



Felony dropped for fliers in front of courthouse case

Barton Deiters

March 23, 2016

A judge in Mecosta County Wednesday dismissed the felony portion of the case that pits free speech against the ability to have a fair and impartial jury, but that doesn't mean the case is over.

"The government is seeking to silence speech it does not like," David Kallman, defense attorney for former pastor Keith Wood.

"Basically, the defense is saying a juror's oath does not mean anything. What a wonderful world," said Mecosta County prosecutor Brian Thiede.

Wood was **passing out fliers** advocating the idea of jury nullification. That is where jurors can decide that a law or the application of a law is so fundamentally unjust that they will refuse to find a defendant guilty.

In other words, a juror will do what he or she thinks is right regardless of what the law says.

Wood was passing out those fliers on public sidewalk in front of the courthouse.

Wood admits that he knew a person who ultimately pleaded guilty to an ordinance violation, but denies the prosecution's claim that he was targeting those jurors.

Mecosta County prosecutor Brian Thiede says that the case Wood knew about was the only case happening that day.

"Mr. Wood came here because of this case and that is a fact in this case," Thiede said.

What the case will come down to is whether Wood was specifically targeting specific jurors on a specific case or whether he was merely exercising his right to free speech. It is a case that has drawn national attention.

“Oh man, we have heard from everybody from the ACLU, like I said, the CATO Institute, the Heritage Foundation to, I mean, you name it, people on all spectrums. That is why I simply made that point that this is a case that there really is broad agreement on,” Kallman said.

Wednesday, Judge Kimberly Booher dismissed the most serious charge of obstruction of justice, a felony with a maximum sentence of five years in prison.

“Oh, we are ecstatic. It was a great decision. From our point of view, felony charges are dismissed and it’s just down to the misdemeanor,” Kallman said.

Theide said that he expected the felony to be dismissed and that he has no real desire to see Wood behind bars, he just wants to make sure that no one else tries the same stunt.

The case will be set for trial, but negotiations between the prosecution and the defense continue, but it’s unlikely this case will be settled before it goes to a jury.