

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
THIRD DIVISION

FILED

STATE OF ARKANSAS

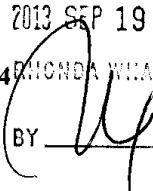
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VS.

CASE NO: 23-CR-12-1044

RONDA WHARTON, CLERK


JACK W. GILLEAN

BY  DEFENDANT

**DEFENDANT'S MOTION FOR SEQUESTERED VOIR DIRE OF THE JURORS
INDIVIDUALLY ON THE SUBJECT OF PRETRIAL PUBLICITY**

Comes now the defendant, Jack W. Gillean, by and through his counsel, pursuant to Rule 1.3 of the Arkansas Rules of Criminal Procedure, and for his Motion for Sequestered Voir Dire states:

1. This case was transferred to Van Buren County for trial in part because of the extensive, relentless, and pervasive publicity of UCA officials, including Defendant, which resulted in the danger that the defendant could not receive a fair trial in Faulkner County.
2. The expert witness, survey, testimony, and exhibits offered during the hearing on Defendant's motion for change of venue revealed a saturation of guilt-prone prejudice, even in Van Buren County. While it was much less than Faulkner County, it was still substantial.
3. Examination of the potential jurors as a whole on the matter of pretrial publicity carries a risk of contamination of those jurors who may not have read or seen articles about UCA officials being charged with or being convicted of criminal offenses. However, individual and sequestered voir dire of those jurors who have read or seen news accounts regarding UCA officials will keep their responses and the lawyer's questions in check.
4. The Court has the discretion and authority to Order this procedure. *Leach v. State*, 311 Ark. 485, 845 S.W.2d 11 (Ark. 1993) (The trial court has the discretion to conduct individual sequestered voir dire to avoid potential prejudice from pretrial publicity).


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WHEREFORE, Defendant prays for an Order of this Court granting his motion and for any and all other proper relief to which he may be entitled.

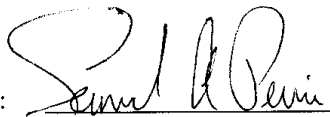
Respectfully submitted,

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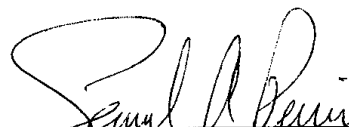
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CERTIFICATE OF SERVICE

I, Samuel A. Perroni, do hereby certify that a true and correct copy of the foregoing has been served upon the Prosecuting Attorney, Cody Hiland, via electronic mail and U.S. Mail on this 17th day of September 2013.


Samuel A. Perroni