you talk to a State Trooper that was
8 there at the same time?

9 A I did. I noticed when I -- when I walked in that there
10 was a -- a Trooper's car that was running and I just
11 wanted to let him know that it was running.

12 Q Okay. So kind of like hey, the lights are on or -- or you
13 were just letting him know that his car was on?

14 A Absolutely.

15 Q Okay. Do you remember exactly what you said to him or --

16 A I -- I don't remember exactly.

17 Q Okay. Do you remember telling -- do you remember saying
18 to the Trooper, "You're wasting tax dollars;" did you say
19 that?

20 A I -- I don't remember saying that.

21 Q Okay. Were other people talking to the Trooper at the
22 same time?

23 A After I asked the question -- or -- if he knew that his
24 car was running, then there was some banter.

25 Q And so other people made comments too, besides you, right?

1 A That is correct, yes.

2 Q Okay. Now that same day on November 4th; prior to the
3 pretrial, did you call Emily Grove, who is the reporter
4 that testified earlier?

5 A I -- I did. I thought that -- that the case was
6 newsworthy and that she should attend.

7 Q Okay. And so you called her the same day, but before the
8 pretrial, right?

9 A Right.

10 Q Okay.

11 A I think it was in the morning, I believe.

12 Q Okay. Did you talk with her for 15 minutes?

13 A Absolutely not.

14 Q Okay. How long did you talk with her?

15 A Well, based on her testimony regarding her email; the
16 email that she sent somebody, it was a few minutes. So a
17 few is three, with a maximum four minutes.

18 Q Okay. And that's your recollection of how long --

19 A That is --

20 Q -- you talked?

21 A -- my recollection. It was --

22 Q Okay.

23 A -- very, very brief.

24 Q Did you talk to her about jury rights?

25 A Absolutely not.

1 Q Did you talk to her about hey, I've got a pamphlet I'm
2 going to be handing out?

3 A I did not.

4 Q Did you talk to her about the existence of a jury pamphlet
5 at all?

6 A I did not.

7 Q So the sole thing you talked about was just, "Hey, have
8 you heard about this *Yoder* case?" And you thought it might
9 be interesting to them?

10 A That's correct.

11 Q Okay. Did you know that on November 24th of 2015, that the
12 *Yoder* case was the only case set for trial that day?

13 A I had no idea to know that that was the only case.

14 Q Okay.

15 A I didn't look at a schedule or anything.

16 Q All right. Obviously, you knew the *Yoder* case was set for
17 that day, right?

18 A I -- I knew it was scheduled for that day. I didn't know
19 that it was going to go to trial.

20 Q Okay. And you didn't know that was the only case set for
21 trial that day, did you?

22 MR. HULL: Your Honor, I'm going to object to
23 the leading questions.

24 MR. KALLMAN: Well, he's already -- yeah, I'll
25 rephrase it.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Thank you.

BY MR. KALLMAN:

Q Did you know whether or not that was the only trial scheduled?

A I -- I had no idea if there was going to be other trials held.

Q Okay. When did you decide to go to the courthouse on November 24th to hand out these pamphlets; the pamphlet that has been admitted, it's in evidence?

A Well, I -- I don't know exactly the day when I decided to -- to hand out the informational brochures, but it was after the pretrial hearing. I did decide to go on the public sidewalk and hand out the educational information to anybody that would take one.

Q Okay. Where did you first see this pamphlet?

A I saw it online somewhere and I think it was a Facebook post, so I clicked through the link and it took me to a website. It's the Fully Informed Jury Association, it's fija.org.

Q And that's where you saw the pamphlet?

A That's correct.

Q Okay. So you had no idea about the existence of a pamphlet on November 4th of 2015?

A I did not.

Q Why did you decide to hand out the pamphlets on November

1 24th of 2015?

2 A Well, with all of the research that I was doing and my
3 wife -- if my wife was here, she can testify that I'm
4 pretty thorough in my research -- so I learned a really
5 interesting fact that 95 percent of all criminal cases in
6 the United States, they are pled out before they get to
7 trial. And so there was a -- there was a very high
8 likelihood that the Yoder case was not going to go to
9 trial, but then I also believed that there were going to
10 be a lot of people around the courthouse and it was going
11 to give me a really good opportunity to educate as many
12 people to hand out the pamphlets and get this information
13 into their hands.

14 Q So you assumed there was not going to be a trial?

15 A Well, I'm not the brightest crayon in the box, but a 95
16 percent chance that it wasn't going to go to trial, I -- I
17 was pretty certain that it wasn't going to happen.

18 Q So your purpose was to simply get this information out?

19 A Absolutely.

20 Q Okay. And, in fact, your assumption was correct, right,
21 because no trial was held?

22 A No trial ever happened.

23 Q Okay. Now, you said that you knew that there would be a
24 lot of people there. In fact, there were a lot of people
25 there that day, weren't there?

1 A There -- there were a lot of people there, that's correct.

2 Q Okay. Did you know, as people were coming in, who was a
3 juror, who was not a juror, who was a court employee, who
4 was there to pay their taxes; I mean, did you have any
5 idea of knowing as these people walked in?

6 A I -- I didn't have any idea to know who was summoned as a
7 potential juror, who was not. When you asked about the
8 court employees; I did see some people with some lanyards
9 and ID badges hanging from their neck. So I didn't know
10 if they were court employees or who they were. I couldn't
11 really read it when they passed by. But, I had no idea.
12 I -- I didn't have any way to know; just like Detective
13 Erlandson testified previously, I didn't know who was a
14 juror summoned or who was not.

15 Q So who were you handing your pamphlet out to?

16 A To anybody that would receive one.

17 Q Okay. And where were you standing?

18 A I -- I was standing on the sidewalk that runs parallel to
19 Elm Street, which is east -- east and west.

20 Q Out here at the north entrance; the front?

21 A At the north entrance of Elm Street. And I didn't want to
22 block the sidewalk. So it makes a cross. So the sidewalk
23 actually goes into the street; you have some grass area on
24 either sides, and so I -- I wanted to make sure I wasn't
25 blocking the sidewalk, so I positioned myself towards the

1 grass, on the sidewalk, just -- I guess, if you're walking
2 down the stairs, it's just to the right of the cross.

3 Q Okay.

4 A But north, towards --

5 Q So --

6 A -- the street.

7 Q -- if you were walking from the courthouse, out the front
8 doors, down the steps, and then the sidewalk goes all the
9 way to Elm Street, right?

10 A Yes.

11 Q Were you on that part of the sidewalk at all?

12 A No.

13 Q So the part of the sidewalk that went east and west; just
14 a few feet from Elm Street, you were just off to the side?

15 A That's correct.

16 Q Near the intersection of those --

17 A That is --

18 Q -- sidewalks?

19 A Yes, that's correct.

20 Q Okay. Now there's been some testimony from Mrs. Lenahan
21 that you helped her out and you were up on the top landing
22 of the steps; was that accurate?

23 A That is not accurate.

24 Q Okay. Tell the jury what happened with -- with Ms.
25 Lenahan?

1 A When I saw her coming with her walker, I -- I recalled our
2 interaction and based on my recollection, she was coming
3 from -- let's see -- this is north -- she was coming from
4 the east, heading west, on the sidewalk, towards that --
5 that sidewalk that -- that crosses --

6 Q The cross, uh-huh.

7 A -- the Elm Street sidewalk. And so she passed right by
8 me. And I -- I mean -- I -- I'm observant, so I noticed
9 that she had a walker, and so once she got up to the
10 steps, I went ahead and walked up towards the steps. And
11 I said, "Let me -- let me -- let me grab that walker for
12 you and I -- I can carry it up there," and I did.

13 Q So you helped her up the steps?

14 A I helped her up the steps.

15 Q Okay. And then, at that point, did you -- did you ask
16 her, "Are you on the jury?"

17 A Absolutely not. I never asked anybody if they were on the
18 jury.

19 Q Okay. Did you tell her about a handicapped entrance?

20 A I -- I didn't. I didn't know that there was one.

21 Q Okay. So you basically helped her up and to the doors.
22 Did you go inside the courthouse at that point?

23 A No, I did not.

24 Q Okay. Was there anyone else around you and Mrs. Lenahan
25 when you were up on that landing; when you were helping

1 her?

2 A I -- I don't recall. But at that point, I don't believe
3 so.

4 Q Okay. And you did do -- you did offer her one of the
5 brochures, right?

6 A I -- I did.

7 Q And what did you say to her?

8 A "Here's jury rights information you should know about,"
9 and handed her a pamphlet.

10 Q Okay. So was that kind of your mantra; what were you
11 saying to people as they were coming by?

12 A Yeah, I -- I would simply hand it out, not in front of
13 them, but just say, "Here's some jury rights information,"
14 and offer it to them.

15 Q Okay. And what if somebody said no or no thanks or kept
16 walking?

17 A Oh, I would retract my arm and just smile and say, "Have a
18 nice day."

19 Q Okay. Were you being loud or demonstrative in any way?

20 A Never.

21 Q Were you badgering people coming in?

22 A I was not.

23 Q Harassing anybody, chasing after them; you have to read
24 this pamphlet?

25 A No. It's not my nature.

1 Q Okay. Did you ever ask any person that you -- that you
2 handed out -- well, any person you came in contact with
3 that morning; did you ever ask any of them, anything about
4 *People versus Yoder*?

5 A I -- I never mentioned versus People -- *People versus*
6 *Yoder*, no.

7 Q Did you ever say to them, "I think Mr. Yoder is getting a
8 raw deal?"

9 A I -- I never mentioned the *Yoder* case at all.

10 Q Didn't encourage anybody to vote on his behalf or anything
11 else?

12 A I did not.

13 Q Okay. And the brochure you were handing out; did it say
14 anything about the *Yoder* case?

15 A It didn't say anything about the *Yoder* case.

16 Q Did it even talk about the State of Michigan or Mecosta
17 County?

18 A It did -- it did not.

19 Q Did it talk about Judge Jaklevic?

20 A It didn't talk about Judge Jaklevic.

21 Q Did it talk about anything about this particular court
22 system here in Mecosta County?

23 A It didn't mention anything about this court system.

24 Q Okay.

25 A Here in Mecosta.

1 Q And you agree that what's been admitted as the
2 Prosecutor's Exhibit Number 1 is a copy of one of the
3 brochures you were handing out, right?

4 A Can I take a look at it?

5 Q Sure.

6 A May I?

7 MR. KALLMAN: May I approach, your Honor?

8 THE COURT: You may.

9 THE WITNESS: I -- I just -- it looked like it.
10 I just want to make sure.

11 MR. KALLMAN: I know you haven't seen it
12 directly so.

13 May I approach the witness, your Honor?

14 THE COURT: You may.

15 BY MR. KALLMAN:

16 Q Take a second to look that over.

17 A That was the one.

18 Q Okay. And they were colored yellow like that, right?

19 A Yes, they were.

20 Q Okay. Now, you say you were not trying to block anybody
21 from progressing along on the sidewalk that day?

22 A No, I was -- I was very conscientious to not block
23 anybody.

24 Q Okay. Let me ask you, Mr. Wood; how tall are you?

25 A Well, I usually say to people I'm 5'7, standing on a

1 stool, but that's not accurate. I -- my wife says I'm 5'6
2 and a-half, I say I'm 5'7.

3 Q Okay.

4 A I'm not very tall.

5 Q How much do you weigh, sir?

6 A I -- I weigh approximately 155 pounds.

7 Q Did you ever hold yourself out as some kind of court
8 official?

9 A I -- I never did, no.

10 Q Tell people, "Hey, I'm here to help with jurors; I'll help
11 you get in," or anything like that?

12 A Absolutely not.

13 Q Were your -- were you wearing any kind of a badge or any
14 kind of a thing that could be misinterpreted that you were
15 somehow an official?

16 A No, I -- I unless --

17 Q What were you --

18 A -- somebody --

19 Q -- wearing?

20 A Well, I had blue jeans on and I had a button-up shirt, and
21 over that was a winter jacket; a black winter jacket.

22 Q Okay. So it was kind of cold out that day?

23 A It was cold out there that day, yes.

24 Q Okay. Did you have a megaphone out there; yelling, "Get
25 your juror rights information?"

1 A I did not. No.

2 Q How many pamphlets did you have with you that day to hand
3 out?

4 A I would say between 75 and a hundred I had in my hand.

5 Q Okay. And what was goal those pamphlets?

6 A To educate as many people in the public as possible about
7 juror rights.

8 Q Hopefully, give them all out?

9 A I was hoping, yes.

10 Q Okay. What if you ran out with the 75 or a hundred that
11 you had?

12 A I -- I did have some reserves in the car.

13 Q Okay. Was this the first time you had ever handed out
14 brochures like this on this issue?

15 A Well, I -- I had given them to people like clerks if the
16 issue would arise, my pest control guy; I work from home,
17 and he would come at least once a-month and we --

18 Q Okay.

19 A -- we discussed that.

20 Q Let me ask this, when did you first have a pamphlet in
21 your hand that you could give to somebody?

22 A (No verbal response).

23 Q I think you said it was after the pre -- when -- when did
24 you first --

25 A Yeah, it's -- it was definitely after November 4th.

1 Q Okay. But what I'm asking, sir, is not, "Did you give it
2 to some individual person" or something. When was the
3 first time you went out in public, on a public sidewalk,
4 to hand these out to just anybody who would take one?

5 A Well, this was the first time, because I had just learned
6 about jury rights and I -- I just began my investigation
7 regarding this issue.

8 Q Okay. And then after you got arrested and this whole case
9 started; have you gone out anywhere else to --

10 A No.

11 Q -- hand out brochures?

12 A I -- I have not.

13 Q Okay. There was some testimony that there was a period of
14 time where -- that morning, of the 24th -- that a bus full
15 of Amish folks got off and went inside the courtroom.
16 Were you there at the sidewalk yet when that happened?

17 A I -- I never saw an Amish bus pull up and a whole bunch of
18 Amish -- Amish-folk come out. So I'm saying no, I was not
19 there.

20 Q Okay. So --

21 A I didn't see one.

22 Q -- were the Amish-folk already in the courthouse for the
23 most part?

24 A Yes. You -- you can see through the windows. I did see
25 some Amish folks through the windows. So, yes, they were

1 already there --

2 Q Okay.

3 A -- when I arrived.

4 Q Did there come a point in time where some of the Amish
5 folks came out on that landing area at the top of the
6 steps?

7 A They did. So at one point, a little after I got there, I
8 did see a group of Amish men come out on that landing and
9 -- and they were set up on the top of the steps at that
10 landing.

11 Q Okay. Well, when you saw all of them on the landing; did
12 you run up to the landing and say, "Hey, guys, take a look
13 at this brochure I've got. You should know your juror
14 rights?"

15 A No, I did not.

16 Q Did you approach them at all?

17 A I didn't.

18 Q Did you ever hand a brochure to any Amish folks that were
19 there that day?

20 A I did hand a brochure to one Amish man, an Amish couple;
21 they must have been late, but they came down the sidewalk.
22 In fact, they were on the sidewalk that is parallel with
23 Elm Street. And they were coming from the west, heading
24 east, and I offered the gentleman one of those pamphlets
25 and he took it and I saw him put it in the inside pocket

1 of his jacket.

2 Q Okay. So that was the only interaction you had with any
3 Amish folks that were there that day?

4 A That is correct.

5 Q Did you coordinate anything with some Amish church or
6 group beforehand, before the 24th, to show up that day to
7 hand out these brochures?

8 A I did not.

9 Q Okay. Now did there come a point in time where someone
10 came out of the courthouse to talk to you about what you
11 were doing?

