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Juror says it wasn't her verdict

By KRISTINA SMITH Staff writer

PORT CLINTON - A judge and 11 jurors pressured her into convicting a former Lacarne man last week of buying alcohol for and showing porn to three underage girls, a female juror said.

As a result, defense attorney Thomas DeBacco says the Ottawa County Common Pleas Court jury's verdict is invalid and reason for Dale Powell, 48, to have a new trial.

Powell was convicted on charges relating to the incident in his South Meachem Road trailer in September 2003.

"I stated in court that I agreed with the jury's verdict only under extreme pressure from my fellow jurors and due to my fear of disobeying a direct command from the judge (Paul Moon)," juror Sonya Claar of Graytown wrote in court records.

Moon was not available for comment, and Ottawa County Assistant Prosecutor Lorrain Croy did not wish to comment.

Claar had to leave deliberations Thursday because she was having heart palpitations and high blood pressure, court records show. She drove to her home to pick up medication and returned to deliberations less than an hour later, according to records.

The jury deliberated for eight hours before finding Powell guilty of seven of 11 charges, some of which convicted him of molesting a 12-year-old girl.

Claar said she agreed Powell was guilty of molesting the girl, but she did not agree that he was guilty of the incident involving three other underage girls, who testified they drank alcohol and smoked marijuana in his trailer, court records show.

She did not agree with the convictions on one count of disseminating harmful material to juveniles, a fifth-degree felony; one count of furnishing alcohol to a minor, an unclassified misdemeanor; one count of criminal trespassing, a fourth-degree misdemeanor; and one count of compelling prostitution, a third-degree felony.

At 7 p.m. Thursday, Moon asked the jurors if they could reach a verdict. Most nodded, but Claar remained quiet.

She was confused by Moon's order for them to keep deliberating, according to court records.

The jury then returned before 8 p.m. with verdicts for all charges. When Moon polled the members to

affirm their verdicts, Claar paused and said she could not.

"You have to," Moon told her.

Claar then said she agreed with the verdicts.

"Upon being given this order by the judge, I was under the impression that I had no choice but to agree," Claar said in court documents.

E-mail Kristina Smith at mksmith@fremont.gannett.com.