

Juror Interview

Naomi Havlen – “JUROR 6”

[REDACTED] DUI Trial

April, 2012

(recorded and transcribed by Corby Anderson)

On expectations of being a juror – “I’ve never been a juror before. I’ve received summons’ before, but they were always cancelled when I called in to check. I’ve sat in on so many jury trials as a reporter and was kind of looking forward to it, and was hoping to get picked. Like most people I didn’t want to sit on a week long trial or anything, but when I heard that this would be a one day trial I thought “yes, I want to be on this jury.”

I’ve always thought to myself – the system works the way it does because people serve on juries. I’ve always felt that participation was necessary and important.

Her name was one of the first 12 called, “so up there I went.” I was asked about the zero tolerance policy on DUI’s and how we felt about it. DA Nedlin asked how she felt about being on a jury trial “and I told him that I thought that it would be interesting and fascinating.”

“It felt much like a small town community experience. Seemed like all of the jurors had a lot in common, We knew people in common that we didn’t realize.

When I saw that this was a DUI trial, I was excited because I thought that Dan Shipp might be one of the attorneys. If I get selected for this trial, I get to see Dan Shipp in action! He’s a character! He’s got the cowboy hat and the suit and the goatee and that southern drawl. I feel like everywhere that I have lived there is that one lawyer whose commercials are unforgettable. In this valley – it’s Dan Shipp.

On Richard Nedlin, DA: He was straight laced, professional. I thought that he was pretty typical for a prosecutor.

On selection process: One strongly opinionated guy was dismissed. There was one person who said straight out that you couldn’t determine guilt without a blood test and he was dismissed.

On clarity of juror instructions: By the time that you are an actual juror, the judge has been pretty clear about juror instructions. They go over it so many times...

On whether she felt that the jury was left in the dark on any aspect of instructions, evidence etc..during the trial: I thought that things were really clear, and then it so happened that the Deputy who filed the report was on the stand and Dan Shipp stood up to object a point. Judge Ely called a lawyers conference. “Hearsay” was all that I could pick up from the quiet conversation. We were dismissed to jury room for 1.5 hours. The Jury got anxious and confused in this time, wondering what was being discussed. We were called back in and the trial continued as if nothing had happened. I wasn’t like we were in the dark about anything, but there was probably a good reason (for the sequestering).

The Jury is to decide on specific evidence, and if everyone agrees that it is fair and legal that is what we have to go on.

The woman from Denver (witness from lab) was called to the stand. Dan Shipp objected again, and the jury was dismissed again. Only 5 minutes went by this time, but to my surprise, when we returned the witness was gone from the witness stand. The judge told us that the trial was then essentially over. The judge then gave us jury instructions for making our decision.

We all felt like there just wasn't enough evidence to convict. It just wasn't there. We acquitted Carolyn Balmer unanimously of all of her charges.

One of the jurors had been in a few winter road accidents and talked about her experience of being shaken and scared immediately after. As for the deputy (arresting officer), we were just trying to use his testimony. It was a year ago and his memory was fuzzy. So all that we had to go on was his report. He told us that he reached out to help her off of the road and that he smelled alcohol. "She mentioned that she wanted her lawyer 9 times on the way to jail". She flipped past her license in her wallet and had to go back through to find it. Who hasn't done that?

On her theories of whether [REDACTED] was indeed drunk or not while driving:

On the record, I don't know. It is possible. She should have known the road and if the weather was bad she should have known to slow down.

Most jurors just want to hear lots of evidence, to have lots of information to go on. We were all disappointed that we couldn't go to the jury room and discuss the thrown out evidence.

Clearly there were mitigating circumstances like the expired blood kit.

On whether Nedlin was unprepared or incompetent in her eyes: DA Nedlin absolutely knew that the case was a year old. He knew what the deputy wrote down in his report. He knew that the blood test had been expired.

(It came down to the fact that) Dan Shipp knew what to object to at the right times and the judge agreed.

The onus is on the prosecutors shoulders and he just didn't have enough...

Dan Shipp's strengths: He is so personable! Clearly he is a really down to earth guy.

Good for Dan Shipp for knowing when to object. He was obviously doing his job well!

I was psyched to see him do his job after hearing him on the radio and tv (commercials). I thought, if this is how he makes his living then he does it well. He earned his money. I sort of hoped that IF [REDACTED] WAS drinking that she had to pay his bill and learn a good lesson!