12 A Yes. A man came halfway down the steps from the north
13 entrance area. And --

14 Q And where were you located?

15 A I was still at the same place that I had always been.

16 Q Okay.

17 A I didn't --

18 Q Out by Elm Street?

19 A Right. And --

20 Q Okay. But on the sidewalk?

21 A On the sidewalk.

22 Q Okay.

23 A Not blocking anybody.

24 Q All right. And what happened?

25 A Well, he came halfway down the stairs. He said something.

1 I -- I heard noise. I could not make out exactly what he
2 said. And --

3 Q So what did you do?

4 A Well, and so I wanted to know -- I like to know who I'm
5 talking to -- so I just asked him well, "Who are you?"
6 And his reply was, "I'm a magistrate" or "I'm the
7 magistrate." And right after that I asked him well, "What
8 is -- what is your name?" I like to know -- you know --
9 officials' names. And either when I was asking the
10 question what is your name or just after I finished the
11 question, he turned around and he walked inside the
12 courthouse.

13 Q Okay. Did you hear him ask or make any command to you to
14 stop handing out pamphlets?

15 A I -- I did not hear that, no.

16 Q Okay. So other than that brief exchange about being a
17 magistrate and what you said; you could not really make
18 out what he was saying?

19 A I -- I didn't hear what he said.

20 Q Okay.

21 A And he didn't -- he didn't stay very long for -- for me to
22 really know what he wanted me to do or not want me to do.

23 Q All right. And was that your -- strike that. Now, you
24 know Detective Erlandson, right?

25 A Well, I --

1 Q I mean, you know who she is?

2 A I know who she is. I don't know --

3 Q And --

4 A -- her.

5 Q -- you saw her testify here in court yesterday, right?

6 A Yes --

7 Q Okay.

8 A -- I saw her.

9 Q How many times did Detective Erlandson come out and talk
10 to you?

11 A Well, I talked to her twice. One -- once when she was
12 coming inside the courtroom -- or -- the courthouse
13 rather. So for -- she was on the public sidewalk and she
14 was coming into the courthouse. And then the second time
15 was when she came down to the -- the same sidewalk that I
16 was standing at --

17 Q Okay.

18 A -- twice.

19 Q Well, let's talk about those --

20 A Okay.

21 Q -- separately. The first time she was coming in just like
22 other people were walking in that day, right?

23 A Yes, that's correct.

24 Q Okay. And -- and just so I'm clear; you were handing
25 these brochures out to anybody who would take them, right?

1 A That is correct.

2 Q We've heard testimony from people who were not jurors, who
3 did get the brochure, right?

4 A Yes. Absolutely.

5 Q So you were not -- you didn't know who was a juror or who
6 wasn't a juror did you?

7 A I had no idea.

8 Q Now the first time you saw Detective Erlandson, tell us
9 what happened; she's walking in, where was she coming
10 from, where were you? Tell the jury what -- what
11 happened.

12 A Well, she was coming towards the sidewalk where I was at
13 and as -- you know -- she was going to turn and head up
14 the sidewalk to go up the stairs, before she even got on
15 that sidewalk, I said something to the effect, "You don't
16 want one of these do you?" and I smiled at her.

17 Q Okay. Why did you say that?

18 A Well, I -- you know -- I did see her duty weapon, I saw
19 her badge, so I knew she was some sort of law enforcement
20 officer. But -- you know -- the fact is -- well, I --

21 Q Okay.

22 A I offered --

23 Q So you --

24 A I offered her one.

25 Q You offered her one?

1 A Yeah.

2 Q Kind of tongue-in-cheek?

3 A Right.

4 Q All right. And what did she do?

5 A Oh, she said she didn't want one. She said that
6 everything that -- yeah -- I don't remember exactly what
7 she said. But, she didn't take one.

8 Q She declined one --

9 A Right.

10 Q -- right?

11 A Right.

12 Q Okay. Did she tell you to move on; that you couldn't hand
13 out those brochures at this first meeting?

14 A She never told me to move on.

15 Q Okay. Did she complain to you -- again, we're at the
16 first time you encountered her -- did she tell you, "Hey,
17 you're blocking the sidewalk?"

18 A She never told me I was blocking the sidewalk, because I
19 wasn't.

20 Q Okay. All right. The second time that Detective
21 Erlandson came out -- and I think we've all heard the
22 testimony -- she came walking up the sidewalk, towards
23 you, and Deputy Roberts came out and was still on the
24 landing or somewhere up near the courthouse, right?

25 A That's correct, yes. So she came down the stairs, down

1 that sidewalk that makes the cross.

2 Q Uh-huh.

3 A Yes.

4 Q And what did she say to you?

5 A She told me I needed to come inside the courthouse because

6 the judge wanted to talk to me or needed to talk to me.

7 Q Okay. And did you ask her a question?

8 A I did. I asked her if I was being detained.

9 Q Okay. Why --

10 A And she said --

11 Q Why would --

12 A -- no.

13 Q -- you ask that?

14 A Well, if I'm not being detained then I'm free to go. And

15 if I'm free to go, then I'm free to stay.

16 Q Okay. So when you asked, "Am I being detained;" what did

17 -- how did she respond?

18 A She said, "No, you're not being detained."

19 Q Okay. So what happened then; did you --

20 A Well, I --

21 Q -- go inside at that point, right after she said that?

22 A No, I did not because she said I was not being detained.

23 And I know that much; if I'm not being detained, then I'm

24 -- I'm not doing anything wrong, and I don't have to -- I

25 don't have to comply with a request.

1 Q Okay. Were you nervous about going inside the courthouse?

2 A I -- I was very nervous about going inside the courthouse.

3 Q Okay. Why?

4 A Well, just -- you know --

5 Q You didn't want to meet the judge?

6 A Well, I didn't want to meet the judge and I didn't feel
7 like I was doing anything wrong. So I just didn't have
8 any reason to -- to talk to him.

9 Q Okay. Well, then right at that point, Deputy Roberts; did
10 he say anything to you?

11 A So -- so once Detective Erlandson answered me and then I
12 said, "Well, I really don't want to go anywhere if I'm not
13 being detained, then -- you know -- I just want to
14 continue to -- to hand these pamphlets out. I'm free to
15 do this." And then Detective (sic) Roberts from -- from
16 the landing; he yelled down to me -- and -- and it wasn't
17 -- he had to yell to -- to -- so I could hear him -- and
18 he said --

19 Q Okay. He wasn't angry --

20 A No.

21 Q -- or anything?

22 A No, I don't believe so.

23 Q Yeah.

24 A I -- from my recollection, I didn't take it that way. He
25 was trying to communicate with me.

1 Q Okay.

2 A And so he said, "You need to come in the courthouse, the
3 judge wants to talk to you." And then --

4 Q So what did you say?

5 A Well, I asked him, "Am I being detained?" because I knew
6 if I wasn't being detained, then I didn't have to do that.

7 Q Okay. And how did Deputy Roberts respond?

8 A He either said, "No," or "Not yet."

9 Q Okay.

10 A And -- well --

11 Q Then what was the --

12 A Well --

13 Q -- then what did he state to you?

14 A Well, I said if I'm not being detained -- and if I'm being
15 accused of -- of yelling, this would be the only time that
16 I really raised my voice so that he could hear me, but it
17 wasn't out of anger. It was just so he could hear me. And
18 I just said, "If I'm not being detained, then I don't want
19 to go in and talk to the judge. I'm free to stay right
20 here."

21 Q Okay. And then what did Deputy Roberts say to you?

22 A Well, then Deputy Roberts said, "If you don't come in and
23 talk to the judge, I'm going to call the City Police" --
24 and he said Big Rapids -- "and they're going to come and
25 arrest you."

1 Q So how did you take that?

2 A I took that as a threat.

3 Q Did you feel free to leave at that point?

4 A Absolutely not.

5 Q Okay. So he threatened you with arrest or come in and
6 talk to the judge; those were --

7 MR. HULL: Your Honor --

8 MR. KALLMAN: -- your two choices?

9 MR. HULL: -- we've allowed a lot of this
10 testimony. I -- I'm going to object to relevance just
11 because we've already gone through it and it's not
12 relevant to the charge.

13 MR. KALLMAN: Well, it most certainly is. I
14 mean --

15 THE COURT: Your --

16 MR. KALLMAN: -- this --

17 THE COURT: -- response.

18 MR. KALLMAN: -- is going right to what happened
19 and the circumstances surrounding him handing out the
20 brochures. And there's been testimony from other
21 witnesses about this. I think my client is entitled to
22 say this is what he recollects of what happened.

23 THE COURT: Okay.

24 How -- how many further questions along this
25 line do you have?

1 MR. KALLMAN: Actually, that was my last one
2 before moving on.

3 THE COURT: Then let's move on.

4 BY MR. KALLMAN:

5 Q Okay. Thank you, Judge. So once the threat was made;
6 what did Detective Erlandson do?

7 A Well, at this point, she -- she didn't touch me at that
8 point, but she had her arm stretched out just behind the
9 small of my back. She was trying to corral me and try to
10 guide me up that sidewalk and up the steps.

11 Q Okay.

12 A So she was -- she was trying to get me in the courthouse.

13 Q Okay. Did you resist her?

14 A I never resisted her.

15 Q Did you walk up the sidewalk and toward the courthouse?

16 A Under duress I did, yes.

17 Q Okay. So she moved you along and you cooperated?

18 A I did.

19 Q Okay. And did you make any statements at that point; as
20 they're walking you up toward the courthouse?

21 A So at one point, when she had her arm out corralling me,
22 it did touch the small of my back. And I remembered that
23 she said I wasn't being detained. And I just know that
24 you're not -- you know -- government officials are not
25 supposed to touch you, law enforcement are not supposed to

1 touch you, if you're not detained or legally arrested. So
2 I asked her again, simply, "Am I being detained?" and she
3 responded, "No." I said, "Please, please don't touch me
4 then."

5 Q Okay. But, she kept moving you along?

6 A She kept moving me along, yes.

7 Q Okay. Did you feel free to leave at that point; as you're
8 walking up the sidewalk and the steps and into the
9 courthouse?

10 MR. HULL: Your Honor --

11 THE WITNESS: Absolutely not.

12 THE COURT: Once again --

13 MR. KALLMAN: Well, this is another spot, Judge.
14 And as he's moving along.

15 THE COURT: I --

16 MR. KALLMAN: Yeah.

17 THE COURT: I understand. However, I -- I'm
18 going to sustain his objection. We're not here regarding
19 the arrest. So --

20 MR. KALLMAN: Okay.

21 THE COURT: -- move along.

22 BY MR. KALLMAN:

23 Q Okay. I'll keep moving. Thank you, Judge. Did you
24 voluntarily go inside?

25 A I did not voluntarily go inside. I -- I went in under

1 duress.

2 Q And as they moved you along -- and -- did you cause a
3 commotion of any kind?

4 A I never caused a commotion, no.

5 Q And so you went inside the courthouse?

6 A I -- I did go inside the courthouse.

7 Q Where did you go?

8 A I was led to -- well, more pushed but -- beyond the door
9 of the circuit courtroom, right here, somewhere in the
10 hallway right here --

11 Q Okay.

12 A -- towards the right side of the hallway.

13 Q Okay.

14 A I say the right side if you're facing that way.

15 Q And what were you feeling at that point?

16 A I was really scared.

17 Q Okay. And what happened when you got in the hallway here;
18 you stopped at some point, why did you stop?

19 A Well, I was told to stop right here.

20 Q Okay. Who told you?

21 A At this --

22 Q Do you recall?

23 A Well, at this point, I'm really scared and things kind of
24 get -- get fuzzy. I don't know if it was Detective
25 Erlandson or if it was Deputy Roberts.

1 Q Okay. Were there other people there besides Detective
2 Erlandson and Deputy Roberts?

3 A There were other people there. I didn't recognize them.
4 I didn't know who they were.

5 Q Did Judge Jaklevic come out into the hallway?

6 A He did. After a short while, a door opened, and he stood
7 in the doorway and he looked at me, he looked down the
8 hallway; that way, and then he looked back towards me and
9 Deputy Roberts, and he said to Deputy Roberts, "Place him
10 under arrest for Jury Tampering."

11 Q Did the judge ever speak to you?

12 A Nope.

13 Q Prior to him ordering your arrest?

14 A No, he never talked to me.

15 Q Okay. He never asked you any questions?

16 A He never asked me one question.

17 Q Did you still have pamphlets in your hand when you walked
18 in the courthouse?

19 A I did.

20 Q Well, what happened to those?

21 A Somebody confiscated them.

22 Q Okay. And then after Deputy Roberts was ordered to arrest
23 you; what happened?

24 A Then I was led down the hall to the -- to the jail. I
25 guess the courthouse and the jail are interconnected.

1 There's some connection there. And so they led me --
2 hailed me off to jail.

3 Q Okay. Were you handcuffed?

4 A I was. I'm sorry. They did. They placed handcuffs on
5 me.

6 Q Okay. Now through this whole process; Magistrate Lyons
7 came out, you had two encounters with Detective Erlandson,
8 the Deputy, the other officials here in the hallway, at
9 any time, did any of those officials or -- or law
10 enforcement officers ever ask you why are you handing out
11 pamphlets?

12 A No, they never asked me why I was handing out pamphlets.

13 Q Never inquired?

14 A No.

15 Q Were you asked any questions while you were in the hallway
16 here?

17 A I --

18 Q If you recall?

19 A I -- I really don't recall. At that time, I was really
20 scared.

21 Q Okay.

22 A So I was kind of -- yeah.

23 Q So nobody asked why you were out there doing that and then
24 they just arrested you?

25 A Yep, they arrested me.

1 Q Okay. And, again, is the Yoder case discussed in that
2 pamphlet at all?

3 A No.

4 Q Did you know Jennifer Johnson on November 24th of 2015?

5 A I did not.

6 Q Would you have known who she was when she took a pamphlet
7 that morning?

8 A I would have had no idea who she was.

9 Q Did you know Theresa DeVries on November 24th of 2015; that
10 morning?

11 A I had no way of knowing.

12 Q And so you didn't know who she was --

13 A No, I didn't.

14 Q -- when she took a pamphlet?

15 A I didn't know who she was.

16 Q Okay. And, again, did you tell either of those people --
17 well, strike that -- obviously, you didn't know who they
18 were. Did you even know that they got a brochure from you
19 until we were here in court?

20 A No, I didn't know until -- until yesterday.

21 Q Okay. Did you have any way of knowing that Ms. Johnson or
22 Ms. DeVries were summoned for general jury duty that day?

23 A I had no way of knowing, no.

24 Q Okay. Did you ever ask the names of anybody as they were
25 coming up and you're offering your brochure?

1 A No, I didn't have opportunity, but I wasn't asking either.

2 Q Now, Mr. Wood, you've testified that you never asked
3 anybody if they were a juror; you said that very clearly,
4 and you said what you did ask -- or -- what you did state
5 to them. But, look, you must have known; it was possible
6 a summoned juror might get a brochure, right? I mean, you
7 must have known that was a possibility.

8 A Well -- you know -- a lot of things are possible of
9 course. Absolutely.

10 Q Okay. But did you know who was summoned?

11 A No, I had no way of knowing, just like Detective Erlandson
12 testified yesterday, there is no way to know who was
13 summoned and who was not.

14 Q Did you know whether or not jurors might have been
15 reporting at another door from where you were?

16 A I had -- I have no idea.

17 Q Did you know anything about the jury process; what time
18 they showed up, when, where they went, any of that; did
19 you know anything about any of that?

20 A I didn't know about that, no.

21 Q Did you know what time jurors were supposed to report that
22 morning?

23 A I had no idea.

24 Q Okay. Well, let me just ask you directly; Mr. Wood, did
25 you willfully attempt to influence any jurors in the Yoder

1 trial?

