

1 THE COURT: And, for sure, it starts Monday?

2 PJ DAILEY: Yes, sir.

3 THE COURT: Let me get you to just have a
4 seat, Mr. Dailey and talk to the lawyers for just a
5 second.

6 MR. KNIZLEY: Judge --

7 THE COURT: Counsel on both sides, in this
8 situation where clearly he's not stricken for
9 cause, but the reality is he's going to end up not
10 showing up at some point during this trial. Does
11 each side really want to keep him on the panel and
12 force this guy to perhaps miss classes and not show
13 up and then we have to put an alternate in his
14 spot? That's what's going to happen. All we're
15 doing is automatically shifting an alternate in the
16 spot. That seems pointless.

17 MS. RICH: That's why I asked the question,
18 Your Honor.

19 THE COURT: I understand. That's why I
20 brought him up here.

21 MR. KNIZLEY: Judge --

22 THE COURT: My suggestion is we let the man go
23 to college and move on with this and just don't
24 waste anymore time on this issue.

25 MR. KNIZLEY: Judge, school is just like

1 work. We've had other people that have said that
2 they have work and their work obligations. And
3 this gentleman did not come to the Court and ask to
4 be excused. He was asked was he a student by the
5 prosecutor. And then the prosecutor finally asked
6 him if it was going to be problematic for him to
7 attend jury duty and then he says yes. We didn't
8 ask the full-time female white student, number 58
9 --

10 THE COURT: Is there another student out
11 there?

12 MR. KNIZLEY: Yeah.

13 MR. WHISONANT: Yeah, she's listed it on her
14 --

15 MR. KNIZLEY: Courtney Parnell and she wasn't
16 asked was it going to interfere with her school.

17 THE COURT: Who's this?

18 MR. WHISONANT: 58.

19 MS. RICH: Well, I didn't get that she was a
20 student.

21 MR. KNIZLEY: Well, that's what it says right
22 here, full-time student.

23 THE COURT: Well, we'll ask her.

24 MR. KNIZLEY: Judge --

25 THE COURT: I did not hear anything said

1 about that --

2 MS. RICH: She told me she was an occupational
3 therapist.

4 MR. KNIZLEY: I'm just saying what's listed --

5 MR. WHISONANT: I think she's full-time in
6 occupational therapy.

7 THE COURT: Well, let me be clear. If there's
8 some indication that Judge Brooks made a different
9 distinction based on ethnicity, I resent that
10 because I never would --

11 MR. KNIZLEY: No, sir, not Judge Brooks. THE
12 COURT: I would never do that.

13 MR. KNIZLEY: Not Judge Brooks, the
14 prosecutor did.

15 THE COURT: Well, you're talking about a guy
16 that grew up in a house trailer. I don't come from
17 --

18 MR. KNIZLEY: Judge, not -- not Judge Brooks.

19 THE COURT: So all I'm saying is this, look,
20 at the end of the day, it is different to have
21 obligations to go to school versus working.
22 Because the work, by law, has to allow you to do
23 that and still pay you. But in school, he's
24 missing classes that cannot be made up. It's
25 different. They're not going to stop the class

1 while he's here. That's the difference, so it is
2 different. But at the end of the day, it's up
3 to you, as officers of the court, to make a
4 decision. You can force it and you have that
5 right. If you want to, then that's what we'll do.
6 That's all I can do. There's not a ground strike
7 for cause.

8 MS. RICH: We have no problem getting rid of
9 this juror.

10 THE COURT: Okay.

11 MR. KNIZLEY: Hold on, Judge. Let me talk to
12 co-counsel. Judge, may I consult with co-counsel?

13 THE COURT: Yes, sir.

14 (OFF-THE-RECORD DISCUSSION)

15 THE COURT: There's no agenda from Judge
16 Brooks --

17 MR. KNIZLEY: Your Honor --

18 THE COURT: We have this neutral guy you're
19 going to have as a juror.

20 MR. KNIZLEY: Your Honor, the Court did not
21 raise this issue. The prosecutor turned to this
22 juror and begin to inquire about whether he was
23 going to school and began to develop a theory of
24 why and asked him was it going to be a problem. He
25 never offered that.

1 THE COURT: Okay.

2 MR. KNIZLEY: And I'm saying that the
3 prosecutor did that for a black male but not a
4 white female.

5 (OFF THE RECORD)

6 MR. KNIZLEY: I'm sorry. I'm sorry.

7 MS. RICH: He said I specifically told juror
8 number 58 --

9 THE COURT: Where is she --

10 MS. RICH: I didn't even look at what her job
11 is on here.

12 THE COURT: Ms. Parnell, please come up.

13 MR. KNIZLEY: Judge --

14 THE COURT: Just a minute. Ms. Parnell,
15 you're not in any trouble. Everything is good.

16 PJ PARNELL: Okay.

17 THE COURT: Ms. Parnell --

18 MS. RICH: Judge, make sure I can hear.

19 THE COURT: Are you working at a school? What
20 is your status?

21 PJ PARNELL: I'm a full-time student, but I
22 work for my mom when I'm not.

23 THE COURT: What kind of student are you?

24 PJ PARNELL: Occupational therapy.

25 THE COURT: Where is that?

1 PJ PARNELL: I go to school around Ferguson,
2 Mississippi, NGCP.

3 THE COURT: When do you go to classes?

4 PJ PARNELL: Monday, Tuesday, and Wednesdays.

5 THE COURT: So are you missing class today?

6 PJ PARNELL: Yes.

7 THE COURT: This case could last two or three
8 weeks. Is that going to be an issue for you?

9 PJ PARNELL: Well, I told my teacher and she
10 said that she's obligated to let me.

11 THE COURT: Well, I understand.

12 PJ PARNELL: I mean, I start clinicals on
13 Monday but --

14 THE COURT: So the classes you're missing, is
15 it when you take notes and are tested later, or are
16 you in sort of a seminar or a clinical class --

17 PJ PARNELL: So this is finals week. It's
18 fine. I don't know. She's letting me take my
19 finals at home.

20 THE COURT: So you're going to have to take
21 tests based on some things that have happened this
22 week?

23 PJ PARNELL: Yeah.

24 THE COURT: Okay. Questions?

25 MS. RICH: Yes, Judge. And I just was

1 wanting to say I heard her say she was an
2 occupational therapist. I did not hear her say
3 that she was a student.

4 PJ PARNELL: Occupational therapy --

5 THE COURT: Questions?

6 MR. KNIZLEY: No, sir.

7 THE COURT: All right. Thank you, ma'am.
8 You can step down. That's all we need to know.

9 I think they might have been on several
10 juries over the years. They are out there trying
11 to listen to what we have to say. We need to do
12 the same thing for her that we did for Mr. Dailey
13 or do we have to -- what do the parties want -- and
14 I'll leave it to the parties to agree, whatever you
15 want to do. Got to be the same thing with both of
16 them.

17 MS. RICH: We have no problem with letting
18 them both go.

19 MR. KNIZLEY: Judge, you're going to have to
20 give me a second to confer with co-counsel.

21 (OFF-THE-RECORD DISCUSSION)

22 MR. KNIZLEY: Judge, we would have no
23 objection to both of the prospective jurors being
24 released from jury service.

25 THE COURT: And that's what we should do.