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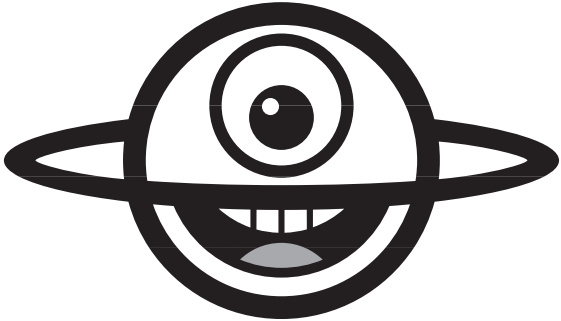
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Trial Tribulations

Juror is bothered by the Walker verdict.

In April the state of Oregon found Darrell Sky Walker, 23, guilty of manslaughter for recklessly causing the death of 22-year-old UO student Phillip Gillins by Taylor's Bar in June 2005. As reported in last week's *EW*, serious questions have been raised about the justice of that conviction. Now, a juror has come forward to share his concerns.

The prosecution, led by Deputy District Attorney Debra Vogt, rested its case on the testimonies of Gillins' two friends, who said they saw Walker throw the punch that killed Gillins. Two other eyewitnesses, Walker's friends J.D. Beall and Ryan Joyce, have cited their Fifth Amendment right against self-incrimination and refused to testify.

Five witnesses testified that Beall admitted to knocking out Gillins. One more has come forward after the trial, echoing that story. But in the end, the jury decided that the circumstantial evidence that Beall killed Gillins wasn't as compelling as the direct evidence from the two eyewitnesses who said that Walker did it.

Though she attempted to discredit the defense's witnesses, prosecutor Vogt acknowledged that Beall had bragged to at least one witness about throwing the knockout punch. "He took credit for being the one to hit Phillip Gillins," she said during the trial.

Why would Beall say he'd punched Gillins if he hadn't? In her closing rebuttal to the defense, Vogt suggested that Beall's braggadocio may have been part of a plot that Walker and Beall concocted to get them both off the hook, "because the state doesn't have any evidence that [Beall] did it," Vogt said. The implication: If the jury didn't convict Walker of the crime, Gillins' death would go unpunished.

UO student Timothy Sutton, who served on the jury that convicted Walker, contacted *EW* with concerns that the trial was unjust. Sutton, 34, was the only person under 50 years old on the 12-person jury, and none of the jurors was black, he said.

Sutton noted that the two eyewitnesses who testified, Anthony Boulis and Jeremiah Crider, described the fatal incident quite differently. "They drew diagrams on photographs and drew pictures on blank pieces of paper showing people's positions [during the fight], and they didn't correspond at all," he said.

Crider acted out the fight in court with Vogt and a police officer. "From the way he was positioned on the ground it was clear that he

couldn't see anything," Sutton said. Anthony Boulis, the other eyewitness who testified, said he hadn't noticed that Crider was on the ground. "Anthony Boulis totally missed that and yet he knew who threw the punch?" Sutton asked rhetorically.

That gave Sutton reason to doubt Walker's guilt. "I don't know whether J.D. Beall threw the punch or if Darrell Walker threw the punch," he said. "Everybody was drunk; it was dark. It seems like there is too much doubt about what actually happened ... Because of that it shouldn't have been a guilty verdict."

Sutton was also bothered by what he saw as a racist undertone to the prosecution. "Vogt never referred to the defendant by name; she only called him 'the black man with no shirt on,'" he explained. "She played to the stereotypes that exist — that black men are criminals."

In Vogt's closing argument, regarding the credibility of the eyewitnesses' testimonies despite the 10 drinks they'd had, she said: "When they're confronted with this black man with no shirt on that's coming up in their face, as he said, taunting them, think they'd sober up a little bit pretty quick?"

District Attorney Doug Harclerod said that Vogt referred to Walker as black and shirtless in order to identify him. "It's not a racial comment in any way, shape or form," he said.

Defense attorney David Lesh was visibly ill during the trial, leaning on an easel during his closing argument and periodically resting his head on it, Sutton said. "As he was standing there making the closing argument, it looked like he was about to pass out."

Sutton's was one of two dissenting votes in the jury, and he was unable to convince other jurors to change their minds, he said. "The guilt I feel over this failure, however, pales in comparison the suffering of Darrell Walker sitting in jail with the knowledge of his innocence," he wrote via email.

Given the contradictions in witness testimonies, Sutton also questions the police investigation that led to Walker's indictment. "It always seemed like the police didn't investigate too deeply," he said. "I wondered if it wasn't because Darrell Walker is black, and they just assumed that the black guy did it."

Walker has retained a new attorney, Daniel Goff, who has made a motion for a new trial. Judge Gregory Foote is scheduled to rule on that motion at 8:30 am Friday, June 30. **EW**

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