2 A Absolutely not.

3 MR. KALLMAN: Thank you.

4 I don't have any other questions.

5 THE COURT: Mr. Hull.

6 CROSS-EXAMINATION

7 BY MR. HULL:

8 Q Thank you, your Honor. I'd like to kind of take you back;
9 so you received an email blast in regard to the *Yoder*
10 trial from some member of the community?

11 A That's correct.

12 Q And you saw -- you read that email?

13 A I did.

14 Q And you thought that the *Yoder* case was something that was
15 worth your attention?

16 A Sure, it piqued my interest. It was -- yeah.

17 Q Something that you -- you didn't like what the government
18 was doing in that case?

19 A Well, I couldn't say that. I didn't have enough
20 information.

21 Q Oh, so you just didn't -- so it vaguely piqued your
22 interest, but you didn't have enough information to say
23 whether or not you did or didn't like what was going on in
24 the *Yoder* case?

25 A Well, it talked about a wetlands violation on private

1 property, it was an Amish man, and something to do with
2 DEQ. So I was interested that -- it just interested me
3 that the government would have jurisdiction on somebody's
4 private property. So, yes, it did pique my interest.

5 Q So that is something that piqued your interest. Did you
6 have the pamphlets; the jury nullification pamphlets, at
7 that point, when you got that email; did you have copies
8 of those?

9 A No, I did not.

10 Q You hadn't -- you hadn't printed any copies or ordered any
11 copies of that at that point?

12 A Well, I know I didn't order any copies at that point. I
13 can't say for sure if I didn't print maybe one or two of
14 them in my research. I don't know for sure.

15 Q So then, the morning of the pretrial; November 4th, 2015 --

16 A Yes.

17 Q -- before the pretrial, you called up Emily Grove from the
18 Pioneer?

19 A I -- I did, yes.

20 Q And you thought that -- you talked to her about the Yoder
21 case, specifically?

22 A I did.

23 Q And that was a case that you thought the community would
24 be interested in?

25 A I did.

1 Q And --

2 A But --

3 Q -- you wanted her to come and report on that case?

4 A I thought it would be newsworthy and of interest.

5 Q And, at that point, you hadn't printed up all of the jury
6 pamphlet information?

7 A No, I did not.

8 Q Okay. So then, November 4th, later on in the morning, you
9 go to the Yoder pretrial?

10 A I did, yes.

11 Q You appeared for that?

12 A I was there.

13 Q You sat down and listened to the entire motion hearing?

14 A I did.

15 Q And you were there from beginning to end?

16 A Yes.

17 Q And on that date and time, at 11:00 o'clock, all the way
18 up to the end, you hadn't printed up any jury question --
19 or -- any jury pamphlets?

20 A No.

21 Q You didn't hand out any pamphlets on that date of the
22 pretrial?

23 A I -- I didn't because I didn't have them printed out.

24 Q You didn't hand out any pamphlets on the day after the
25 pretrial?

1 A I didn't.

2 Q And you knew from going to that pretrial that the Yoder
3 trial was scheduled for November 24th?

4 A I did, yes.

5 Q You did not hand out those pamphlets in a public form any
6 day before November 24th?

7 A I -- I didn't.

8 Q You didn't go to Wal-Mart to hand them out?

9 A I -- I don't shop at Wal-Mart.

10 Q You didn't go to Meijer or any other public location?

11 A I do shop at Meijer. But, no.

12 Q You didn't go to any public parking lots to hand them out
13 before November 24th?

14 A I -- I didn't, no.

15 Q Okay. So you chose the day of the Yoder trial to come and
16 hand out those pamphlets?

17 A I did. I thought there was going to be a lot of people
18 here, yeah.

19 Q And you got there about, what, 8:30 in the morning, 8:15;
20 about what time?

21 A I really don't recall exactly when I got there.

22 Q You got there before the Yoder trial was to begin?

23 A Well, yes.

24 Q Okay.

25 A I saw some Amish --

1 Q And --

2 A -- men on the landing coming out, so I'm --

3 Q So, yeah.

4 A -- I assume that it had not commenced, correct.

5 Q And you knew when you got there that that was the date and

6 time that the *Yoder* trial was scheduled?

7 A It was scheduled, right.

8 Q And you knew that there would be jurors showing up on that

9 date and time?

10 A I assumed potential jurors would be there, yes.

11 Q And you positioned yourself on the sidewalk between the

12 parking lot and the doors entering the courthouse?

13 A Could you be a little more specific?

14 Q You were standing on the sidewalk --

15 A I mean, specific meaning --

16 Q The part -- you know there is that -- that giant parking

17 lot across the street from the courthouse?

18 A Where I'm parked --

19 Q Yeah.

20 A -- correct, yes.

21 Q You were standing in the sidewalk between that parking lot

22 and the doors entering the courthouse?

23 A Off to the side. But, yes.

24 Q Yes.

25 A Yes.

1 MR. HULL: Now these pamphlets; you didn't just
2 print all of these off of your printer, right? I mean,
3 these were pretty standard looking pamphlets.

4 Your Honor, may I approach?

5 THE COURT: You may.

6 BY MR. HULL:

7 Q You didn't just print these off your printer, right? You
8 had 75 to 100 of them.

9 A In my hand, right.

10 Q And more in your car?

11 A Yes.

12 Q So you had to order them from somebody, right?

13 A Yeah, fija.org.

14 Q And you went to fija.org?

15 A Uh-huh.

16 Q And -- is that a yes? I'm sorry.

17 A Yeah, I'm sorry. Yes, it is.

18 Q And then you ordered how -- a bunch of these pamphlets?

19 A I don't remember the exact number, but it was -- yes, it
20 was quite a few.

21 Q And I assume it wasn't overnight delivery; I assume it
22 took a while to get those pamphlets?

23 A I don't recall.

24 Q And the only day and the only time and the only place that
25 you went to, to publicly hand these out, was this

1 courthouse on November 24th, 2015, before the Yoder trial
2 was to begin?

3 A That would be pretty accurate, yeah.

4 Q And when you were asked by your own attorney -- you know
5 -- is it possible that you -- that -- that maybe jurors
6 would have gotten this, your response was anything's
7 possible. So to -- in your knowledge, it was only
8 possible; based on your testimony, it was only possible
9 that jurors might have --

10 A Oh, it --

11 Q -- gotten that?

12 A Oh, it was very possible that anybody could have received
13 them.

14 Q You had an interaction with Magistrate Lyons?

15 A I did, yes.

16 Q And he asked you -- or -- he said something to you and
17 your response was that you didn't hear what he said?

18 A I did not hear what he said.

19 Q So your response, when you didn't hear what that gentleman
20 said to you was, "What's your name?"

21 A Well, right. I wanted to know -- no, I didn't say that. I
22 -- I asked who he was because I wanted to know who he was.

23 Q These jury pamphlets that you provided --

24 A Yes, sir.

25 Q -- they basically tell people that they can ignore their

1 juror oath -- they don't -- I'm sorry. Not basically.
2 They tell people they can ignore their juror oath, right?
3 A Okay. Okay.
4 Q Is that -- is that fair to say? I assume you've --
5 A Would you --
6 Q I should ask --
7 A -- like me to read it?
8 Q -- you this --
9 A Yeah.
10 Q You've read this pamphlet?
11 A Of course I have.
12 Q Okay. So --
13 A I haven't -- I haven't recently. It's -- it's gotten me
14 in a huge mess. So I haven't recently. I've stayed away
15 from it.
16 Q Is it fair to say that this pamphlet says, "As a juror,
17 you cannot be forced to obey your juror's oath?"
18 A Did you just read that from there?
19 Q Yes.
20 A Okay. So, yes, I would -- I would agree that it's in
21 there.
22 Q Would you agree this pamphlet says that, "Judges regularly
23 assist the prosecution in dismissing prospective jurors
24 who admit to knowing about their rights?"
25 A Absolutely.

1 Q It also says that, "Thousands of harmless people are in
2 prison simply because their juries weren't fully
3 informed?"

4 A That's correct. I mean, we have four percent of the
5 world's population in --

6 Q That's what the --

7 A -- 20 --

8 Q -- pamphlet says?

9 A I'm sorry. Yes.

10 Q And the pamphlet also says, "New prisons are springing up
11 everywhere, and too many of them are filling up with
12 people whose only 'crime' was to displease their
13 government 'master.'" Is that what the pamphlet says?

14 A You just read that?

15 Q Yeah.

16 A Yeah, it -- that's what it says, absolutely.

17 Q You -- when you came to the courthouse on November 24th,
18 2015, you were already -- you had how many pamphlets in
19 your hand?

20 A I would say that I had approximately 75 to a hundred in my
21 hands.

22 Q And I just want to make sure I understand your testimony;
23 at no point before or after, did you publicly hand out
24 those pamphlets --

25 A Before --

1 Q -- besides the day of that trial?

2 A Before or after what?

3 Q Before or after that trial did you publicly hand those
4 pamphlets out?

5 A I -- I did not publicly, no. I did not.

6 Q And when you handed those pamphlets out; you said that
7 they contained jury information you should know about
8 regarding your jury rights?

9 A Are you asking what I said or --

10 Q I'm asking that -- I under -- I believe that was your
11 testimony. I'm just confirming. Is that your testimony;
12 that you told people, when you handed it, this contained
13 information you should know about your jury rights?

14 A I said I would -- I said, "Here's juror rights
15 information," and I extended my arm.

16 Q And to every person that you handed it to you said, "Here
17 is juror rights information?"

18 A That -- that's what I said.

19 Q In fact, the front of the pamphlet says, "Your Jury
20 Rights?"

21 A Yeah. Yeah. I'm sorry. Yes.

22 Q When you were handing out those pamphlets; did you hear
23 anything about the trial being called off or anything like
24 that?

25 A (No verbal response).

1 Q The Yoder trial.

2 A When? I'm sorry.

3 Q When you were handing out the pamphlets?

4 A So when I was on the public sidewalk?

5 Q Yes.

6 A No, I -- I didn't hear that the trial had been called off.

7 No.

8 Q So as far as you knew -- and, in fact -- the trial was

9 still going on when you were handing out those pamphlets

10 -- or -- the trial was still scheduled to continue?

11 A Yeah, to my belief it was still scheduled. But, when you

12 said --

13 Q And it had --

14 A -- going on --

15 Q -- at -- at --

16 A -- there was --

17 Q At that point in time --

18 A Yep.

19 Q -- as far as your knowledge --

20 A Yep.

21 Q -- the jury trial was still scheduled to continue?

22 A Yes, sir. That's correct.

23 Q So you knew jurors would be there?

24 A (No verbal response).

25 Q You knew jurors would be showing up that day?

1 A Sure. Absolutely.

2 MR. HULL: No further questions.

3 Thank you.

4 THE COURT: Thank you.

5 Redirect.

6 REDIRECT EXAMINATION

7 BY MR. KALLMAN:

8 Q Just briefly, your Honor. Again, just -- I want to be
9 clear; Mr. Wood, did you know on November 24th -- you
10 showed up that morning, you're handing out the brochures
11 -- did you know that the Yoder trial was the only trial
12 scheduled that day?

13 A I -- I had no way of knowing, no.

14 Q Okay. So, as far as you knew, there could've been three
15 other, five other trials scheduled; you had no way of
16 knowing?

17 A I had no way of knowing if other trials were going on.

18 Q And then right at the end, Mr. Hull asked you, "Well, did
19 you have any information that the trial had been
20 cancelled?" Let me ask it this way; did you know the jury
21 trial actually went on or actually occurred at any time?

22 A I didn't know.

23 Q Okay. You found out later, though, right --

24 A I --

25 Q -- that it --

1 A I did find out later.

2 Q Okay. One moment, your Honor. And, again, even though it
3 was scheduled; it was your understanding that most of
4 these cases never go to trial anyway, right?

5 A Ninety-five percent. It's a fact. Ninety-five percent of
6 cases are pled out before they ever go to trial.

7 MR. KALLMAN: Thank you.

8 Nothing further.

9 THE COURT: Thank you.

10 Questions from the jury?

11 Hold on. There's a bunch of them. There you
12 go; bring them all at one time.

13 (At 11:07 a.m., bench conference held)

14 (At 11:09 a.m., bench conference concluded)

15 All right. We have received three questions
16 from the jury. And I have met with the Prosecutor and --
17 and defense counsel. And we have agreed that each one of
18 these can be asked.

19 So, Mr. Wood, I have a few questions for you.
20 Do you have any ties to the Amish community?

21 THE WITNESS: When you say ties; do -- I -- I've
22 never gone to their meetings. I -- I don't -- when you
23 say ties. I -- I bought produce from them before, but I
24 only lived about 10 or 15 minutes away from them. But to
25 have Amish -- ties to the Amish; I -- I don't -- I didn't

1 go into their church meetings or --

2 THE COURT: All right.

3 Second question; why did you choose to stand on
4 this sidewalk, instead of any other location in town?

5 THE WITNESS: Well, as I mentioned before, I
6 knew that there was a possible trial that was going to
7 happen, but more likely than not, it was going to be pled
8 out beforehand. I knew a lot of people were going to be
9 here and I wanted to get my informational brochures into
10 as many hands as possible.

11 THE COURT: Next question, have you -- have you,
12 yourself, ever sat as a juror or been called as a
13 potential juror?

14 THE WITNESS: Never.

15 THE COURT: If not then, what made you feel that
16 potential jurors needed to be educated since you would not
17 have known what jurors would be told in court?

18 THE WITNESS: Well, I -- I did read some -- some
19 jury instructions as I was doing my research and they
20 seemed to conflict. And so it wasn't just potential
21 jurors needing to know about this. I felt like everybody
22 needs to know about this. This isn't something that's
23 taught in school -- we homeschool our children -- I love
24 to educate myself and my children. And so I felt like
25 this was something very important for everybody to know.

1 THE COURT: Based on those questions; does that
2 bring up any additional questions from you, Mr. --

3 MR. HULL: Yes, your Honor. I just have a
4 couple.

5 THE COURT: Well, actually, it's your witness.
6 So let's start there.

7 FURTHER DIRECT EXAMINATION

8 BY MR. KALLMAN:

9 Q Okay. Thank you, your Honor. Mr. Wood, I asked you
10 regarding what you knew about the schedule the day of the
11 24th and what time jurors were called and all that sort of
12 thing, right. Do you remember those questions?

13 A I do. I do remember those questions.

14 Q Did you know anything about the process that was being
15 done that day? I think I asked you in general about
16 process. Did you know anything about that day; what
17 process was going to be used for jurors?

18 A I had -- I had no idea.

19 Q Okay. Have you, at any point in time in the past, received
20 a juror questionnaire?

21 A I did receive a juror questionnaire, yes.

22 Q Okay. But, you were never called?

23 A I was never summoned, no.

24 MR. KALLMAN: Okay.

25 THE COURT: May I see the two of you at the

1 bench, please.

2 (At 11:12 a.m., bench conference held)

3 (At 11:12 a.m., bench conference concluded)

4 All right.

5 I'm going to send the jury back in the jury box
6 -- or -- in the jury room.

7 Please rise for the jury.

8 (At 11:13 a.m., jurors exit courtroom)

9 All right. This Court is going to -- I'm going
10 to take a brief recess and then we are going to -- I'm
11 going to come back on the record. I just need ten
12 minutes.

13 MR. KALLMAN: Okay.

14 THE COURT: So, actually, at 25-after. And then
15 we are going to discuss the last question that was asked.

16 MR. HULL: Your Honor, I apologize. I would
17 like to discuss it now because if I do have a potential
18 witness coming, I'd like to give her as much notice. She
19 will be coming from Osceola County.

20 THE COURT: All right.

21 MR. HULL: Otherwise, we would have to wait
22 another 25 minutes. Unless we're going to -- well -- take
23 an early lunch; I don't know.

24 THE COURT: That is my intentions because when
25 we're done with -- my intention was to take a -- take our

1 lunch and then come back with closings due to the time;
2 just so that they could have their lunch, and then they
3 would deliberate.

