

IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS  
 DIVISION IV  
 Criminal Division

STATE OF ARKANSAS

PLAINTIFF

VS.

CASE NO. 26CR-2019-84-IV  
 26CR-2021-123-IV  
 26CR-2021-531-IV  
 26CR-2023-712-IV

SHERREL COURVELLE

DEFENDANT

TRANSCRIPT

BE IT REMEMBERED that the above captioned matters came on for Jury Trial, Monday, September 23, 2024, in the Circuit Court of Garland County, Arkansas, before The Honorable Kara Petro, Circuit Judge thereof, and the following is a transcription of the proceedings held to-wit:

APPEARANCES

FOR THE STATE:

FOR THE DEFENSE:

**CAITLIN BORNHOFT**

Deputy Prosecuting Attorney  
 Garland County Courthouse  
 Hot Springs, AR 71901

**TIM BECKHAM**

Chief Public Defender  
 524 Ouachita Avenue  
 Hot Springs, AR 71901

ALSO APPEARING:

**SHERREL COURVELLE**

Defendant

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*Jana L. Hawley, CCR #64 - CVR-M  
 Official Court Reporter  
 18<sup>th</sup> Judicial District - East  
 Room 304, Garland County Courthouse  
 Hot Springs, Arkansas 71901  
 (501) 622-3760*

1 **MONDAY, SEPTEMBER 23, 2024 - JURY TRIAL - PROCEEDINGS**

2 **IN CAMERA PROCEEDINGS**

3 THE COURT: State versus Sherrel Jean  
4 Courvelle, 26CR-23-712, 26CR-19-84, 26CR-21-123,  
5 and 26CR-21-531.

6 (DEFENDANT COURVELLE AND MR. BECKHAM APPROACH THE PODIUM)

7 THE COURT: Please state your name.

8 DEFENDANT COURVELLE: Sherrel Jean House of  
9 Courvelle.

10 THE COURT: And your date of birth?

11 DEFENDANT COURVELLE: 6-22-68.

12 THE COURT: The record shall reflect that  
13 you're here with your attorney, Mr. Beckham.  
14 Today we're set for jury trial. Are both sides  
15 ready for trial?

16 MS. BORNHOFT: Yes, Your Honor.

17 MR. BECKHAM: We are, Your Honor. We just  
18 have - there's a couple of preliminary matters and  
19 I guess we need to call to make sure there are no  
20 jurors, Your Honor.

21 THE COURT: Are there any jurors in the  
22 courtroom?

23 (NO RESPONSE)

24 THE COURT: They all should be in the other  
25 courtroom.

1 MR. BECKHAM: I don't know if you want to  
2 address in limine now or in chambers. I don't  
3 know if you'd like -

4 THE COURT: We can go ahead and do it.

5 MR. BECKHAM: I'm sorry?

6 THE COURT: We can do it now.

7 MR. BECKHAM: I was looking at the original  
8 Information and they're asserting habitual  
9 offender status. At this point we are intending  
10 to call Ms. Courvelle. I'm looking at the priors  
11 that she's been alleged to have had and it appears  
12 to me that only one of them is within the ten year  
13 range and I was just gonna - I'm orally moving  
14 that if she does testify that only that one would  
15 be able to be used for impeachment purposes.

16 THE COURT: Does the State agree?

17 MS. BORNHOFT: Actually I don't think so, Your  
18 Honor.

19 THE COURT: It's ten years whenever she was  
20 off of supervision, whenever that may be.

21 MR. BECKHAM: Correct. I think the oldest one  
22 was from 2001. She received five years probation  
23 and that would put her in 2016.

24 MS. BORNHOFT: The reason I think I may  
25 disagree - and I need to maybe be able to provide

1 the court with some more specifics on these  
2 convictions - but some of these are crimes of  
3 dishonesty as well as being felonies so you've got  
4 theft of property and financial identity fraud,  
5 fraudulent insurance act violation, a forgery in  
6 the second degree, and so while they may be  
7 outside the ten years, even if they were  
8 misdemeanors the State could make an argument that  
9 if they're crimes of dishonesty they are more  
10 probative of her credibility and do go to  
11 impeachment, and especially here these being  
12 felonies, there is a greater weight given to the  
13 fact that any felony conviction does go toward a  
14 witness's credibility for impeachment purposes,  
15 especially if that's gonna be a crime of  
16 dishonesty, which I think these are.

