

IN THE COURT OF COMMON PLEAS OF PAULDING COUNTY, OHIO

2024 FEB 13 AM 8:07

FILED
PAULDING COUNTY
ANN E. PEASE
CLERK OF COURTS

STATE OF OHIO,

Plaintiff,

Case No. CR-23-555

vs.

DANIEL L. FROELICH,

JOURNAL ENTRY

Defendant.

_____ /

THE COURT notes that during deliberations in the above matter, the jury posed several questions, all of which were answered by the Court. The questions and answers are attached hereto and marked as "Exhibit A."

After lengthy deliberations, the jury informed the Court of their inability to reach a unanimous verdict. As such, Counsel for Defendant made an oral motion for mistrial.


Upon due consideration and for good cause shown, the Court finds the following, to wit:

1. The jury in this matter deliberated for sixteen (16) hours, over the course of several days, with the Court being informed of the jury's inability to reach a verdict;
2. That there is no probability of the jury agreeing.

Upon due consideration and for good cause shown, the Court finds Defendant's Motion for Mistrial to be well taken and grants same. The jury was discharged, upon which the parties requested the scheduling of a pretrial conference. The same shall be set under separate assignment notice.

IT IS SO ORDERED.

Date: 2/12/24



Tiffany Reighter Beckman, Judge

Copy: Kara Keating, Special Prosecuting Attorney
Drew Wood, Special Prosecuting Attorney
Clayton J. Crates, Counsel for Defendant
Jennifer N. Brown, Co-Counsel for Defendant
April Litzenberg, Paulding County Victims Advocate

Question:

Why are the transcripts that were entered into evidence in the trial not included in our evidence packet?

Response to Question—

You have all of the evidence that you are entitled to receive.



Thursday, February 8, 2024 10:21 a.m.

Question from Jury:

We are concerned that we will not be able to come to a unanimous decision.
Please advise on how we proceed from here.

Answer from Court:

Please continue to deliberate.

Thursday, February 8, 2024 10:57 a.m.

Question from Jury:

We are concerned that we will not be able to come to a unanimous decision. Please advice on how we proceed from here.

Answer from Court:

The principal mode, provided by our Constitution and laws, for deciding questions of fact in criminal cases, is by jury verdict.

In a large proportion of cases, absolute certainty cannot be attained or expected. Although the verdict must reflect the verdict of each individual juror and not mere acquiescence in the conclusion of other jurors, each question submitted to you should be examined with proper regard and deference to the opinions of others. It is desirable that the case be decided. You are selected in the same manner, and from the same source, as any future jury would be. There is no reason to believe the case will ever be submitted to a jury more capable, impartial, or intelligent than this one. Likewise, there is no reason to believe that more or clearer evidence will be produced by either side. It is your duty to decide the case, if you can conscientiously do so. You should listen to one another's opinions with a disposition to be persuaded. Do not hesitate to reexamine your views and change your position if you are convinced it is erroneous. If there is disagreement, all jurors should reexamine their positions, given that a unanimous verdict has not been reached. Jurors for acquittal should consider whether their doubt is reasonable, considering that it is not shared by others, equally honest, who have heard the same evidence, with the same desire to arrive at the truth, and under the same oath. Likewise, jurors for conviction should ask themselves whether they might not reasonably doubt the correctness of a judgment not concurred in by all other jurors.

Thursday, February 8, 2024 4:20 p.m.

Question from the Jury:

The jury has been actively and effectively working to come to a unanimous decision. Unfortunately, we have not come to a decision at this time. Our discussions have been productive and we have made extreme progress throughout the course of the day. However, at this time we are still at a split jury. The jury feels we have reached our effective capabilities for the day, and are asking to be dismissed from deliberation for today. We would like to return tomorrow with clear minds.

Answer from Court:

Your request to be excused today and return tomorrow is granted.

The same recess instructions apply. Do not discuss this case with anyone. Do not permit anyone else to discuss this case with you or in your presence.

Please return to this courthouse tomorrow at 8:30 a.m.

Friday, February 9, 2024 11:25 a.m.

Question from the Jury:

Every juror needs an excusal before the end of today to turn in to work. Some jurors work the weekend and require work excusal before Monday. We wanted to send this before the Clerk's Office closes. Considering we have left after the Court closed on the previous two days.

While our discussions have been productive, we are still struggling to reach a unanimous decision. I do not see a decision happening before noon. There was initial concern of a deadlock this morning. We are actively trying to work through those, but have no guarantee of this happening by days end.

Answer from Court:

Thank you for the continued attention that you are giving to this case. Do not be concerned about excusals for work before tomorrow. The Court will see to it that those are prepared for each of you and will be available when we conclude for the day.

Please continue to deliberate.

Friday, February 9, 2024 2:00 p.m.

Question from the Jury:

During the time period of the afternoon of Wednesday, February 7, 2024 through the afternoon of Friday, February 9, 2024, we as the jury for Case No. CR-23-555, have consulted with each other, considered each other's views, weighed all evidence and deliberated with the objective of reaching an agreement. However, we agree that we cannot reach a unanimous verdict without surrendering honest convictions in order to be congenial solely because of the opinion of other jurors.

We are aware that this is not an ideal outcome for the State of Ohio, nor the defendant.

We as the jury for Case No. CR-23-555 would like to thank you for allowing us to serve our county. Unfortunately, we are unable to reach a unanimous verdict, and ask the Court to dismiss us from jury duty on this matter.