4 So let's go ahead. Let's be seated. Go ahead
5 and make your arguments.

6 MR. KALLMAN: All right.

7 THE COURT: And then I'm going to take a short
8 recess.

9 MR. KALLMAN: Thank you, your Honor.

10 I understand the Prosecutor wants to now recall
11 Ms. Bechler. Your Honor, that would be for rebuttal
12 purposes and the only thing that was asked was did he get
13 a questionnaire. There was not anything about anything
14 else. That was a truthful statement. What is she going
15 to rebut; that he didn't get a questionnaire? That
16 doesn't open the door to anything and everything else that
17 the Prosecutor wants to get into for character purposes or
18 anything else. That absolutely does not do that. This is
19 for rebuttal. The only thing he said was I didn't know
20 about the process that day at the courthouse. And because
21 a question was asked, I thought the jury should know at
22 least he got a questionnaire. But that -- there was no
23 other questions and the only thing that Ms. Bechler would
24 legitimately be able to testify to would be; did he get a
25 questionnaire or not. Not anything else that went on

1 between them because he never testified about it.

2 THE COURT: Mr. Hull.

3 MR. HULL: Your Honor, the defendant's
4 testimony; to begin with -- the questionnaire is the
5 question that solidified it -- his testimony to begin with
6 is he doesn't know anything about the jury process. Ms.
7 Bechler will be able to testify that not only does he
8 claim to be an expert in the jury process, he claims to --
9 he likes to tell her how the jury process goes on. He has
10 had five or six, multiple, conversations with her in
11 regard to how she should do her job, how the jury
12 questionnaires should be illegal, the legality of the
13 questionnaires; the law in regard to that. He testified
14 today that he has no idea how the -- how the jury process
15 works. And then it was solidified when the question came
16 out that the question -- whether or not he had ever
17 received a questionnaire. Your Honor, those two -- the --
18 those answers opened the door, wide, to bring in the
19 evidence that I already requested for the 404(b) purposes;
20 not only for impeachment purposes now, but also for the
21 purpose of showing his intent and motive in this
22 particular case.

23 THE COURT: MR. --

24 MR. KALLMAN: Your Honor --

25 THE COURT: -- Kallman, response.

1 MR. KALLMAN: Yes. He's asked -- he was asked a
2 question about the process that was going on with the
3 Yoder trial; jurors coming in that day, the time they
4 appeared, which door they went in, that's the process that
5 was being discussed, not if you get a questionnaire and
6 how does a jury -- in general, the process for jurors work
7 or anything else. That was never at issue. That's not
8 anything he has testified to. All he was asked
9 specifically was, "Did you get a questionnaire?" and he
10 said, "Yes." That's it. That doesn't open up the door to
11 -- I -- I think the prejudicial value of that would far
12 outweigh anything probative. And it's not going to the
13 charge here at all. It's got nothing to do with whether
14 or not he influenced these two potential jurors that were
15 called that day. And so to say that he had questions
16 about a juror questionnaire that he received, or whatever,
17 proves nothing. And it doesn't affect his -- it doesn't
18 go to his credibility or bias or anything at that point.
19 He was simply talking about what was going on that day,
20 November 24th, in terms of the jury; what time they came,
21 what door they went in, how it worked, what the process
22 was, were there other trials; I didn't know anything about
23 any of that that day. That's all he testified to. And
24 the Prosecutor is trying to bootstrap that into something
25 more. That's all he said. And so then to simply say,

1 well, because he was asked, "Did you get a questionnaire,"
2 that that now opens the door to a bunch of other
3 information he hasn't testified about. And it's not
4 rebuttal and it's not impeachment.

5 So I don't think it would be appropriate.

6 THE COURT: Well, here's the situation; you were
7 done questioning your -- you were done questioning your
8 witness, I had already ruled on Tuesday that none of the
9 testimony regarding his prior issues with jury
10 questionnaires could come out. Follow up questions to the
11 fact whether or not he had actually served as a juror or
12 been a potential juror were fine. But to ask him whether
13 or not he had a questionnaire, I believe, opened the door
14 to the testimony that I had already said could not come in
15 and based on the fact that you are the one that asked that
16 question. So now I think the Prosecutor has the right to
17 call Ms. Bechler to come in and talk about the issues that
18 took place prior to that because he has so portrayed
19 himself today as ignorant of the system.

20 So I will -- my ruling is that she can be called
21 as a rebuttal witness.

22 MR. KALLMAN: Thank you, your Honor.

23 THE COURT: Hold on just a second.

24 I am going to take a brief recess. We will be
25 back on the record at 10:30 -- or I'm sorry -- 11:30.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thank you.

MR. HULL: Thank you, your Honor.

(At 11:19 a.m., court in recess)

(At 11:34 a.m., court reconvenes)

THE COURT: We are back on the record in the case of People of the State of Michigan versus Keith Wood, being file number 1545978FY.

I would ask the jury to be brought back in.

Unless -- is there anything we need to make of record before I bring the jury back in?

MR. HULL: No, your Honor. Just a question; after Mr. Wood's testimony, will be taking an early lunch so we can -- so I can decide whether or not I would like to call the rebuttal witness, and have them prepared, and come here?

THE COURT: I believe -- is that your last witness, Mr. Kallman?

MR. KALLMAN: Yeah, we're resting.

THE COURT: All right.

As soon as the defense rests, then we will; yes, take an early lunch. We will come back and determine whether or not there are any rebuttal witnesses. Be prepared to go straight into closings, and then the instructions to the jury, and into deliberations, all right?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HULL: Thank you, your Honor.

THE COURT: Please rise for the jury.

Mr. Wood, you can come --

(At 11:35 a.m., Mr. Wood returns to the witness stand)

(At 11:35 a.m., jury enters courtroom)

You may be seated.

All right. We were in the middle of questions based on the questions that were provided by the jury. And only follow up questions to what the jury asked; Mr. Kallman, do you have any further questions?

MR. KALLMAN: No, we're through with this witness, your Honor. We would rest.

THE COURT: All right.

Mr. Hull.

RE-CROSS-EXAMINATION

BY MR. HULL:

Q Just one follow up question; I just want to confirm, you were asked by one of the jurors if you had any connections with the Amish community -- I don't know if that was the word -- but, you said you bought produce from them. Did you live around -- in that area?

A I -- I would say that I was about 10 or 15 minutes away from them, but I wasn't surrounded by them.

Q Okay.

1 A But, I would buy meats and some produce from some of them.

2 Q So you had some -- I don't want to say business
3 connections -- but you did -- you did go there, to their
4 farms, and buy some property or things like that?

5 A Not property, but produce.

6 Q Or buy some produce?

7 A That's correct.

8 MR. HULL: Okay.

9 Thank you.

10 No further questions.

11 THE WITNESS: Thank you.

12 THE COURT: All right.

13 Any further questions from the jury?

14 THE JURORS: (No verbal response).

15 THE COURT: All right.

16 Then may Mr. Wood step down?

17 MR. KALLMAN: Yes, your Honor.

18 THE COURT: Mr. Wood, you may step down.

19 (At 11:37 a.m., witness excused)

20 Next witness.

21 MR. KALLMAN: We rest, your Honor.

22 THE COURT: The time is now 11:35. Ladies and
23 gentlemen of the jury, what I intend to do; the
24 Prosecution has rested, the defense has rested, the
25 Prosecution has the ability to call, what we call,

1 rebuttal witnesses. What I would like to do is we're
2 going to take our lunchbreak now. We'll take our lunch
3 early and I am going to ask -- let's take a break until
4 1:00. Does anybody have an objection to 1:00 o'clock?

5 MR. KALLMAN: No, your Honor.

6 MR. HULL: No, your Honor.

7 THE COURT: It's a little bit longer than I
8 normally take. It's hard for me to say that we're going
9 to take an hour and 20 minutes for lunch, but I think
10 that's an appropriate time to come back. Actually, I'm
11 going to ask for the jurors to be back in the room by ten
12 minutes to 1:00 and then we can -- we can come back in at
13 1:00 o'clock. Be prepared though; jurors, how it will
14 procedurally work after lunch is that the Prosecutor has
15 the ability to call rebuttal witnesses, then after that,
16 the -- we will go into closing arguments, I will then read
17 your final instructions, and you will then go deliberate.
18 So once you go to deliberate, you will not have another
19 break until a verdict is determined. So just giving you
20 that understanding. Once you go back in, after I read the
21 final instructions to you to deliberate, you won't be
22 leaving again. So if there is anything that you need or
23 any arrangements that you need to make for the rest of the
24 evening and afternoon, please make them while you're at
25 lunch because, obviously, you can't use your cellphones or

1 do anything like that once you go to deliberate.

2 So with that being said, I would ask that the
3 jury be back at ten minutes to 1:00 and we will be ready
4 to go back on the record at 1:00 o'clock.

5 So, please rise for the jury.

6 Oh, I'm sorry. One more thing; same cautions,
7 no TV, no radio, no speaking to anyone that is involved or
8 a spectator involved.

9 Thank you.

10 (At 11:39 a.m., jury exits courtroom)

11 We can be seated.

12 Mr. Hull, anything else we need to take up
13 before we go to lunch?

14 MR. HULL: I do not believe so, your Honor.

15 THE COURT: Mr. Kallman.

16 MR. KALLMAN: No, your Honor.

17 Thank you.

18 THE COURT: All right.

19 Then I am going to ask that everybody be back
20 here and ready to go -- I'd ask the attorneys to be back
21 at, obviously, at least at ten-to -- quarter-to or ten-to
22 so that we're prepared to -- that I'm prepared to go on
23 the record at 1:00 o'clock.

24 MR. HULL: Okay.

25 THE COURT: Anything further?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HULL: No, your Honor.

Thank you.

MR. KALLMAN: Thank you, Judge.

THE COURT: All right.

Thank you.

(At 11:40 a.m., court in recess)

(At 1:38 p.m., court reconvenes)

All right.

We took an extended lunch period to take care of a few matters.

Mr. Hull, I believe that we are at -- are you going to call rebuttal witnesses?

MR. HULL: I will be calling one rebuttal witness, your Honor.

THE COURT: All right.

And then the next question is, is there anything that we need to do before -- or -- make of record before we call back the jury?

MR. HULL: No, your Honor.

MR. KALLMAN: No. I think I've placed my objections earlier on the record. So we're fine.

THE COURT: All right.

Then let's rise for the jury.

(At 1:39 p.m., jury enters courtroom)

You may be seated.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Ladies and gentlemen of the jury, I must apologize for the delay in getting started. We were taking care of a few other matters. I do apologize that we are -- we did not get started when I had anticipated getting started. However, sometimes things come up that we need to take care of.

So with that being said, it's my understanding that the prosecutor's office has one rebuttal witness.
Mr. --

MR. HULL: That's --

THE COURT: - Hull, would you call your witness.

MR. HULL: Thank you, your Honor.

I would like to recall Therese Bechler.

THE COURT: I'll -- I'll re-swear you in, but you have already been sworn in. But do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

MS. BECHLER: I do.

THE COURT: All right.

Go ahead and have a seat.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THERESE BECHLER

(At 1:40 p.m., called by the People in rebuttal,
sworn by the Court, testified as follows)

DIRECT EXAMINATION

BY MR. HULL:

Q Ms. Bechler, could you please state your full name for the
record one more time?

A Therese Marie Bechler.

Q And you testified yesterday; is that correct?

A I did.

Q And -- and, generally, in your testimony yesterday, you
discussed your job duties here in Mecosta County when you
worked for the clerk's office handling some of the jury
questionnaires and things like that --

A Yes.

Q -- is that correct? Now what -- what we didn't get into
yesterday; when you first saw the defendant on November
24th, 2015, he spoke with you; is that correct?

A Correct.

Q Did you recognize his voice?

A I did. That's what startled me. I knew exactly who it
was.

Q How did you recognize his voice?

A He had called our office, the clerk's office, several
times regarding the questionnaire that was mailed to him.

1 Q Now, I want to get back -- when are the questionnaires
2 usually mailed?

3 A They usually go out in May.

4 Q And so would these have been the questionnaires mailed in
5 May of 2015?

6 A Yes.

7 Q Okay. And would the questionnaires; how soon do people
8 have to respond to those questionnaires?

9 A Within ten days.

10 Q And when you said he called several times -- so it would
11 have been sent out May 2015 -- do you remember about when
12 the first call came after it was sent out?

13 A I -- I don't to be perfectly honest. I didn't -- I really
14 couldn't tell you.

15 Q That's fine. Do you remember what the context of the
16 calls was about?

17 A The first one was that he was upset with the language on
18 the questionnaire; the law that is quoted on the top. He
19 insisted that I give him the printed-out version of that
20 law on the top of the questionnaire.

21 Q And that was the first phone call?

22 A Yes.

23 Q Could you tell me what his -- obviously, you didn't see
24 him -- but from his voice; what his demeanor was like?

25 A He was polite. I mean, he didn't -- he didn't yell or

1 scream or anything like that. He was -- he was polite
2 when he first asked me.

3 Q What about the second call; what was the second phone call
4 about?

5 A I actually initiated that call regarding the law. And I
6 informed him that I wasn't an attorney and that he had the
7 court rule on the questionnaire and that he could --

8 (At 1:43 p.m., cellphone rings)

9 THE COURT: I'm -- hold on -- whose cellphone is
10 going off?

11 UNIDENTIFIED WOMAN: Mine. And I turned it off.
12 I don't know what happened.

13 THE COURT: Okay. I'll give one more general
14 instruction to everyone; please have your cellphones off.
15 I've made this instruction at least twice. This will be
16 the third time. If your cellphone happens to go off, it
17 will be confiscated by this Court. So, please make sure
18 that your cellphones are off.

19 BY MR. HULL:

20 Q I apologize for that. You were talking about the second
21 phone call.

22 A I initiated the second phone call. And I told him that I
23 wasn't an attorney, that the court rule was on the top of
24 the questionnaire, and he could research that court rule
25 for himself.

1 Q Were there any more phone calls after that?

2 A Yes.

3 Q And what was the third phone call?

4 A He wanted to see if he could meet with the judge regarding
5 the law on the questionnaire.

6 Q And how did you respond to that?

7 A I told him I would approach judge with his request.

8 However, that's not something that is usually done. But,
9 I did approach judge with that request.

10 Q Was there another call after that?

11 A There was.

12 Q And -- and -- and what was that phone call about?

13 A I -- he called me again. And this time he told me that he
14 didn't agree with the law on the questionnaire and that he
15 was not going to fill out the questionnaire.

16 Q And how did you respond when he said he was not going to
17 fill out the questionnaire?

18 A I recited what was on the top of the questionnaire
19 regarding contempt of court and the penalty that could be
20 imposed if we did not receive the questionnaire.

21 Q Was there another phone call after that?

22 A Gosh, I received so many. I -- to be perfectly honest, I
23 don't -- I don't remember.

24 Q Were there any other things that were discussed in the
25 phone calls?

1 A Basically, he was -- he was really upset about the
2 language on the questionnaire, that he would be required
3 to even fill out and complete the questionnaire; that that
4 was against his rights.

5 Q And that would have been in May of 2015?

6 A Yes.

7 Q Was he ever summoned for jury duty?

8 A No.

9 Q And without getting into what was on the questionnaire;
10 did he ever return the questionnaire?

11 A He did.

12 Q And I don't want anything that's written on there, but was
13 there any extra information, other than the questions?

14 A Yes.

15 MR. HULL: No further questions.

16 Thank you.

17 THE COURT: Mr. Kallman.

18 CROSS-EXAMINATION

19 BY MR. KALLMAN:

20 Q Just a moment, your Honor. Thank you, your Honor. Hi,
21 Ms. Bechler.

22 A Hi.

23 Q And you said my client was polite with you and respectful?

24 A That's correct.

25 Q Okay. And he did fill out the questionnaire and send it

1 in?

