



**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

STATE OF ALABAMA	)	
	)	
V.	)	Case No.: CC-2014-001080.80
	)	
BOONE JACQUEES MAURICE	)	
Defendant.	)	

**ORDER**

This matter came before the court this date, on Defendant's oral motion for a mistrial. State of Alabama opposed the oral motion. Said motion was made after one day of trial wherein a testifying witnesses was shot in front of the courthouse approximately 10 minutes after leaving the stand. On this date, prior to commencing the second day of trial, the undersigned conducted an examination of each juror, individually, concerning the shooting at the courthouse. The Court allowed the lawyers for each side to also ask questions of each juror.

Under Ala. Code §12-16-233 (1975), "[t]he court...may discharge the jury without giving a verdict...when, in the opinion of the court or judge, there is manifest necessity for the discharge or when the ends of justice would otherwise be defeated. "Manifest necessity for a mistrial is not determined by whether in fact the event precipitating the mistrial Did influence the juror, but whether it Might have unlawfully influenced the juror." Woods v. State, 367 So.2d 982, 984 (Ala. 1978)(quoting Oliver v. State, 232 Ala.5, 166 So. 615 (1936)).

Based on the Court's findings, manifest necessity exists and the motion for mistrial is hereby **GRANTED**.

**DONE this 24<sup>th</sup> day of October, 2017.**

**/s/ HON. ROMAN ASHLEY SHAUL**  
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**CIRCUIT JUDGE**