

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA,
Plaintiff,
vs.

CASE NO.: 2020-CF-003014

ASHLEY C. BENEFIELD,
Defendant.

MOTION TO INTERVIEW JURORS

Ashley C. Benefield, by and through undersigned counsel and pursuant to *Rule 3.575 of the Florida Rules of Criminal Procedure*, in conjunction with, and as part of, her Motion for New Trial, hereby moves the Court to conduct interviews of the jurors in the instant matter. As grounds in support of the requested relief, Ms. Benefield submits as follows:

1. On July 30, 2024, the jury rendered its verdict.
2. Evidence has come to light indicating that the verdict may be subject to legal challenge due to juror misconduct. This alleged misconduct not only violates the Court's explicit instructions but also infringes upon the Defendant's constitutional right to a fair trial and impartial jury and subjects the verdict to legal challenge.
3. During jury deliberations, a YouTube user "That-Hoodie Guy¹" posted comments on the Law and Crime Network's YouTube livestream of the "verdict watch." These comments contained real-time information that could only have originated from within the jury room, suggesting a breach of the Court's instructions, the sanctity of jury deliberations, jury sequestration, and Ms. Benefield right to a fair trial.

¹ <https://www.youtube.com/@that-hoodieguy9429>

4. The comments, posted on July 30, 2024, reveal:

a. At 10:20 p.m., ten minutes before the parties were notified that a verdict had been reached, That-Hoodie Guy posted a comment stating "VERDICT INCOMING." (**Exhibit A-1**)

b. At 10:25, p.m., That-Hoodie Guy posted a comment stating "PER SOURCES 5-1 GUILTY WITH THE MAN STUCK ON NOT GUILTY OR MANSLAUGHTER." (**Exhibit A-2**)

c. At 10:27 p.m., That-Hoodie Guy posted a comment stating "MY SISTER SNUCK A FLIP PHONE IN." (**Exhibit A-3**)

d. At 10:28, p.m., That-Hoodie Guy posted a comment stating "I am the brother of one of the jurors. She just text [sic] me this: PER SOURCES 5-1 GUILTY WITH THE MAN STUCK ON NOT GUILTY OR MANSLAUGHTER." (**Exhibit A-4**)

e. At 10:28, p.m., That-Hoodie Guy posted a comment stating "MY SISTER SNUCK A FLIP PHONE IN, SHE TEXT [sic] ME 5-1 GUILTY MAY COMPROMISE ON MANSLAUGHTER." (**Exhibit A-5**)

5. At 10:30 p.m., a mere two minutes after That-Hoodie Guy posted that the jury may compromise on Manslaughter, the jury returned a compromised verdict of Manslaughter.

6. The timing and specificity of these comments, followed by corresponding jury actions, strongly suggest that That-Hoodie Guy's information originated from within the jury room during active deliberations. This represents a breach

of the jury's sworn duty and impacts the fairness of these proceedings, subjecting the verdict to legal challenge.

7. This alleged misconduct raises serious concerns about the integrity of the jury deliberations and the reliability of the verdict. Specifically, it raises questions about:

a. A juror smuggling an electronic device into deliberations, which is not permitted in the jury room.

b. Real-time communication of confidential jury deliberations with non-jury members.

c. Influences external to the evidence presented during the trial may have influenced the verdict.

d. Access to unauthorized materials affecting the verdict.

e. The overall integrity of the fact-finding process being compromised.

8. The prompt removal of these comments from the "verdict watch" on the Law and Crime Network's YouTube channel livestream further underscores the seriousness of this potential juror misconduct.

9. In addition to the above, evidence has come to light indicating that the verdict may be subject to legal challenge due to Juror 15 ([REDACTED] [REDACTED]), being untruthful during *voir dire* by falsely representing that she had not been

a victim of a crime, her son had been charged with a crime, and she had involvement in child custody/domestic violence/abuse matters.

10. Juror 15 completed a Jury Questionnaire, under the penalties of perjury, which asked: "Have you or a member of your immediate family been: Victim of a crime? Juror 15 responded untruthfully to the question by omitting that she (1) had been a victim of a crime (BATTERY - TOUCH OR STRIKE- DOMESTIC RELATED²) on February 20, 2016, when her live in boyfriend (A [REDACTED]) intentionally slapped her in the face with an open hand five times; and (2) that her son, [REDACTED], had been charged with Felony Battery against his pregnant girlfriend on August 31, 2014, for which Juror 15 was the bond depositor³.