2 A Eventually, yes.

3 Q All right. And wasn't he concerned with some of the
4 questions like for privacy reasons, things like that, as
5 you recall or do you recall?

6 A No, his main concern was that law and that he shouldn't
7 fill it out.

8 Q Okay. So you don't recall him saying anything about
9 concerns over certain private information on there?

10 A No.

11 Q Okay. And so this would have been some five, six months
12 before everything occurred that we're here for in this
13 trial, right, the end of November?

14 A Correct.

15 Q Okay. And, again, the Yoder case itself didn't even start
16 until the end of July of 2015; isn't that right?

17 A I think so, yes.

18 Q Okay.

19 A I'm not sure.

20 MR. KALLMAN: Okay.

21 One moment, your Honor.

22 THE COURT: You're fine.

23 MR. KALLMAN: I don't have anything else.

24 Thanks, Judge.

25 THE COURT: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Redirect, Mr. Hull.

REDIRECT EXAMINATION

BY MR. HULL:

Q Is it fair to say you don't know when the Yoder charge --

A I -- I really --

Q -- began?

A -- don't.

MR. HULL: Okay.

Thank you.

No further questions.

THE COURT: Questions from the jury?

THE JURY: (No verbal response).

THE COURT: May this witness be excused?

MR. HULL: Witness may be excused.

MR. KALLMAN: No objection.

THE COURT: Thank you.

Thank you for coming back today. You are
excused.

THE WITNESS: Thank you, Judge.

(At 1:48 p.m., witness excused)

THE COURT: Mr. Hull, any additional witnesses?

MR. HULL: No additional witnesses, your Honor.

THE COURT: Mr. Hull or Mr. Kallman, before you
-- before we begin closing arguments then, I guess I
should -- we -- we have went through the final jury

1 instructions that I intend to read after your closings;
2 were there any other changes that we needed to make so
3 that we don't have to take another break right now.

4 MR. KALLMAN: I understand, Judge. I -- I,
5 obviously, I've just been handed them, so I didn't have a
6 chance to look through them. I'm assuming the only change
7 was taking out the one that we talked about earlier?

8 THE COURT: That was the only change that we
9 made.

10 MR. KALLMAN: Okay. Then I'm fine with them,
11 Judge.

12 MR. HULL: I would be satisfied with them as
13 well, your Honor, if that was the only change that was
14 made.

15 THE COURT: All right.

16 Then are we ready to begin closing arguments?

17 MR. HULL: Yes, your Honor. Sure.

18 THE COURT: All right.

19 Then, Mr. Hull.

20 MR. HULL: Thank you.

21 So at the very beginning of this case, I told
22 you that this was not a case about Andy Yoder or the DEQ,
23 and this was not a case about jury rights or jury
24 responsibilities. I told you the Judge would instruct you
25 on the law. And the Judge has instructed you on the law.

1 And you will receive some more instructions on the law.

2 You've heard a little bit through this trial
3 about the pamphlet that was received; the pamphlet that
4 the defendant was handing out on the day of the *Yoder*
5 trial.

6 Again, what I would like to do is go through the
7 elements of the charge. Mr. Wood has been charged with
8 Attempting to Influence a Juror. The first element is
9 that:

10 Jennifer Johnson and/or Theresa DeVries were
11 jurors in the case of *People v Yoder*.

12 So either one or both of them. The evidence was
13 pretty clear. They were both summoned to appear as jurors
14 in that case.

15 The word "juror" is defined under the law and
16 includes a person who has been summoned to appear in
17 court to decide the facts in a specific trial.

18 At the time that they were summoned to appear,
19 when they were walking into court -- because they had to;
20 they weren't coming there because they wanted to, they
21 were coming there because they were forced to -- at that
22 time they were jurors. At that point in time, is when the
23 defendant saw them and approached them.

24 The first element has been met, obviously, by
25 showing there were no other trials going on that day. It

1 was the *Yoder* trial. That was the trial they were
2 summoned to appear for. There were no circuit court
3 trials, no other district court trials, no family court
4 trials. There was one trial; *People v Yoder*.

5 The second is that defendant willfully attempted
6 to influence that juror by the use of argument or
7 persuasion.

8 And then, again, there is a definition:

9 "Argument or persuasion" can be oral or written.

10 And then the word "willfully;" willfully
11 attempted is:

12 Willfully and purposefully.

13 So the defendant did knowingly and purposefully
14 attempt to influence the juror by written or oral argument
15 or persuasion.

16 Your Honor, do you have the exhibits?

17 THE COURT: I do.

18 MR. HULL: May I approach?

19 THE COURT: You may.

20 MR. HULL: Thank you.

21 The second element of the crime; this is the
22 argument or persuasion. The defendant did willfully
23 attempt to influence the decision of jurors. I want to
24 make crystal-clear; having this pamphlet is not illegal,
25 passing out the pamphlet to a friend is not illegal, even

1 passing it out to public is not illegal. And that is
2 where we get into the circumstantial evidence that we
3 talked about during the voir dire process. What made this
4 illegal was specifically how the defendant did it. He did
5 not go to a Wal-Mart -- he said he wanted to get maximum
6 -- he wanted to get as many people as possible to find out
7 about what he believed juror rights were -- he didn't go
8 to a Wal-Mart or a Meijer, he didn't go to a parking lot,
9 he didn't go to a sporting event, he didn't go around town
10 asking people if they -- businesses -- if they'd put them
11 on their shelves for people to take out. He chose the date
12 of the *Yoder* trial; the time that jurors would be
13 appearing for the *Yoder* trial, and at one of the only two
14 entrances that jurors have to walk through in order to
15 come in and do their duty for the *Yoder* trial. That was
16 his specific intent.

17 The fact that the trial did not end up going is
18 irrelevant. You'll notice that in the elements we've
19 read, there is nothing that says that the trial has to go
20 on after his attempt. They have to be summoned for a
21 trial. The trial was going on; was going to be
22 continuing, at the time that they approached. The time
23 the defendant handed them the pamphlet. And if you think
24 about it, if the trial was an extra element to the crime;
25 if it was required that there be a trial after the crime

1 was committed, then anytime a court decides, "Listen, we
2 can't have a trial because the jury has been tampered
3 with," and calls off the trial, suddenly there is no jury
4 tampering because a judge had to call off the trial.

5 MR. KALLMAN: Your Honor, can we approach?

6 THE COURT: You may.

7 (At 1:53 p.m., bench conference held)

8 (At 1:54 p.m., bench conference concluded)

9 MR. HULL: As I was saying, ladies and
10 gentlemen, at the time that Mr. Yoder (sic) approached --
11 approached the jurors in this case, Ms. Johnson and Ms.
12 DeVries, at the time that he handed them the pamphlet,
13 they were appearing for a trial. He knew, not any
14 specific person, but he knew exactly what he was doing.
15 He knowingly and purposefully came to the location of the
16 Yoder trial in order to influence the jurors by means of
17 this pamphlet.

18 The pamphlet goes into a lot of different areas.
19 It talks about, basically, what we know is to be jury
20 nullification. One of the things about the pamphlet is
21 that the pamphlet directly contradicts many of the things
22 you have already been told by this Court and by every
23 Court in the State of Michigan. Looking up at the screen
24 here, one of the things that the pamphlet says is that you
25 have to ask, "Did the punishment fit the crime?" And the

1 pamphlet says you should consider that as a juror, whether
2 the punishment be fines and costs, probation, jail,
3 whatever, "Will the punishment fit the crime?" First of
4 all, the jury doesn't know what the punishment is going to
5 be. How can the jury even consider that? And the rules
6 specifically say, possible penalty should not influence
7 your decision. So what the pamphlet does from the very
8 beginning is tells people ignore the rules. Ignore what
9 you have been told by the judge in the case.

10 Criminal jury instruction 2.5:

11 When it comes time to decide the case, you are
12 the -- you are only allowed to consider the evidence
13 that was admitted in this case.

14 3.12 -- You -- if you haven't already heard
15 these, you will hear them when the Judge gives the final
16 order -- or -- when the Judge gives the final
17 instructions:

18 Remember that you have taken an oath to return a
19 true and just verdict based only on the evidence and
20 my instructions.

21 That's only one of the things in this pamphlet
22 that tells you to ignore the instructions.

23 The pamphlet says that:

24 ...judges regularly assist the prosecution by
25 dismissing prospective jurors who know about their

1 rights and beginning with anyone who also admits to
2 having qualms with the law.

3 The pamphlet -- or -- the jury instructions --
4 and the reason why the judge does that is because it's the
5 law -- as the jury instructions tell you. It's not
6 because the judge is working with the prosecution. But
7 the way that the information is framed, it makes it sound
8 like there is some nefarious action where the courts and
9 the prosecution are working together against the defendant
10 in the case. That is what they're trying to provide an
11 image of. That is what this pamphlet tries to provide an
12 image of; is the courts and prosecution working together.

13 It specifically says in the jury instructions
14 that when the judge makes a comment or gives instruction,
15 they are not trying to influence your vote or express a
16 personal opinion about the case. If you believe that the
17 judge has an opinion about how you should decide this
18 case, you must pay no attention to that opinion.

19 There are other areas; one part of the pamphlet
20 says that:

21 ...if jurors were supposed to judge "only the
22 facts," their job could be done by a judge. It's
23 precisely because people have individual, independent
24 feelings, opinions, wisdom, experience and conscience
25 that we depend upon jurors to refuse to mindlessly

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

follow the dictates of a judge or a bad law.

Ladies and gentlemen, the jury instructions again; over and over and over again, tell you that you are only to listen to the information that you receive about this case within the courtroom. Only the evidence within the courtroom. Over and over and over again.

So this pamphlet, from beginning to end, is designed to benefit a criminal defendant.

Once again, the pamphlet by itself; fine. People have views on what the law should be. That's fine. It's the manner by which this pamphlet was handed out. It wasn't general dissemination on the public. It was targeting; the defendant using this pamphlet was targeting jurors, targeting jurors specifically in the *Yoder* case. How do we know that; how do we know he wasn't just handing out the information because he wanted people to learn new facts? Look at when he came. Look how much interest he had in the *Yoder* case. He didn't just show up for a pretrial conference. He had so much interest in this case, he contacted the local newspaper to say hey, this is something you need to report on. He had so much interest in this case that he came to the pretrial, he contacted the news, and after November 4th; 20 days later, he printed up all of these pamphlets and came on the day of trial. That is what he was trying to do; he was trying to

1 influence a jury.

2 The third element is whether -- is that the
3 defendant's conduct took place outside of proceedings
4 in open court in the trial of the case.

5 Well, pretty much that element is saying it
6 wasn't an attorney trying to argue their case. It wasn't
7 a witness trying to tell you what the evidence was.
8 Obviously, he was outside the courtroom. He was not part
9 of the case. That third element is easily met.

10 Ladies and gentlemen, this case is not about
11 jury nullification. It's about a person who attempted to
12 influence a jury. And whether this were pro-defense or
13 pro-prosecution; if someone is bringing in outside
14 information with the intent to influence a juror in a
15 specific case, they are breaking the law. It doesn't
16 matter whose side it's on when the purpose is to influence
17 a jury. That is attempting to influence a jury.

18 I ask that you find the defendant guilty.

19 Thank you.

20 THE COURT: Thank you, Mr. Hull.

21 Mr. Kallman.

22 MR. KALLMAN: Yes, your Honor.

23 Ladies and gentlemen, I want to thank you for
24 taking time out of two days of your life to be here and to
25 listen to this case. It's obviously very important to my

1 client and I think it's very important to you and to your
2 community as a whole.

3 And just so you know, remember, the burden of
4 proof here is on the Prosecutor. The burden of proof is
5 not on us to prove, somehow, Mr. Wood did not do something
6 or -- you know -- is innocent. The Prosecutor has to
7 prove that he's guilty beyond a reasonable doubt. And
8 this is my only opportunity to address you on the issue.
9 Because the Prosecutor has the burden of proof, he gets a
10 final chance to stand up and respond to whatever I have to
11 say in the matter here.

12 So remember in my opening and I held up the
13 brochure; the famous brochure that you now have all seen
14 and you're going to have it in the jury room soon, I said
15 that's -- this is what this case is about. And I just
16 heard the Prosecutor go through certain things here,
17 claiming that this was what was improperly trying to
18 influence jurors. You know what I didn't hear him say was
19 that it was trying to improperly influence jurors directly
20 in the *Yoder* case. And we'll come back to the elements.
21 We're here because of this brochure. And, again, read it
22 cover to cover. It says nothing about the *Yoder* case, it
23 says nothing about Mecosta County Courts, it says nothing
24 about State of Michigan, nothing along those lines. It is
25 a general informational historical pamphlet. You can

1 agree or disagree with the content. I said that early on
2 in this case, too. That's not what this is about. This
3 is; was this pamphlet handed to jurors in a particular
4 case, in attempt to influence them somehow. And I would
5 say to you -- we're going to through some of the evidence
6 here -- absolutely not. That's not what's been shown to
7 you.

8 Again, beyond a reasonable doubt; we went
9 through all of that. The Judge is going to read the
10 instruction to you again. It's a fair, reasoned doubt
11 using your common sense. And the idea, remember, of a
12 chain that I said and if one of the links is broken, the
13 case is done. The Prosecutor has to prove every single
14 element and every aspect of every element in order for you
15 to agree that Mr. Wood is guilty in this case. Again, I
16 submit to you that, clearly, that has not been proven
17 here. Mr. Wood had to be willfully, knowingly, and
18 purposefully attempting to improperly influence the jurors
19 in the *Yoder* case. And we all know what happened in the
20 *Yoder* case, don't we; all the jurors went home. We know
21 that's what happened. It's not enough to hand out a
22 general informational brochure that -- I understand why
23 the Courts, Judge Jaklevic, the prosecutor's office, don't
24 like it. They can disagree with it. And we'll talk about
25 some other aspects of the -- of the pamphlet here. I

1 understand they don't like it, but you know what, in our
2 country, again, we can still speak freely. At least I
3 think we can. And people can --

4 MR. HULL: Your Honor --

5 MR. KALLMAN: -- have differences of opinion.

6 What? People can have differences of opinion.

7 I -- that's --

8 THE COURT: Just --

9 MR. KALLMAN: -- I think that's a totally fair
10 comment.

11 THE COURT: Just be careful Mr. Kallman.

12 MR. KALLMAN: I am, your Honor.

13 Let's look at some of the facts here and some of
14 the witnesses. If Mr. Wood was really intent on trying to
15 improperly influence these jurors in the *Yoder* case, well,
16 he did a pretty poor job of it, didn't he? Because, did
17 you hear one witness say, Mr. Wood was out here on the
18 front lawn -- or -- front sidewalk, public sidewalk, "Hey,
19 are you a *Yoder* juror?" "Are you here on the *Yoder* case?"
20 "Free Mr. *Yoder*; he's being persecuted." On and on and
21 on. All the things that you can think of, right. Did you
22 hear anything about that? Nothing. Not a single word.
23 Not a single witness. And, as I said, there's nothing in
24 this pamphlet that references the *Yoder* case at all. So
25 he didn't do a very good job of jury tampering if that's

1 what he was trying to do. And he told you directly what
2 he was trying to do and what his intent was. He told you
3 directly; yeah, I knew in general that that case was one
4 of the -- was a case scheduled that day. He didn't know
5 it was the only case. Maybe the prosecutor's office knew
6 it, the Judge knew it, but did you hear any evidence that
7 he knew it? Absolutely not. And, Mr. Wood, who was very
8 clear; he didn't know that was the only case. And so he
9 was handing it out to everybody. Even Detective Erlandson
10 admitted that. And you got testimony from witnesses who
11 were not prospective jurors; court employees, another DEQ
12 official, Ms. Erlandson herself he tried to give this to.
13 But other people got the brochure, corroborating what my
14 client said. This was here, he knew there would be a lot
15 of people. He didn't expect the trial -- any trial -- to
16 go ahead. As he testified, 95 percent of these cases
17 plead out. So he's here because I know there is going to
18 be a lot of people, this is an opportunity, people who are
19 interested in the issue, and I can get the word out. Now,
20 again, whether you like the word or not, you don't convict
21 him for that. That's not what this is about. And he very
22 clearly said that was his intent and that's why he was
23 here.

