

Defense lawyer sees racial bias in murder case

BY ALLEN HOWARD

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When prosecutors asked for two African-Americans to be dismissed from a jury Tuesday because of their criminal records, a defense lawyer said it was racially motivated.

Clyde Bennett II, attorney for Michael Jones, 19, charged with aggravated murder in the May 4, 1996, shooting death of Earl Jordan as participants in a peace rally gathered, made the accusation Tuesday in the courtroom of Hamilton County Common Pleas Judge Thomas Crush.

He said prosecutors failed to eliminate the jurors for cause during the seating, but dug out records later, to get them off the jury.

"I think this is a racial move," Mr. Bennett told the court.

Prosecutor Jerome Krumpelbeck denied the accusation.

Judge Crush explained that while Ohio law does indicate that convicted felons should not serve on juries, he also cited law where it could be waived.

He ruled that he would not put them off the jury, but that the prosecutors should use their peremptory challenges (challenges without causes) to get them off.

The prosecutors did make use of the challenges, and the jurors were dismissed.

When the jury finally was impaneled, it included one African-American male and one African-American female alternate. The defendant is African-American, as was the victim.

In opening statements, prosecutor Seth Tieger said Mr. Jones fought with Mr. Jordan, 32, in a launderette in the West End while a peace rally was going on at nearby Taft High School.

Mr. Tieger said that after the fight, Mr. Jones went home, got a gun, came back and walked through the crowd at the rally, found Mr. Jordan and shot him.

"This was done with premeditation and calculation," Mr. Tieger said.

Mr. Bennett said that his client was attacked by Mr. Jordan, an older and bigger man. He said Mr. Jordan also questioned Mr. Jones about a theft in Laurel Homes, a West End housing development.

"He was drunk when he approached my client and hit him on the head with a 40-ounce bottle of beer," Mr. Bennett said. "He beat him while his mother watched. When she tried to intercede, a companion of Mr. Jordan grabbed her."

Mr. Bennett said Mr. Jones acted out of passion because he was beaten. "This was not a premeditated incident," he said.

The trial continues at 10:45 a.m. today.