

Sitting in judgement

Jury duty is a tense, demanding task

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Days of men in black robes, arguing their way through sheafs of legal documents.

Days of guards in the hotel hallways, guards in the restaurant, guards phoning your son to wish him a happy birthday.

Days of bleary-eyed debate, locked in a room with 11 strangers to decide another man's fate.

For 11 days this spring, this was Mark Liskowich's life, after a random selection of provincial health card numbers landed the La Ronge man on the jury for one of Saskatchewan's most high-profile court cases.

In February, Liskowich received a letter from the provincial Justice department, notifying him that he had been selected as part of a pool of candidates for jury duty. On the day in question, Liskowich drove down to Prince Albert, and was seated in a room with approximately 100 other potential jurors for three upcoming Court of Queen's Bench trials.

As Liskowich sat waiting, the judge read out the details of the first case. Any potential juror with a personal connection to any of those involved was asked to leave, and then 20 names were randomly selected and stuffed into a ballot box.

When his name was called, Liskowich went forward, and the judge instructed him to look the accused in the eyes while lawyers for the defence and the prosecution each looked at him. "You're just kind of nervous (as you wait)," Liskowich recalled. "You've got to stare at this guy who's accused of whatever crime, and he's staring back at you."

After five seconds each, the lawyers declared themselves "content", and Liskowich joined the jury. He returned later that month for the trial. For days, he sat silently in the jury box, listening intently as hours of legal wrangling ticked by.

Sometimes it was difficult to concentrate, Liskowich said, yet, at the same time, he was terribly afraid of missing something. "You hear a lot of dry, boring details...and repetition of numerous points of testimonies," he said. "You don't want to fall asleep, but I can see it very easily that somebody might nod off."

Liskowich soon realized how different a Canadian court is from the Hollywood image. "You never hear 'permission to treat the witness as hostile' (in Canada). It's very cordial, all (the officials) in their gowns," he said. "They'll kindly ask, 'Please answer my learned friend's questions. ... It's very stuffy, relative to theatrical.'"

However, the relative "normalcy" of the courtroom was left behind once the lawyers wrapped up their final arguments and the jurors were

sequestered to begin deliberations. At supper times, they were escorted in taxis to assigned restaurants, where not even waiters were allowed to speak to them. They ordered via the guards.

At night, each juror went to his or her assigned hotel room, and guards were positioned at either end of the hallway. There the jurors stayed until 7 a.m., to be awakened by a knock on the door. The knock was required, Liskowich said, because the TVs, telephones and radios had all been removed from the rooms. "Everything

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— juror Mark Liskowich

outside was kept from us," he said. "You have absolutely no contact with the outside world."

Even telephoning family members was forbidden — messages had to be written out and delivered to a guard, who would then read them over the phone. "I wished my son happy birthday on his 6th birthday via the sheriff," Liskowich recalled.

Then, in the morning, it was back to the jury room for more deliberations. "It's not a country club atmosphere," Liskowich said. "You spend 12 hours a day in a room with 11 strangers, in a room that's no bigger than 16' by 16', and that's your home for 12 hours, sometimes longer."

Sometimes, the pressure grew extremely intense — in fact, one juror in Liskowich's case quit part way through the deliberations. Does the pressure ever get so bad you want to just cave in and agree with the majority? Maybe so, but it's not worth it, Liskowich said.

"You put yourself in the prisoners' box... and you want to think that there's 12 people playing the system the way it's supposed to be played," he said. "You take an oath when you're chosen to uphold the law and to presume innocence until guilt has been proven beyond a reasonable doubt."

"That's the way the system is supposed to work, that's the way it has to work.... It's better that a guilty man is set free than to convict an innocent man."

Carmen Pauls

Staff

For reasons involving security and privacy, The Northerner has agreed not to publish any details of the trial in which Liskowich played a role.