24 You know, you have to do a job here. Part of
25 what you do is assess witness credibility and assess

1 people who are on the stand. And I've learned over the
2 years, very, very, very few people get up on the stand and
3 try to lie. Okay. That just doesn't happen. But do
4 people put their spin on things, conveniently forget
5 things -- you know -- that could be pertinent to what
6 happened here, absolutely. That happens a lot. Or,
7 sometimes people, they don't have a memory for sure one
8 way or the other. For example, you heard many of the
9 witnesses say, well, I remember Mr. Wood coming up and
10 here's a pamphlet on juror rights, right. A lot of the
11 witnesses said that. You know, could they remember
12 exactly what he said to them? No, it's been a year and a-
13 half ago. But some of the other witnesses; look at Judge
14 Jaklevic's testimony. I think it was very clear that he
15 felt this is inappropriate, I don't agree with it, I don't
16 agree with the legal statements that are in it. All his
17 right to say. Okay. But, again, just like Mr. Wood has
18 the right to pass out something that says something the
19 Judge doesn't agree with. You know what, lawyers disagree
20 all the time. We're here on a case; two lawyers
21 disagreeing on what the law is or how it should be
22 applied. That's why you're here to decide this today.
23 Judge Jaklevic tried a number of times when -- I -- I
24 tried to pin him down; so you're upset with the content of
25 this, right? You're upset with what's in this and what it

1 says. And he initially; well, no, no, not really. That's
2 not what it is -- after he had just gone through a number
3 of the things that Mr. Hull just went through -- and
4 saying no, that's not what I was upset about. But then
5 finally, he goes well, maybe some of -- part of my concern
6 was the content. Okay. Ladies and gentlemen, that's why
7 we're here today; the content of this pamphlet in general
8 for informational purposes and history and all of that.
9 Not because of anything specifically done in the case of
10 *People versus Yoder*. Again, all the jurors went home.

11 Detective Erlandson; you can assess her
12 testimony. She claims Mr. Wood, all five-foot seven of
13 him, was blocking the sidewalk. Really? Did you hear any
14 other witness corroborate that? You heard exactly the
15 opposite from all the other witnesses. She was very proud
16 of her gun and ammo, and badge, and everything else that
17 she was carrying with her that day. And she had some very
18 convenient omissions. Both she and Deputy Roberts
19 testified; Mr. Wood just came into the courthouse, as if
20 they just persuaded him. And after a number of people had
21 gone out; Magistrate Lyons, you heard had come out, then
22 Detective Erlandson, Deputy Roberts, and then just kind of
23 magically, Mr. Wood came into the courthouse. What did
24 you find out upon cross-examination and upon later
25 testimony; they threatened him with arrest. They

1 threatened him with arrest to get him to come into the
2 courthouse. And the Judge wants to talk to you. Did the
3 Judge talk to him? Not one bit. Not one bit. Detective
4 Erlandson said she reviewed her report just the day before
5 testifying. And it's right in her report of the threat of
6 arrest by Deputy Roberts. Did you hear her testify about
7 that until I pinned her down on cross-examination? And
8 even then, she tried to dodge remember; well, I didn't say
9 that. Remember that, folks? Those are the kinds of
10 things you can look at and look at the credibility of
11 witnesses and who you're believing here, whose intent are
12 you going to accept. Because that's what you've got here;
13 you've got two versions of intent. Mr. Wood saying hey,
14 I'm just -- I'm looking at this, I don't expect there to
15 be a trial. He ended up being right. And I just want to
16 get this out to as many people as I can get it out to.
17 This is a good opportunity. He'd never done it before.
18 This was the first time. And he testified he has never
19 done it since because of all the mess this has gotten him
20 into. But, he was out there, handing them out and here we
21 are.

22 Look, I think it's interesting that you can look
23 at his intent and is it corroborated by practically every
24 other witness. How many witnesses in the parade of
25 witnesses, of jurors, who came in -- most of them were

1 called by the Prosecutor -- did you hear say directly;
2 yes, Mr. Wood came up; are you a juror; are you here on
3 jury duty; very few, one or two at the most. Most of them
4 either said I don't remember or, consistent with what my
5 client testified to, he said I have a pamphlet on juror
6 rights; want a copy, or -- and handing it to them. Some
7 people took it, some people didn't. That's not the intent
8 that's needed under these elements. They want you to
9 believe the intent is nefarious. He's here because of the
10 Yoder case alone. And we knew that was the only trial
11 scheduled that day; even though he didn't know that. And
12 this pamphlet, which doesn't even talk about the case, is
13 now supposed to be, somehow, harmful and is going to
14 somehow impact this case.

15 A lot of testimony about the Amish folks that
16 were there. I mean, my client is not Amish. He didn't
17 come with the Amish-folk. "Do you have ties with the
18 Amish?" I think that's a pretty good question given all
19 the testimony that was elicited on all of this. And he
20 was able to say, "No" -- you know -- "I buy some produce
21 from them." I dare say probably everybody in Mecosta
22 County has bought some produce from the Amish folks at
23 some point, or bought some meat, or done something. But,
24 he -- he's not a member of their sect or have any ties
25 with them in any way.

1 Again, they could not prove that Mr. Wood knew
2 that the Yoder trial was the only one going that day. And
3 the fact that there were a lot of Amish there and whether
4 or not they had brochures or not was explained, wasn't it?
5 Most -- he went by -- by the time Mr. Wood got here and
6 started handing out his flyers, all the Amish folks had
7 pretty much come inside. One couple came along late and
8 he gave -- and they took a brochure. So how does that
9 impact anything? He was willing to hand -- he was handing
10 these out to anybody who wanted them.

11 You know, you heard Judge Jaklevic, a number of
12 times, talking about; well, what happened here could
13 potentially violate the law, maybe violated the law. He
14 was using those kinds of phrases all the time, folks.
15 Think back to his testimony. He was using those phrases.
16 And then he actually said toward the end of his testimony;
17 "Well, I really don't know if it happened," talking about
18 this case and what Mr. Wood was doing and attempting to
19 influence. He goes, "I don't know if it happened."

20 MR. HULL: Your Honor, should --

21 THE COURT: Yes.

22 MR. HULL: -- we approach?

23 THE COURT: Will you approach --

24 MR. KALLMAN: Well, I --

25 THE COURT: -- please.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. KALLMAN: He testified to that.

(At 2:14 p.m., bench conference held)

(At 2:15 p.m., bench conference concluded)

THE COURT: Ladies and gentlemen of the jury, before Mr. Kallman finishes his closing statement, I would like to indicate for the record that there was just some argument by Mr. Kallman regarding the fact that Judge Jaklevic did not say that a law had been violated that day. And I had previously ruled that it was not Judge Jaklevic's duty to determine whether or not a law had been violated that day; that it was the decision of you, the jury, today, to make that decision based on the facts that have been presented to you.

So I would just indicate for the record that that argument by Mr. Kallman was based on the fact that -- or -- the -- Judge Jaklevic not saying one way or the other was based on a ruling that I had made that it was not his job to decide that. It is your job, today, to make that decision.

Does the --

MR. KALLMAN: And, your Honor, I would --

THE COURT: Oh, go ahead.

MR. KALLMAN: I'm sorry. I thought you were --

THE COURT: Go ahead.

MR. KALLMAN: I would just like to clarify; I

1 was talking about this in the context of what my client
2 was doing and he had talked about maybe, and potentially,
3 and then I didn't know if it happened. I didn't -- the
4 quote was not I didn't know if the law had -- if he
5 violated the law, it was "I didn't know if it happened."

6 So I understand how it might have been
7 misconstrued. I get it. I have no problem with the Court
8 clarifying that. But that was not what I was trying to
9 argue.

10 THE COURT: Well, just so that there is no
11 confusion --

12 MR. KALLMAN: Right.

13 Thank you.

14 THE COURT: -- I had instructed that Judge
15 Jaklevic --

16 MR. KALLMAN: I have no problem with that.

17 THE COURT: -- could not determine -- make that
18 determination --

19 MR. KALLMAN: Right.

20 THE COURT: -- that it is up to the jury today
21 to make that determination.

22 MR. KALLMAN: Right.

23 But, he was commenting on what he thought about
24 what Mr. Wood was doing. So that's a different issue than
25 the law itself.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

But, anyways, I will move on anyway.

Judge Jaklevic did not want to admit that he never talked to -- remember there are two jurors here; prospective, summoned jurors, Ms. Johnson and Ms. DeVries, who came in. And you're being asked to find that they were the ones who were improperly influenced. Those two jurors, not anybody else, those two jurors. And when I asked Judge Jaklevic; well, do you have any personal knowledge about either of those potential jurors; what do you know about that, he danced and -- you know -- around it and didn't want to answer the question because -- well, I can't speculate as to why -- but he finally admitted; well, I never talked to them, I didn't have any contact with them, I didn't have a personal meeting with them. That's critical here, folks, because that means that testimony of that witness, as to the two jurors that they're claiming here that Mr. Wood influenced, Judge Jaklevic had no information as to that.

But let's look at the brochure and a couple of points. And, obviously, the Prosecutor picks out a couple that he likes; that he thinks shows how nefarious this pamphlet is. Well, let me point out a few other things so that you read this in its whole context and read it as a whole. The quote that he had on here about -- well, I'll -- I'll just go to -- you know -- trying to claim that

1 somehow that this pamphlet is urging jurors to vote a
2 certain way or to do something; I invite you to look at
3 the paragraph under True or False. Early on -- this is
4 the first page of it. You open it up and here's the first
5 flap with any real information on it. And what does it
6 say:

7 "Jurors often end up apologizing to the person
8 they've convicted -- or to the community for
9 acquitting a defendant when evidence of guilt seems
10 perfectly clear."

11 So this pamphlet talks about -- throughout --
12 voting your conscience, listening to the facts,
13 determining what you think and using your wisdom and
14 common sense, and that sort of thing. And it does give a
15 lot of history on the issues of jury nullification and
16 things that are in here, but this case is not about that.
17 This case is about; was this trying, somehow, to influence
18 jurors in the *Yoder* case. Okay. When it says, very
19 explicitly, well, you can convict or you can acquit,
20 either way. And sometimes jurors have to apologize one
21 way or the other because they feel, looking back at it,
22 well, maybe that wasn't the best decision we made or
23 whatever. Does that sound like something that is telling
24 people; oh, you must only let defendants go free? It
25 talks about both.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

And then:

"You may and should vote your conscience."

It quotes Thomas Jefferson, it quotes John Adams; going back to things like that.

So take a look at the pamphlet as a whole, folks. And, again, I invite you to look at it and determine; is there anything in there that even hints at the *Yoder* case, or Mecosta County, or anything else, because it's not there.

You know, there's another way that this pamphlet is very consistent with the jury instructions. And, again, the Judge is going to be instructing you. One of the ones you're going to get is Jury Instruction 3.11 -- and it's paragraph five -- says this; it's talking about if you guys are having issues and can't quite agree, you're supposed to talk it through, just because you disagree, don't give up your position, and that sort of thing. You'll hear the full instruction. But it says this at the end:

In the end, your vote must be your own, and you must vote honestly and in good conscience.

Exactly what this brochure says. You're to vote honestly and in good conscience.

Again, I understand how the judge, and the prosecutors, and others didn't like it, but that's not the

1 standard. The standard isn't; we don't like what's being
2 put out there to the general public in this thing. Don't
3 convict Mr. Wood because they don't like it, because
4 they're being criticized, at least that's the way they're
5 taking it. It doesn't talk about Judge Jaklevic directly.
6 It talks about judge -- you know -- some judges in
7 general. People can disagree on issues. Attorneys do it
8 all the time.

9 Now some of the other witness testimony, just
10 briefly, I want to go through. And I'm not going to go
11 through each one, but just to give you kind of a summary
12 here. We do know that Ms. Johnson -- again, the two
13 jurors you're being asked to find Mr. Wood tried to
14 improperly influence -- Ms. Johnson testified he never
15 asked her -- very clearly -- he never asked her; "Are you
16 on the jury?" That's what she testified to. Ms. DeVries
17 went back and forth. On direct examination, she said,
18 "Yeah, he asked me am I on the jury?" And do you remember
19 when I cross-examined her; "Oh, well, I guess I'm not
20 really sure. It might have been just that this is about
21 jury rights." Remember? And then the Prosecutor came
22 back and then, once again, she goes; "No," I -- it was --
23 "He asked me if I was on the jury." Well, that hardly is
24 solid proof, ladies and gentlemen, on that point. But
25 even there, what do you know about almost every other

1 witness that came up here; not one of them -- maybe one
2 other -- talked about asking are you on the jury. Even
3 Mrs. Lenahan, this morning, right. What did she say; "Oh,
4 I don't remember if I brought it up first or if Mr. Wood
5 brought it up, but somehow it came up." Well, how is that
6 proof that my client asked her? It's not. She didn't
7 recall. That's what most of the witnesses were saying.

8 Keith Wood was very clear, though, wasn't he?
9 He testified he had his little thing down. He had his
10 brochures, he wanted to get them in the hands of people;
11 these are your rights about jurors -- you know -- handing
12 them out to people. That's what he was saying. Is it
13 reasonable to think that maybe a few people, a couple
14 years later, might think; oh, he asked if I was on the
15 jury, confusing that when almost everybody else didn't --
16 doesn't say that. You have to look at the weight of all
17 of it, folks. Okay. Was Mr. Wood's testimony corroborated
18 by a whole lot more people than what the Prosecutor is
19 trying to get you to believe; absolutely.

20 Now let's look at the elements, briefly. Again,
21 the Prosecutor is trying to emphasize the *Yoder* case was
22 the only case set that day. It was the only one and it
23 was set for a jury trial. Of course, we all know that.
24 Mr. Wood knew that. He was at the pretrial three weeks
25 before and it was set for a trial. But just because the

1 judges and officials knew that that trial was set does not
2 prove Keith Wood knew that was the only trial set that
3 day. It does not prove it at all, folks. And he just
4 wanted to get information out to folks. Again, he assumed
5 there would be no trial because of his looking into these
6 issues, he knew a lot of people would be there. He was
7 right; jurors went home. His intent is clear. Their
8 assumed intent is irrelevant. You have to decide, looking
9 at everything, which is the most consistent; what Mr. Wood
10 testified to and why he was there, was it really to
11 disrupt *People versus Yoder*, which he didn't even think
12 was going to go to trial, right or wrong. But you didn't
13 hear anybody refute the statistic of 95 percent of cases
14 plead out. So his assumption, his intent; you have to
15 look at that, because what is one of the elements;
16 knowingly, willfully, purposefully intending to disrupt,
17 intending to influence -- I'm sorry -- attempting to
18 influence jurors.

