



Michigan Supreme Court to hear jury-tampering case: pamphlets shared at courthouse

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MECOSTA COUNTY, MI – The state Supreme Court will hear a former pastor’s appeal after he was convicted of jury tampering for handing out pamphlets outside of a Big Rapids court.

Keith Eric Wood handed out pamphlets titled, “Your Jury Rights: True or False?”

The pamphlets included information on jury nullification, and deciding cases according to conscience, rather than law.

He handed out the booklet on Nov. 4, 2015, before a jury was seated in a land-use case of an Amish man in a dispute with the state over wetlands.

Wood handed pamphlets to many people, including two women who showed up for jury selection. The Amish man’s case was settled before the trial began but Wood was arrested for obstruction of justice and jury tampering.

Wood contended that he was handing out pamphlets to anyone who would accept them and that he did not know if any of them were prospective jurors. He argued he had a First Amendment right to provide the information.

A judge, however, said the prosecutor and defense in the land-use case had a right to a “fair and impartial jury” hearing the evidence. The prosecution said Wood was aware of the land-use case and tried to influence those he believed to be jurors. He said he should not have been convicted because the land-use case did not go to trial.

The state Court of Appeals determined that the two prospective jurors were “jurors’ for purposes of the jury-tampering statute”

The appeals court said the state has a compelling interest in regulating Wood’s speech outside of the courthouse to prevent influencing potential jurors.

“Although speech is given great protections by the First Amendment, the states nonetheless have the right to punish certain limited speech so long as there is a compelling reason to do so and the limitation is accomplished in the narrowest fashion,” the appeals panel said, in a 2-1 ruling.

The appeals court also rejected Wood’s argument he only intended to educate jurors, rather than influence their decision in the land-use case.

The majority wrote: “The law defendant was convicted under does not address the random distribution of pamphlets to the general public outside a courthouse. Instead, the Legislature was concerned with an individual’s purposeful attempt to tamper with jurors, which is a compelling state issue.”

Wood said the statute was unconstitutionally overly broad when the term “jurors” is used to include far more than those who are actually seated on a jury.

The American Civil Liberties of Michigan said: “Consider whether a citizen committed to decriminalizing possession of controlled substances, passing out material regarding the issue outside of a courthouse, would be charged with jury tampering if a prospective jurors received the material. . . . Can the court reject a woman’s rights organization from holding a rally when sex discrimination cases are on the docket?”

Judges Christopher Murray and Thomas Cameron upheld Wood’s conviction.

Judge William Murphy dissented. He said that legal references to jurors means those seated on a jury, not prospective jurors.

He said he would have reversed Wood’s convictions.

He said, however, that he is not saying that a trial court “cannot prohibit or control the possible tainting of summoned jurors.”

Wood was sentenced to 120 hours of community service, probation and \$545 in fines.

The Supreme Court encouraged the ACLU of Michigan, the Fully Informed Jury Association, which provided the pamphlet Wood shared, the Cato Institute, which also raised concerns about Wood’s First Amendment protections, and others to file briefs.