

Jury Duty-Part II – Wrongful Death-Medical Malpractice Case!! Maybe Biggest Trial in Cleveland County History!! Multi-Millions of \$\$\$ at stake!!! Jury Selection Complete, Public Trial Starts Monday! Report by Robert A. Williams

I could not say anything about this particular case in my previous article because I was called for jury duty and had been selected in the initial round of jury selection on this particular case. We were all under Court Order not to talk about this particular case to anyone. All that ended Wednesday afternoon when I was dismissed from the jury in what is called a “preemptory challenge.” A preemptory challenge being a controversial legal process where either set of lawyers in the case can remove an individual juror without providing a reason. Although I had given both sides plenty of reason to remove me, depending on whether or not they were interested in a fair trial. More about that fair trial stuff later in this article.

The case was regarding the untimely death of Shelby business man Jim Teddy due to colon cancer. A cancer that was diagnosed about a year after Mr. Teddy had undergone a colonoscopic examination by a the Cleveland Gastro-Intestinal Medical Group that originally reported no cancerous growths or polyps were

found and removed during the examination. My research indicates such cancers typically take about ten plus years to develop. The Teddy family believes that had the colonoscopic examination been performed properly and the proper treatment been performed in a timely manner, that Mr. Teddy would have survived and lived a normal life-span, but for the negligence of the medical group that performed the colonoscopic examination without finding the cancer at an early enough stage of development to have been successfully removed.

I must note at this point that I immediately became very interested in this particular case for very personal reasons. First, the case was estimated to last four weeks. When this was announced the entire jury pool let out with a sigh of disbelief. Many requested directly to the presiding judge to be exempted from the jury pool because of personal reasons on dealing with a full month being taken out of their life.. Most were denied. Even a soon to be father whose pregnant wife is already experiencing "contractions" and is beginning to dilate was denied leave from the jury pool. I did not request leave from the jury, but when my name was called as Juror Number 7, I began to have second thoughts. My previous article indicated clearly what I think about jury duty and I resigned myself to the idea that I might be tied up for the duration of the trial. To be prepared for such an occurrence, I started making plans on what schedules I would have to change, etc. Just in case. It would have been foolish to do otherwise.

A bigger concern for me personally came a bit later when we were told the nature of the trial and what it was about. The fact was I had myself received a colonoscopic examination over ten years ago from this very same Medical Group AND it was time for another examination AND as soon as I found the time to look up the Medical Group's telephone number I had planned to schedule another such examination with them for myself. All my colonoscopy planning changed as I sat there in the jury box. It appeared to me to be foolish for me to knowingly make

an appointment with a medical group that was being sued for wrongful death and medical malpractice without any indication whether or not there was merit to the lawsuit. Especially when there are other medical groups outside Cleveland County that do such procedures and have not been sued. And I stated exactly that during the jury selection process when you are asked all kinds of questions. More on that later too.

Since the early 1990s when I became knowledgeable of problems, concerns, issues and apparent corruption in Cleveland County Governmental agencies, including the judicial system, I have attended Commissioner's meetings and done some court watching. Later I have started attending School Board meeting and Cleveland Community College Board of Trustee meetings. All the while doing some court watching on selected and often controversial jury and non-jury trials. I developed a standard MO for my jury trial cases. I would get there early enough to get a seat on the front row as close to the jury as possible. I wanted to see how the jury was selected and during the trial I wanted to hear what they heard and see what they saw.

I quickly learned that juries can be manipulated in various ways, but usually for the same reason. The lawyers and DAs involved wanted the verdict to come out a certain way and worked together to get the verdict they wanted.

The first egregious example of this was when Bruce Whisnant was charged with the murder of two year old Jodice Peeler. The young daughter of his girlfriend. My first print issue of Citizens For Good Government carried this story on the front page. DSS was involved with the Mother and Child and a child murdered under their watch looked very bad for the DSS. And it was. I attended the trial and had previously obtained certain documents that I took with me to the trial. One document being the Autopsy Report that described previous abuse, that included the sexual penetration of a grown man into the two year old female child. (Later I received information that even the Autopsy Report had been "doctored" to not report recent

un-set bone fractures from recent abuse. I publicly called for Jodice's body to be exhumed for a second autopsy, but the "system" refused to do anything.)

During Whisnant's trial the defense attorney, with DSS connections, presented Whisnant as "a good daddy, not her real daddy, but a good daddy." Even opining that the little girl had ruptured her heart straining over a bowel movement. All this went unchallenged by the ADA as well as the Autopsy Report that was never entered into evidence.

