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Officer's wife denies she influenced jurors in cop's trial

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A cop's wife accused of swaying deliberations while serving on a jury that heard a civil-rights lawsuit against a Kent police officer denies the allegations, saying she considered her duty as a juror "sacred" and the accusations are "completely at odds with my experiences" in the jury room.

The woman's response is contained in documents filed this week by attorneys representing Officer Jason Clift. The jury exonerated him last month of liability for injuries suffered by a man he shot in 2003 during a stolen-car investigation.

Nicomedes Tubar, the man shot by Clift, has asked U.S. District Judge John Coughenour to throw out the jury's verdict and find in his favor, or at least grant him a new trial.

When the judge will rule, or whether further proceedings will be held, is not clear. The attorneys in the case did not return telephone calls for comment.

The documents filed this week include eight sworn declarations by jurors who said that they reached their verdict based on the facts in court, not because of any other juror's comments or experiences. Last week, Tubar's attorneys filed declarations from six jurors outlining some of the cop's wife's statements they believe violated the court's instructions.

None of the jurors are identified by name in either set of declarations. It appears some jurors signed two declarations.

The declarations submitted this week include a lengthy one by the officer's wife explaining her statements and insisting she was relying on "common sense," not her husband's experiences, during deliberations.

"It is possible that other jurors may have mistakenly assumed my thoughts were based on special knowledge because they were all aware that my husband works in law enforcement," the juror said in her statement. "Any such assumption is incorrect. ... "

Other jurors recalled her talking about her husband's experiences, and the jury foreman said in his declaration that he had to admonish her early on about it. They all, however, say they arrived at their verdicts on their own, based on the evidence in trial.

"She may have referred to her husband's experiences on other occasions ... I was clear that we had to base our decisions on the evidence," the foreman said. "The juror's statements did not affect my verdict ... I have no reason to believe anything she may have said affected the verdict of other jurors."

Another juror, however, recalled the officer's wife talked with authority about police training, shooting skills and other police procedures.

"Nevertheless, for me, the plaintiff did not meet his burden, which is why my verdict was for the defendant in this case," the juror wrote.

Judge Coughenour said he had "very serious reservations" about the verdict in light of the evidence, which showed that Clift — an emotionally troubled officer who had been involved in two other shootings — fired three shots into the moving car in a darkened parking lot.

The officer said he opened fire because he thought the driver of the stolen car was trying to run him down. Tubar, a passenger, was not aware the car had been reported stolen, according to testimony during the trial.

Coughenour said the third shot — the one that hit Tubar — was particularly troubling because it was fired through the side of the car, after the vehicle had passed the officer and was no longer a threat. Tubar's attorneys argued that shot violated his civil rights.

The 12-member jury found unanimously for the officer after about six hours of deliberations following a two-week trial.

Shortly after the verdict, a juror approached Tubar's attorneys to say she felt pressured and complained the police officer's wife repeatedly spoke about her husband's experiences during deliberations.

Tubar's lawyers last week presented the six signed, sworn declarations from jurors detailing some of those instances.

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