11. On March 18, 2016, Juror 15 filed a Petition for Injunction for Protection Against Domestic Violence against M [REDACTED] in the Twelfth Judicial Circuit Court in and for Manatee County, Florida, Case Number: 2016-DR-1301. The allegations of "the latest act of violence or threat of violence" provided that M [REDACTED] "grabbed [Juror 15] by [her] hair and repeatedly hit [her] in the face causing a black eye, damage to the inside of [her] mouth, and a swollen face." *Id.* at Pg. 4. A copy of the Petition is attached hereto as **Exhibit D**.

12. Juror 15 was a Respondent in a Petition for Injunction for Protection Against Domestic Violence, filed on September 2, 2003, by her Ex-Husband, C [REDACTED] [REDACTED] seeking protection for himself and their minor child, H [REDACTED] in the Twelfth Judicial

² The Probable Cause Affidavit is attached hereto as **Exhibit B**.

³ The Probable Cause Affidavit and Cash Appearance Bond is attached hereto as **Exhibit C**.

Circuit Court in and for Manatee County, Florida, Case Number: 2003-DR-4890. A copy of Mr. Walcott's Petition is attached hereto as **Exhibit E**, and provides, in part:

a) Juror 15 being threatening and violent, including cussing, slamming doors, threatening, and throwing his things at him.

b) Requested that his son come and stay with him until Juror 15 can get some help. Juror 15 attempted suicide and was hospitalized on or about July 18, 2003. She called and told Mr. Walcott that she was going to kill herself.

c) Constant harassment and threats to his wife and himself.

d) Fear that Juror 15 might try to take his son's life along with hers the next time she tries to kill herself.

e) Request to keep his son until Juror 15 is well. Specifically, he requested supervised visitation until Juror 15 showed that she was stable mentally and financially.

13. Juror 15 was also a Respondent in another Petition for Injunction for Protection Against Domestic Violence, filed on April 23, 2004, by her Ex-Husband, **James D. Walcott**, seeking protection on behalf of their minor child, **Kevin**, in the Twelfth Judicial Circuit Court in and for Manatee County, Florida, Case Number: 2004-DR-2205. A copy of Mr. Walcott's second Petition is attached hereto as **Exhibit F**, and provides, in part:

a) Juror 15 picked up his son by the arms and slammed him against the wall.

b) The minor child, while visiting with Mr. [REDACTED], expressed that he was afraid to go home.

c) A report of child abuse filed with the Bradenton Police Department.

d) Juror 15's boyfriend threatened to hunt Mr. [REDACTED] down and kill him.

e) Ongoing investigation by Child Protection Services.

f) Mr. [REDACTED] was seeking custody.

g) The minor child was showing signs of being violent.

14. Juror 15's failure to reveal this information during *voir dire* amounts to juror misconduct and subjects the verdict to legal challenge – entitling Ms. Benefield to a new trial.

15. This motion is filed within the 10-day period prescribed by *Rule 3.575*, to address this urgent matter.

16. Given the nature of the alleged misconduct, Ms. Benefield asserts that there is reason to believe that the verdict is subject to legal challenge on multiple grounds, including but not limited to:

a. Juror misconduct.

b. Introduction of extraneous prejudicial information.

c. Influences external to the evidence presented during the trial may have influenced the verdict.

d. Violation of jury sequestration.

e. Violation of the Defendant's Sixth and Fourteenth Amendment rights.

f. Jurors potentially receiving evidence outside of court proceedings, to the detriment of the Defendant's substantial rights.

17. The integrity of the judicial process and Ms. Benefield's constitutional rights are at stake. This Court has both the authority and the responsibility to investigate this matter fully, including granting permission to interview all jurors who served on this case, to wit: SARAH YVONNE WALCOTT, CHERYL ANN JAROSIEWICZ, TONI LEE

SWARTZENDRUBER, KELLY CECILE DAVEY, JOHN DEWEY HAIGHT, and FLOY GRACE

Wherefore, Ms. Benefield respectfully requests the Court:

A. Grant permission to interview all jurors who served on this case, specifically: Sarah Yvonne Walcott, Cheryl Ann Jarosiewicz, Toni Lee Swartzendruber, Kelly Cecile Davey, John Dewey Haight, And Floy Grace

B. Expeditiously set a time and place for the interviews to be conducted in the presence of the Court and the parties;

C. Summons the jurors to appear at the time and place set for the interviews;

D. Grant any other relief this Court deems just and proper under the circumstances.

Respectfully submitted,

/s/ Neil G. Taylor
Neil G. Taylor, Esquire
Florida Bar No. 283029
For the Firm
GRIMES GALVANO, P.L.
1023 Manatee Building
Bradenton, FL 34205
Tel: (941) 748-0151
NTaylor@grimesgalvano.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been furnished to ASA Suzanne M. O'Donnell, Manatee County State Attorney's Office, through the e-portal, on this 9th day of August, 2024.

/s/ Neil G. Taylor
Neil G. Taylor, Esquire