So, the jury, knowing only what they had been told in court that day, found Whisnant Not Guilty of all charges. As I was walking to the parking lot after the trial, I ran into the jury foreman and showed him the Autopsy Report without adding anything extra. The jury foreman told me directly that if the jury had seen this evidence the verdict "would have been different." In my writing about the case I described Bruce Whisnant "an un-convicted child murderer" in the article.. Which is exactly what he was. Those that read my articles already know I tell it like it is.

The second egregious manipulation of the jury in a trial I attended occurred in the felony trial of James Wallace "Buck" Carr for shooting into the occupied vehicle of Tommy Pruett as Tommy and his son were driving down a dirt road near where they and Buck Carr lived.

The Pruetts were driving down this dirt road when they came across Carr as he was stopped alongside the road. As they passed, Carr produced an SKS military style assault rifle of Russian origin and began firing at the Pruetts as they were driving away from Carr. One bullet pierced the tailgate, traveled along the bed of the pickup, passing through several article on the bed of the truck and finally struck the steel rim of the spare tire. Fortunately this steel rim stopped the powerful bullet just shy of where Tommy Pratt's son was sitting in the passenger compartment just inches away.

When the shooting began Tommy Pruett had floor-boarded the truck to get away from Carr as quickly as possible. Pruett travels on down the road and stopped at a house to call the Sheriff's Department. Carr, apparently hearing the noise of his shot that entered the truck, becomes afraid that he had actually shot and killed one of the Pruetts. Carr rushes home to himself call the Sheriff's Department saying that he "might have killed someone." The Sheriff's Department rushes out to Carr's home in the Newhouse section of Cleveland County and Carr admits everything to the deputies who write it all up in an Incident Report. Carr also turns over the weapon to the Deputies.

At Carr's trial, the ADA never questions the deputies or the Pruetts in such a way that the facts were properly presented to the jury. The ADA never introduces the written Incident Report as evidence, leaving the jury totally confused as to what actually happened. From the Jury Room the jury asks to see the Incident Report and the judge denies the juries request to see the Incident Report because the Incident Report had never been introduced as evidence. The jury did what they had to do based on the circumstances—they found Buck Carr not guilty. The judge orders Carr's weapon returned to him.

A third egregious example of serious jury manipulation that I witnessed occurred more recently during the trial of Shelby Middle School Teacher Mindy Morrow who was charged (falsely I came to believe from testimony the jury was not allowed to hear) with stealing school supplies and selling them on E-Bay. This will be the subject of a very detailed article in a series of articles I plan to publish regarding the "weaponization" of the justice system by various Cleveland County governmental agencies and certain favored persons. This description in this article will just hit the high spots.

The sham trial of Mindy Morrow is very relevant to this Wrongful Death-Medical Malpractice Lawsuit jury selection because Ms. Morrow was represented by Shelby Attorney David

Teddy; cousin to Mr. Jim Teddy whose cause of death is the subject of this major lawsuit. During the jury selection process for this developing trial, myself and others identified ourselves as knowing David Teddy in some way. Four of the six jurors that were removed with me were challenged "for cause, " (different than my preemptory challenge), because they stated they would or might have a bias in favor of David Teddy in this case. In my answers to questions I stated that I would be able to be totally fair to both sides even though I knew David Teddy. I also included statements about the Mindy Morrow trial (without mentioning her name) that involved David Teddy that I began Morrow's trial thinking she was guilty, but during the testimony and evidence of the case (some of which the jury was not allowed to hear) I came to fully believe that she was absolutely not guilty of what she was charged with.

One other person in the Jim Teddy case was removed with me because of her concerns about a colonoscopic examination she is about to experience through the Veterans Administration.

Another part of the reason I mentioned the Morrow case during my answering questions in the Jim Teddy case at hand was because I had witnessed the entire Morrow case while the jury was sequestered during parts of the testimony. What I heard, that the Morrow jury did not hear, was testimony from a witness that Morrow had discussed a situation she was concerned about, the sexual relationship her Shelby Middle High School Principal was allegedly having with another school employee that affected Morrow's position at the school. The witness confirmed that not only had Morrow told him about the sexual relation the Principal was having, but others had also confided in him about exactly the same thing. I immediately concluded that the Principal, who also testified earlier in the Trial (but David Teddy had wisely insisted that every witness be questioned with every other witness out of the court room so they could not conspire to coordinate their

testimony) seemed so overly fixated on finding something to get back at Morrow for complaining about him and his alleged in house mistress.

This testimony totally demolished the credibility of the Principal and later destroyed the credibility of the CCS HR Director when she denied knowing anything about the alleged affair. And other going on at the school.