19 So, again, looking at the elements, ladies and
20 gentlemen, again, use your common sense, read the
21 elements; you can read the language. Let's look at the
22 first one:

23 Jennifer Johnson and Theresa DeVries were jurors
24 in the case of *People v Yoder*.

25 Well, were they? You heard Mr. Vetter this

1 morning. A lot of people were summoned as jurors; they
2 were coming in that day, they're in a jury pool. They are
3 jurors, but were they jurors in the case of *People v*
4 *Yoder*? We know that's not true. You have the evidence.
5 I don't have to belabor the point. We know that's not
6 true. I asked Mr. Vetter; when you showed up for jury
7 duty that day, did you know even what case you -- he
8 didn't even know the case he was there for. I asked him;
9 did you get a summons in the mail -- just like you folks
10 all got a summons in the mail to show up -- did it say on
11 there; you're summoned to appear in the case of *People*
12 *versus Yoder*? No, it did not. No, it did not. More
13 assumptions here, folks.

14 So if the -- the jurors themselves didn't know.
15 The lengths in the chain, folks. Look at that element.
16 Do you believe the Prosecutor has proven beyond a
17 reasonable doubt? I would say to you, we've proven the
18 opposite. But, if that link is not there, you have to
19 find Mr. -- and it's not -- you have to find Mr. Wood not
20 guilty of this. They were not jurors in the case of
21 *People v. Yoder*.

22 Second:

23 He willfully attempted to influence those
24 jurors, DeVries and Johnson -- that juror by use of
25 argument or persuasion.

1 And then they define -- there's a definition for
2 the word juror:

3 Summoned -- people summoned to court to decide
4 the facts in a specific trial.

5 Again, apply -- I -- I'm not going to belabor
6 the point, folks. That's what the element says. You look
7 at it and you decide.

8 Did he willingly know -- willfully means, not
9 willingly -- sorry. It says the word willfully. And
10 willfully means knowingly and purposefully. Honestly,
11 have they proven that to you? No way. And it's not even
12 close.

13 The third element:

14 Defendant's conduct took place outside of
15 proceedings in open court in the trial of the case.

16 Again, I'm not going to belabor all these
17 points. Ladies and gentlemen, look at the evidence. The
18 Prosecutor has not carried his burden here.

19 Now, I agree with Mr. Hull when he says it's not
20 illegal to hand out a brochure. We agree on that much.
21 The issue here, though, is do you believe Mr. Wood had the
22 intent to knowing, willful, purposeful intent to influence
23 Ms. Johnson and Ms. Devries in the case of *People v Yoder*.
24 That's what this comes down to. And I submit to you, this
25 isn't even close. This is not a close call.

1 And remember, all the other things that I asked
2 Mr. Wood; did you know what time jurors even appear for
3 the court? No, I don't know what time they show up. Do
4 you know what door they go in? Nope, don't know what door
5 they go in. They weren't wearing badges saying I'm a
6 possible juror or anything else.

7 And these examples -- you know -- I could spend
8 time going through that, but let me just say, the second
9 one; taking a jury voir dire issue, questions; remember
10 how we all asked you questions. Yeah, I know that's not
11 always a pleasant thing to go through, but you're asked
12 questions under voir dire. And then comparing that to the
13 judge's opinion on a case. And if the judge says; oh, I'm
14 the -- if you think I have an opinion, don't take my
15 opinion. What do those two things have to do with each
16 other; how is that a violation of that jury instruction?
17 Now look, this is argument. Everything I say, everything
18 the Prosecutor says is not evidence. All we're trying to
19 do is layout what we think the evidence shows. So I ask
20 you to look closely at the examples that he's been putting
21 forward.

22 So the bottom line; ladies and gentlemen, you
23 have a duty to go back, look at each element -- and I
24 think, frankly, you stop after the first one -- but look
25 at all of them. Do your duty. And do you think the

1 evidence supports Mr. Wood willfully, purposefully,
2 knowingly -- knowingly -- intended to try to influence Ms.
3 Johnson and Ms. DeVries in the case of *People v Yoder*?
4 That is clearly not accurate and it's not based on the
5 evidence in front of you. So we ask you to come back with
6 a verdict of not guilty.

7 Thank you.

8 THE COURT: Thank you.

9 Mr. Hull.

10 MR. HULL: Thank you, your Honor.

11 One of the themes that Mr. Kallman kept going
12 back to is the Prosecution didn't like it; therefore, Mr.
13 Wood was charged. The Judge didn't like it; therefore,
14 Mr. Wood was charged. I think Judge Jaklevic testified --
15 and -- and let me just say this; we have different beliefs
16 as to what the testimony came out as. You're the judges
17 of the facts. So you remember the testimony as you do.
18 Mr. Kallman had mentioned that Jennifer Johnson, from his
19 memory, wasn't clear. From my memory, she was very clear
20 that either she informed the defendant she was a juror or
21 he asked her. She wasn't sure which one. But, you're the
22 judges of the facts. So, if what you remember is
23 different from what either of us say, go from your memory.

24 But going back to the government got angry;
25 therefore, Mr. Wood was charged. Let's take away this

1 pamphlet. Let's say that there was a person who's very
2 pro-prosecution. And let's say that this person decides
3 to make a pamphlet that says; "What the Judge Won't Tell
4 You in Jury Trials." And on the inside of this pamphlet,
5 the person has a whole bunch of statistics -- and you know
6 that in every criminal case, there are certain pieces of
7 evidence that a defense attorney might want to get in;
8 certain arguments a defense attorney might want to make,
9 and the judge says no, you can't. It's not relevant. And
10 there's certain pieces of evidence that a prosecutor might
11 want to get in and certain arguments a prosecutor might
12 want to make, and the judge says no, you can't. That's
13 against the law -- so imagine a pro-prosecution saying the
14 judge won't tell you that -- and I'm not going to make any
15 examples because that would be improper -- but the judge
16 will rarely ever tell you that -- and have some piece of
17 evidence that prosecutors are never allowed to bring in.
18 The judge will always assist or very often assist defense
19 attorneys in leaving out jurors and excluding evidence
20 that -- blank. And let's say that a person had this
21 pamphlet and walked to Wal-Mart and handed it out. That's
22 one thing. Let's say this pro-prosecution pamphlet that
23 this person had; he didn't go out in a public place, Wal-
24 Mart, Meijer, he waited until the day of a specific trial.
25 He waited for the time that the jurors in that trial would

1 be appearing, and he went to one of the doors where those
2 jurors would be appearing, and he handed out his pro-
3 prosecution pamphlet, citing all the things that the judge
4 will not allow into evidence that the prosecutor really
5 wants and how the judges regularly work with the defense.
6 That person is attempting to influence a jury because
7 their goal is to get that pamphlet into as many juror
8 hands as possible and have them consider evidence that
9 they are not allowed to consider.

10 Judge Jaklevic explains; yes, the contents of
11 the pamphlet; they were concerning to him. But that was
12 why he also testified it wasn't just the contents.
13 Anytime a person attempts to influence a juror; no matter
14 which side, if it was Green Peace or an environmentalist,
15 or anytime a person is attempting to influence a juror in
16 a specific case, we have a problem, no matter what the
17 point of view is.

18 It was brought up by Mr. Kallman that the
19 pamphlet does not say anything about the *Wood* (sic) case.
20 No. The example I just gave would not say anything about
21 a specific case either. It's not the intent of the
22 pamphlet, it's the intent of the person handing out the
23 pamphlet. Mr. Wood's intent. Mr. Wood's intent that day
24 was to sway the opinion of jurors.

25 There was this talk about did he know Mr. Yoder,

1 did he hang out with Mr. Yoder; the defendant is not
2 charged with helping Mr. Yoder. The defendant is not
3 charged with being in a conspiracy with Mr. Yoder or the
4 Amish people. There is no evidence whatsoever he -- that
5 Mr. Yoder or anyone in the Amish community had any idea he
6 was doing this. He's not charged with any kind of
7 conspiracy crime. He's charged with attempting to
8 influence a juror in that particular -- or -- in this
9 particular -- or -- the Yoder case. And maybe the
10 defendant was Mr. Yoder's buddy, or maybe he didn't know
11 him at all, but that's irrelevant. The question is
12 whether or not defendant used this pamphlet in order to
13 influence jurors in a specific case.

14 The defense makes a statement about -- you know
15 -- witnesses can put a spin on things. I -- I'd like you
16 to remember Mr. Wood's testimony. Mr. Wood, when he
17 testified, his testimony contradicted at least three
18 separate jurors that came in and testified. And you will
19 -- you have heard that two jurors specifically said that
20 -- that either Mr. Wood asked them if they were jurors or
21 they told him they were jurors, but either way, Mr. Wood
22 had found out they were jurors when he handed them the
23 pamphlets. The rest of the jurors said that Mr. Wood
24 handed him the pamphlets -- well, the ones that remembered
25 -- said that Mr. Wood handed them the pamphlet and said,

1 "This is information that jurors need to know." Who was
2 he targeting? This is information that jurors need to
3 know.

4 MR. KALLMAN: Your Honor, I'm going to object.
5 That's not the evidence from my client. He said, "This is
6 information on jury rights." That's what he said. He
7 didn't say this is information jurors need to know.

8 MR. HULL: Your Honor, they're going to --

9 MR. KALLMAN: It was information of jury rights.

10 THE COURT: Go ahead, Mr. Hull.

11 MR. HULL: I will -- I will couch this, okay.

12 THE COURT: All right.

13 Thank you.

14 MR. HULL: Let me -- let me -- something
15 affecting jurors. The word juror is brought up every time
16 he hands out this pamphlet to every person who remembered.
17 Who was he targeting; jurors. It says it right on the
18 pamphlet. He says it every time he handed it out.
19 Specifically, two jurors that he contradicted said -- and
20 Theresa DeVries; if you remember her, testified yesterday
21 -- he specifically asked her; "Are you here for jury
22 selection?" then handed her the flyer. I agree with Mr.
23 Kallman that what you want to do is look at the
24 consistency of the evidence and just basic human behavior.

25 Mr. Kallman says that he specifically chose the

1 date and time of the Yoder trial because he was 95 percent
2 sure that it wasn't going to go. Really. Mr. Yoder
3 contradicted the Magistrate, Tom Lyons, and Mr. Yoder said
4 that the Magistrate, Tom Lyons, said something to him and
5 he --

6 THE COURT: Mr. Hull --

7 MR. HULL: -- didn't hear it.

8 MR. KALLMAN: You said Mr. Yoder.

9 MR. HULL: I'm sorry. I apologize.

10 THE COURT: I just --

11 MR. HULL: That's my fault.

12 THE COURT: Yeah, I just want to make sure that
13 the jurors are --

14 MR. HULL: Mr. Wood.

15 THE COURT: -- clear.

16 Yes.

17 MR. HULL: Yeah, that's my fault.

18 MR. KALLMAN: I want to make it clear, I never
19 said the 95 percent. He said Mr. Kallman said the 90 --
20 that was my client who, in his testimony, said that. Not
21 me.

22 THE COURT: I believe that you argued that in
23 your closing.

24 MR. HULL: You did argue that.

25 MR. KALLMAN: That my client said that, yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Right.

MR. KALLMAN: But -- okay.

Thank you.

MR. HULL: Mr. Wood said that he had a -- that the Magistrate, Tom Lyons, came out and said something to him and he didn't understand. When someone comes up to you and says, "La, la, la;" what do you say? "What?" What Mr. Wood testified is someone said, "La, la, la, la." And he said, "Who are you; what's your name?" His testimony not only contradicts the testimony of at least three jurors that took the stand, but it contradicts the testimony of the Magistrate, and the things he says just don't make sense.

He specifically chose that day because he -- there was a 95 percent chance there wouldn't be a trial; maybe it was possible. I ask you to look at all of the evidence and which makes more sense, because every single piece of evidence, even his own testimony, leads to the only conclusion; he was interested in the *Wood* (sic) case. He came because of the *Wood* (sic) case.

There was some -- some -- some argument that well, the jurors didn't even know they were there for the *Wood* (sic) case. That doesn't matter. Summoned to appear --

First, that Jennifer Johnson and Theresa DeVries

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

were jurors in the case of *People v Yoder*.

And includes:

A person who has been summoned to appear in a court case to decide the facts of a specific trial.

You were summoned here to appear to -- to decide the facts in a specific trial. Did you know the name of the trial when you walked in; did it make the fact of -- that you were summoned to appear any less likely? You were summoned to appear the day that you came in here based on your order, just like the jurors in that case.

All of the evidence that you have heard, all of the evidence, points to Mr. Yoder -- or -- Mr. Wood's intent in this case, specifically to influence the decisions of jurors.

I ask that you find the defendant guilty.

THE COURT: Thank you, Mr. Hull.

All right. Bailiff, hand this to the jurors, please.

Thank you.

Members of the jury, the evidence and arguments in this case are finished, and I will now instruct you on the law. That is, I will explain the law that applies to this case.

Remember that you have taken an oath to return a true and just verdict, based only on the evidence and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

my instructions on the law. You must not let sympathy or prejudice influence your decision.

As jurors, you must decide the facts of the -- of the -- you must decide what the facts of this case are. This is your job, and nobody else's. You must think about all the evidence and then decide what each piece of evidence means and how important it is to you. This includes whether you believe what each of the witnesses said. What you decide about any fact of this case is final.

It is my duty to instruct you on the law. You must give the law -- you must take the law as I give it to you. If the prosecutor or defendant says something different about the law, follow what I say. At various times, I have already given you some instructions on the law. You must take all of my instructions together as the law that you are to follow. You should not pay attention to some instructions and ignore others.

To sum it up, it is your job to decide what the facts of the case are, to apply the law as I give it to you, and, in that way, to decide the case.

A person accused of a crime is presumed to be innocent. This means that you must start with the presumption that the defendant is innocent. This

1 presumption continues throughout the trial and
2 entitles the defendant to a guilty of not verdict --
3 or -- a verdict of not guilty unless you are
4 satisfied beyond a reasonable doubt that he is
5 guilty.

6 Every crime is made up of parts called elements.
7 The prosecutor must prove each of the elements of a
8 crime beyond a reasonable doubt. The defendant is
9 not required to prove his innocence or to do
10 anything. If you find that the prosecutor has not
11 proven every element beyond a reasonable doubt, then
12 you must find the defendant not guilty.

13 A reasonable doubt is a fair, honest doubt
14 growing out of the evidence or lack of evidence. It
15 is not merely an imaginary or possible doubt, but a
16 doubt based on reason and common sense. A reasonable
17 doubt is just that -- a doubt that is reasonable,
18 after a careful and considered examination of the
19 facts and circumstances of this case.

20 When you discuss the case and decide upon your
21 verdict, you may only consider the evidence that has
22 been properly admitted in this case. Therefore, it
23 is important for you to understand what is evidence
24 and what is not evidence.

25 Evidence includes only the sworn testimony of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

witnesses, the exhibits admitted into evidence, and anything else I told you to consider as evidence.

Many things are not evidence, and you must be careful not to consider them as such. I will now describe some of the things that are not evidence.

The fact that the defendant is charged with a crime is -- and is on trial is not evidence.

The prosecutor's and defendant's statements and arguments are not evidence, except for defendant's testimony. They are only meant to help you understand the evidence and each side's legal theories. You should only accept things the prosecutor and defendant say that are supported by the evidence or by your own common sense and general knowledge. The prosecutor's and defense's questions to the witnesses, your questions to the witnesses, and my questions to the witnesses are also not evidence. They should -- you should consider these questions only as they give meaning to the witnesses' answers.

My comments, rulings, questions, and instructions are also not evidence. It is my duty to see that the trial is conducted according to law, and to tell you the law that applies to this case. However, when I make a comment or give an

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

instruction, I am not trying to influence your vote or express an opinion about this case. If you believe that I have an opinion about how you should decide this case, you must pay no attention to that opinion. You are the only judges of the facts and you should decide this case based on the evidence.

At times during the trial, I have excluded evidence that is offered or stricken testimony that was heard. Do not consider those things in deciding the case. Make your decision only on the evidence that I let in, and nothing else.

Your decision should be based on all the evidence, regardless of which party produced it.