The judge in the Morrow case, at the ADA's insistence, never allowed the jury to hear any of this credibility destroying testimony. And, in the end, the judge allowed three jury requests to see the written notes of the HR Director those three separate times; each time telling the jury that the HR director's notes were NOT evidence, but were only related to the HR Director's credibility.

As I had heard all the testimony and the HR Director's credibility was already factually destroyed I sat there in disbelief that not only had the judge, at the ADA's urging, ruled the notes were not evidence, he gave them to the jury three separate times during their deliberations. I was also flabbergasted that the jury was stupid enough, especially after hearing the judge tell them three separate times that the notes were NOT evidence, that they even considered the notes in the first place. But they foolishly did and found Morrow guilty of a crime that I am convinced she did not commit. I am also convinced the jury would have also been convinced of Morrow's innocence had they have heard the full testimony in the case.

From my perspective, and due to these three cases just mentioned, I vowed that if I ever served on a jury I would study every bit of testimony and evidence closely. What was presented and what was not presented that should have been presented equally. I would study the lawyers and the judge very closely. And I would smell a rat if any jury I was on was kept in the jury room for excessive periods of time during the

trial.

Later in the Jim Teddy wrongful death case jury selection the Defense attorneys began asking the jury what I thought were leading questions, such as "can you be fair to both sides in this case?" Followed by Just because a person is dealt a bad hand in life, do you automatically think that justifies the finding of malpractice against the Doctor? My immediate thought was, no, that does not necessarily mean the Doctor was guilty of malpractice, but under the circumstances of this case it is surely a "red flag." to be examined closely when the evidence of the case is presented. I later expressed this thought in a question to the Defense Attorney by asking "if we are to be fair to both sides, doesn't that mean we have to start with the thought that the Doctor was "maybe" guilty of malpractice and just as equally the doctor was "maybe" NOT guilty of malpractice.

And that we have to hear the evidence to decide which "maybe" applied using the greater weight of the evidence?

Of course the Defense Attorney agreed with my statement but I knew that I had just put both sets of attorneys on notice that, for my part, I would closely examine the evidence and testimony, listen to the judge describe how the law applied to the case and make my judgement accordingly. And I would work to convince the other jurors to do the same thing. I knew this was exactly what a "fair trial" was all about.

I have also learned over the years that lawyers are not necessarily interested in "fair" trials. In this case, the Teddy family attorneys want to win a multimillion dollar award for their clients. In this case the Doctor's lawyers probably represent not only the Doctor, but the Doctor's insurance company who surely do NOT want to pay out millions of dollars of their company's money.

So, I had put both sets of lawyers to the test of which side actually wanted a "fair" juror from a member of the public,

well known for digging deep into the numerous attributes of the matter, finding the facts, applying the law and reaching a verdict that could be and would be defended. Or did one side or the other have something to hide in the case that they did not want "due diligence" to find? Was this all about money?

In my case, the Teddy family, in the end, had no objections to me serving on the jury. The Doctor's lawyers, on the other hand, did have an objection to me serving on the jury and removed me without providing a reason to the court. I have to conclude from this that the Doctor's attorneys know they have a weaker case that will be discovered if examined closely.

Personally I have to thank the Doctor's attorneys for setting me free from a full month of sitting in that cramped jury box listening to boring testimony and reading tedious medical reports. Now I can go to the beach or the mountains carefree. But, I am still interested in colonoscopic examinations for my own sake. Especially now that I know that the risks of colon cancer are so high and I am at the age of maximum risk. I have to also determine if the push to have these colonoscopic Examinations are more of a money maker for doctors or, if colon cancers will get me whether or not I go through the screenings. And, what better place to get the pros and cons of colonoscopic examinations than listening to the experts that will be testifying in this case.

This trial is open to the public and free of charge to those that care to attend. I plan of doing some court watching on this case myself and doing some reporting on the progress. I would suggest that anyone over 50 pay attention to what happens in this trial. Colon Cancer is a major killer; the Number 2 killer according to the Doctor's own website information.

Just like I always say around election time, citizens, get yourself informed and vote on Election Day. In this colon cancer matter, I say get yourself informed about colon cancer

and live as long as you can. And, do not shirk jury duty.

Stay tuned. The verdict will be returned in about a month. Whether or not the selected jury would have reached the same verdict as I would have reached remains to be seen. I am officially OFF the jury in the Jim Teddy case and officially dismissed from the entire jury pool during this Superior Court session. Now I am back to just being a concerned citizen who has the right to attend this trial and voice my opinion. Perhaps that was to be my purpose to begin with. I suspect I will not see any Shelby Star reporters attending during this month long trial.