You should use your own common sense and general knowledge in weighing and judging the evidence, but you should not use any personal knowledge that you may have about a place, person, or event. To repeat once more, you must decide the case based only on the evidence admitted during this trial.

As I said before, it is your job to decide what the facts of this case are. You must decide which witnesses you believe and how important you think their testimony is. You do not have to accept or reject everything a witness says. You are free to believe all, none, or part of any person's testimony.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

In deciding which testimony you believe, you should rely on your own common sense and everyday experience. However, in deciding whether you believe a witness's testimony, you must set aside any bias or prejudice you may have based on race, gender, or national origin of the witness.

There is no fixed set of rules for judging whether you believe a witness, but it may be help -- but it may help you to think about these questions:

Was the witness able to see or hear clearly?
How long was the witness watching or listening? Was anything else going on that may have distracted the witness?

Did the witness seem to have a good memory?

Did the witness look -- how did the witness look and act while testifying? Did the witness seem to be making an honest effort to tell the truth, or did the witness seem to evade the questions or argue with the prosecutor or defendant?

Does the witness's age and maturity affect how you judge his or her testimony?

Does the witness have any bias, prejudice, or personal interest in how this case is decided?

Have there been any promises, threats, suggestions, or other influences that affected how

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the witness testified?

In general, does the witness have any special reason to tell the truth, or any special reason to lie?

All in all, how reasonable does the witness's testimony seem when you think about all the other evidence in the case?

Sometimes the testimony of different witnesses will not agree. You must decide which testimony you accept. You should think about whether the disagreement involves something important or not, and whether you think someone is lying or simply mistaken. People see and hear things differently, and witnesses may testify honestly but simply be wrong about what they thought they saw or remembered. It is also a good idea to think about which testimony agrees best with the other evidence in this case.

However, you may conclude that a witness deliberately lied about something that is important on how you decide the case. If so, you may choose not to accept anything that that witness said. On the other hand, if you think the witness lied about some things, but told the truth about others, you may simply accept the part you think is true and ignore the rest.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The prosecutor must prove beyond a reasonable doubt that the crime occurred on or about January 23rd, 2016, within Mecosta County.

Is that the correct date? That is not --

MR. HULL: Your Honor, that is --

THE COURT: -- the correct date.

MR. HULL: -- not.

MR. KALLMAN: No, it is not.

MR. HULL: It was November 24th, 2015. I apologize --

MR. KALLMAN: Sorry, Judge.

MR. HULL: -- for not catching that.

MR. KALLMAN: Yeah, we missed that --

THE COURT: Yeah.

MR. KALLMAN: -- Judge.

THE COURT: I'm sorry.

MR. KALLMAN: That's a typo.

THE COURT: November --

MR. KALLMAN: Twenty-fourth.

MR. HULL: Twenty-fourth, 2015.

THE COURT: -- 24, 2015. I am sorry.

So I'll read that again.

The prosecutor must also prove beyond a reasonable doubt that the crime occurred on or about November 24th, 2015.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

When you go in the jury room, you will be provided with a final copy -- a written copy of the final jury instructions.

Which you actually have already.

You should first choose a foreperson. The foreperson should see to it that your discussions are carried out in a businesslike way and that everyone has a fair chance to be heard.

During your deliberations please turn off your cellphones or other communications equipment while we recess.

A verdict in a criminal case must be unanimous. In order to return a verdict, it is necessary that each of you agrees on that verdict. In the jury room, you will discuss the case amongst yourselves, but ultimately each of you will make up your own mind. Any verdict must represent the individual, considered judgment of each juror.

It is your duty as jurors to talk to each other and make every reasonable effort to reach agreement. Express your opinions and the reasons for them, but keep an open mind as you listen to your fellow jurors. Rethink your opinions and do not hesitate to change your mind if you decide you are wrong. Try your best to work out your differences.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

However, although you should reach -- try to reach an agreement, none of you should give up your honest opinion about the case just because other jurors disagree with you or just for the sake of reaching a verdict. In the end, your vote must be your own, and you must vote honestly and in good conscience.

If you have any questions about the jury instructions before you begin deliberations, or questions about the instructions that arise during deliberations, you may submit them in writing in a sealed envelope to the bailiff.

Possible penalty should not influence your decision. It is the duty of the judge to fix the penalty within the limits provided by law.

If you want to communicate with me while you are in the jury room, please have the foreperson write a note and give it to the bailiff. It is not proper for you to talk directly with the judge, the prosecutor, or defendant, or officers, or other people involved in the case.

As you discuss the case, you must not let anyone, even me, know how your voting stands. Therefore, until you return a unanimous verdict, do not reveal this to anyone outside the jury room.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

When you go to the jury room to deliberate, you may take your notes and full instructions.

If you want to look at any or all of the reference documents or exhibits that have been admitted, just ask for them.

When you go to the jury room, you will be given a written copy of the instructions you have just heard. As you discuss the case, you should think about all my instructions together as the law you are to follow.

You may return a verdict of guilty of the alleged crime or not guilty.

I have prepared a verdict form listing -- listing the possible verdicts.

The prosecution has introduced evidence of a statement that claims -- it claims the defendant made.

Before you may consider such out of statements -- court statements against the defendant, you must first find that the defendant actually made the statement as given to you.

If you find that the defendant did make the statement, you may give the statement whatever weight you think it deserves. In deciding this, you should think about how and when the statement was made,

1 about all the other evidence in the case -- and about
2 all the other evidence in the case. You may consider
3 the statement in deciding the facts of the case.

4 Facts can be proven by direct evidence from a
5 witness or an exhibit. Direct evidence is evidence
6 about what you actually see or hear. For example, if
7 you look outside and see rain falling, that is direct
8 evidence that it is raining.

9 Facts can also be proven by indirect, or
10 circumstantial, evidence. Circumstantial evidence is
11 evidence that normally or reasonably leads you to
12 other facts. So, for example, if you see a person
13 coming in from outside wearing a raincoat covered
14 with small drops of water, that should be -- that
15 would be circumstantial evidence that it is raining.

16 You may consider circumstantial evidence.
17 Circumstantial evidence by itself, or a combination
18 of circumstantial evidence and direct evidence, can
19 be used to prove the elements of the crime. In other
20 words, you should consider all the evidence that you
21 believe.

22 The defendant's intent must be proven by what he
23 said -- I'm sorry -- may be proven by what he said,
24 what he did, how he did it, or by other facts and
25 circumstances in evidence.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

You should not decide this case based on which side presented more witnesses. Instead, you should think about what -- think about each witness and each piece of evidence and whether you believe them. Then you must decide whether the testimony and evidence you believe proves beyond a reasonable doubt that the defendant is guilty.

You have heard testimony from witnesses who are police officers. That testimony is to be judged by the same standards you use to evaluate the testimony of any other witness.

The defendant is charged with the crime of Attempting to Influence a Juror. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

First, that Jennifer Johnson and/or Theresa DeVries was a juror/were jurors in the case of *People v. Yoder*.

Second, that the defendant willfully attempted to influence that juror by the use of argument or persuasion.

Third, that the defendant's conduct took place outside of proceedings in open court in the trial of the case.

A person acts willfully when he or she acts

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

knowingly and purposefully.

The word "juror" includes a person who has been summoned to appear in court to decide the facts in a specific trial.

An "argument or persuasion" can be oral or written.

Now, we have, as I indicated to you earlier; yesterday actually, eight of you have sat and listened to all of the testimony today. We will now choose two names out of the eight of you who are seated. Two of you will be dismissed from deliberations. What I'm going to ask you to do is as soon as your name is called, you will be free to leave the -- free to leave the courtroom. You need to take your -- take your notes with you -- or -- give your notes to the bailiff. On the sheet that you have, please list your name and telephone number. Do not speak to anyone; you are still not free to speak to anybody about this case, just in case that there could be an issue with deliberations. I actually released jurors one time and then we had a juror issue and I had an issue with having to call back jurors. So you are still -- you're still not able to read the newspaper. We will call you when deliberations are over if you would like to leave the building. However, you are not free to talk to anyone or discuss with anyone, any aspects of the case, in case

1 we would need to call you back for whatever reason. And I
2 have had to do that before so. But, we will let you know
3 when you are free to speak about the case. But leave your
4 name and telephone number where we can reach you the rest
5 of today and we will get a hold of you when you are
6 actually free to discuss the case.

7 So the two of you -- and please get whatever you
8 -- when your name is called, give the bailiff your notes,
9 get whatever you may have in the jury room, and then you
10 are free to leave the building, but you're not free to
11 talk about it. So, first person, please.

12 THE RECORDER: Juror Number 31, Denise Webb.

13 THE COURT: Ms. Webb, thank you for coming in.

14 JUROR WEBB: Thank you.

15 THE COURT: If you have anything in the jury
16 room, please take it and leave your name and number,
17 please.

18 Next.

19 THE RECORDER: Juror Number 40, Tiffanie
20 Shearer.

21 THE COURT: Ms. Shearer; same thing, please
22 leave your notes with the bailiff, but leave your name and
23 number, and take anything -- you can give those to the
24 bailiff as well.

25 JUROR SHEARER: Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Thank you.

I apologize, I have to wait until the bailiff comes back in to swear him and then I will send you in to the jury room.

Please step forward, please.

I'm going to hand you the verdict form.

I need you to raise your right hand, please.

Do you solemnly swear that you will be -- or -- to the utmost of your ability, keep the persons sworn as jurors in this trial from separating from each other; that you will not suffer any communication to be made to them, or any of them, orally or other -- to be made to them, or any of them, orally or -- otherwise; that you will not communicate with them, or any of them, orally or otherwise, except by the order of this court, or to ask them if they have agreed on their verdict, until they are discharged, and that you will not, before they render their verdict, communicate to any person the state of their deliberations or the verdict that they have agreed upon, so help you God?

BAILIFF TOLLENAAR: I do.

(At 3:00 p.m., Bailiff sworn by the Court)

THE COURT: All right.

Then you may -- let's rise for the jury.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(At 3:00 p.m., jury exits courtroom for deliberations)

You may be seated.

Before the -- before we recess awaiting the jury Determination, anything that you would like to make of record, Mr. Hull?

MR. HULL: No. The one change I think we needed to make, we made a record of it, in regard to the date of -- and -- and the venue. So I would -- nothing in regard to that.

I do have Exhibit Number 1.

THE COURT: All right.

MR. HULL: And for the record, if the jury does request to see it, you don't need to call me and let me know. I don't know if that's something you need to go on the record for, but --

THE COURT: All right.

Mr. Kallman, I guess if the jury does request; do you want to go back on the record, or would you like me to just --

MR. KALLMAN: I'm fine with just giving it to them, Judge. I don't think we need to go on the record for that.

THE COURT: All right.

MR. HULL: The only issue is if the CD -- if

1 they request the CD, we may have to set up a laptop for
2 them.

3 MR. KALLMAN: Yeah.

4 THE COURT: That is correct.

5 But, if they request the brochure, may I just
6 have the bailiff --

7 MR. KALLMAN: Absolutely.

8 THE COURT: -- give it to them?

9 MR. KALLMAN: Absolutely, Judge.

10 THE COURT: All right.

11 Then, Mr. Kallman, what would you like to make
12 of record?

13 MR. KALLMAN: There was just the one issue; I
14 don't -- on the Prosecutor's closing where he was allowed
15 to argue about the trial issue that we were barred from
16 discussing. And so I just wanted to place an objection on
17 the record for that.

18 Thank you.

19 THE COURT: All right.

20 I will just -- I -- I will note that for the
21 record; that there was an issue that there was some
22 concern that there was going to be some argument by the
23 defense that a trial had to have taken place for them to
24 convict Mr. Wood. Then, Mr. Hull argued that it -- one of
25 the elements was not a trial. I see -- I differentiate

1 that in the fact that saying it is not an element is much
2 different to me than saying it is an element that a trial
3 had to take place.

4 So --

5 MR. KALLMAN: Understood, Judge.

6 Thank you.

7 THE COURT: All right.

8 MR. KALLMAN: I just wanted to reserve it for
9 the record.

10 THE COURT: That's fine.

11 We will be in recess -- recess until there is
12 a verdict or additional questions.

13 (At 3:03 p.m., court in recess)

14 (At 3:48 p.m., court reconvenes)

15 We're back on the record in the case of the
16 People of the State of Michigan versus Eric (sic) Wood,
17 being file number 1545978FY.

18 I was -- it was indicated by the bailiff that
19 there is a verdict.

20 Anything that we need to make of record before
21 the jury is brought back in?

22 MR. HULL: No, your Honor.

23 Thank you.

24 MR. KALLMAN: We have nothing, your Honor.

25 Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: All right.

Then let's call the jury back in.

Please rise for the jury.

(At 3:48 p.m., jury enters courtroom)

You may be seated.

I received communication from my bailiff that the jury has now -- you have come to a verdict; is that correct?

JUROR PATTERSON: Correct.

JUROR SIMS: Yes, we have.

THE COURT: All right.

Would the foreperson please give the verdict form to my bailiff.

Hand that back.

Sir, would you please read the verdict.

FOREPERSON PATTERSON: Yes, your Honor.

We the jury find the verdict is guilty of Attempting to Influence a Juror.

THE COURT: Thank you.

FOREPERSON PATTERSON: Uh-huh.

THE COURT: Mr. Hull, would you like the jury polled?

MR. HULL: No, your Honor.

THE COURT: Mr. Kallman.

MR. KALLMAN: Yes, your Honor.

1 THE COURT: All right.
2 Then, Ms. -- well, let me start like this -- Mr.
3 Jaskot; is that your verdict?
4 JUROR JASKOT: Guilty. Yes.
5 THE COURT: All right.
6 Ms. Yarrington.
7 JUROR YARRINGTON: Yes, it was.
8 THE COURT: Mr. Burns.
9 JUROR BURNS: Yes, that's my --
10 THE COURT: I'm sorry you changed seats. She
11 confused me.
12 JUROR BURNS: Yes.
13 THE COURT: Ms. Mondrella.
14 JUROR MONDRELLA: Yes.
15 THE COURT: Mr. Patterson.
16 JUROR PATTERSON: Yes.
17 THE COURT: And, Ms. Sims.
18 JUROR SIMS: Yes.
19 THE COURT: All right.
20 Thank you.
21 Please rise for the -- for the jury.
22 Would you please go back to the jury room and
23 wait until I have a moment to come back and speak to you?
24 FOREPERSON PATTERSON: Uh-huh.
25 THE COURT: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(At 3:50 p.m., jury excused)

You may be seated.

The defendant now having been found guilty of the charge of Attempting to Influence a Juror; is there anything -- we will -- the Court will get a sentencing date from the district court. I am a circuit court judge so I do not know that schedule off the top of my head. I will get a sentencing date from the district court and that will be mailed to all of the parties.

MR. KALLMAN: All right.

THE COURT: Anything that you wanted to make -- make of record; Mr. Hull, before I go back and talk to the jury?

MR. HULL: No, your Honor.

Thank you.

THE COURT: Mr. Kallman.

MR. KALLMAN: No.

Thank you, Judge.

THE COURT: All right.

Then we will be off the record in this matter.

The defendant's bond will be continued.

MR. KALLMAN: Thank you, Judge.

THE COURT: Thank you.

MR. HULL: Thank you, your Honor.

(At 3:51 p.m., proceedings concluded)

1 STATE OF MICHIGAN)

2)

3 COUNTY OF MECOSTA)

4

5

6

7

8

9

10 I certify that this transcript, consisting of 154
11 pages, is a complete, true, and correct transcript, to the best
12 of my ability, of the proceedings and testimony taken in
13 this case on Thursday, June 1, 2017.

14

15

16

17

18

19 August 4, 2017

20

Sabrina M. Marlette, CER 8103

21

49th Circuit Court

22

400 Elm Street

23

Big Rapids, Michigan 49307

24

(231) 592-8303

25