17 THE COURT: All right. Well let's take this  
18 up later. You know those crimes against  
19 dishonesty are kind of nuanced and, you know, any  
20 theft is clearly a crime of dishonesty but  
21 sometimes financial identify theft, I'm not sure.  
22 Because I know shoplifting can go either way. So  
23 if you can provide some case law I would like to  
24 look at that before I make a ruling.

25 MS. BORNHOFT: Absolutely.

1 THE COURT: Okay, what else?

2 MR. BECKHAM: She would like - I met with her  
3 yesterday and what we discussed was the witnesses,  
4 specifically to Sara Hayes, Buddy Leike, Kimberly  
5 Baker, and William Harrison. She would like that  
6 I renew I guess our request to be able to call  
7 those as witnesses. I know the court's already  
8 ruled, but for evidentiary record purposes we're  
9 gonna ask that.

10 THE COURT: That's denied. What else?

11 MR. BECKHAM: I think at this point that's all  
12 we have.

13 THE COURT: Okay, then we'll get everyone  
14 situated with the jury and we'll be in recess  
15 until we're ready.

16 MR. BECKHAM: When were the jurors called -  
17 9:30?

18 THE COURT: I think 9:30.

19 MR. BECKHAM: Okay.

20 (WHEREUPON, A RECESS WAS TAKEN AT THIS TIME.  
21 THEREAFTER, THE COURT, COUNSEL AND DEFENDANT  
22 COURVELLE RECONVENED IN THE COURT'S CHAMBERS WHERE  
23 THE FOLLOWING PROCEEDINGS WERE HAD, TO-WIT:)

24 **IN CHAMBERS**

25 THE COURT: All right, we're here in State

1 versus Sherrel Jean Courvelle, 26CR-23-712, 25CR-  
2 21-531, 26CR-21-124, and 26CR-19-84. Now it's my  
3 understanding we're going to jury trial this  
4 morning on the Failure to Appear which is gonna be  
5 26CR-23-712, is that correct?

6 MS. BORNHOFT: Yes, Your Honor.

7 THE COURT: You're wanting to call the other  
8 cases at the conclusion of this jury trial?

9 MS. BORNHOFT: Yes.

10 THE COURT: Okay. So what do we need to take  
11 up?

12 MS. BORNHOFT: One thing that I realized, I  
13 think Ms. Courvelle has some people who are here  
14 in the audience. I don't know exactly who they  
15 are. And I know that there is a full courtroom  
16 out there. Do they remain in - I don't see  
17 Dawson, but I'm not sure if they remained in when  
18 the jurors came in and I want to ensure that  
19 they're not -

20 THE COURT: They're not to mingle with the  
21 jurors. They'll need to stay outside.

22 MR. BECKHAM: I think they're outside. I  
23 think they're out in the hallway.

24 MS. BORNHOFT: They did go out, okay.

25 MR. BECKHAM: There was three gentlemen I

1 think.

2 THE COURT: I've instructed that anybody  
3 that's not a juror should not be in there until we  
4 begin the trial and then they can come in -

5 MS. BORNHOFT: Okay.

6 THE COURT: - after the trial begins.

7 MS. BORNHOFT: Okay. I just wanted to make  
8 sure of that and I had stepped out so I wasn't  
9 sure.

10 THE COURT: What else?

11 MR. BECKHAM: Your Honor, this morning it  
12 appears there's some things filed for Ms.  
13 Courvelle. One of them I think was a re-request  
14 to represent herself and I'm just gonna ask to  
15 renew that on her behalf.

16 THE COURT: And because of the reasons that  
17 we've already gone over, the waiver I went  
18 through, and the issues with being able to follow  
19 the Rules of Criminal Procedure and the law of the  
20 State of Arkansas, that's denied.

21 MR. BECKHAM: And again from the beginning I  
22 think there's been a jurisdiction argument on her  
23 part and I want to renew - she hasn't actually -  
24 she is not claiming sovereign citizenship, but she  
25 has denounced her U.S. citizenship and she is an

1 American -

2 DEFENDANT COURVELLE: I am an American State  
3 National citizen.

4 MR. BECKHAM: - State National.

5 DEFENDANT COURVELLE: With a domicile in  
6 Arkansas.

7 MR. BECKHAM: And because of that she is  
8 challenging the jurisdiction of the court over her  
9 person.

10 THE COURT: The court has jurisdiction. That  
11 is denied.

12 MR. BECKHAM: Do we want to address the limine  
13 in regard to - or do we want to do that later?

14 THE COURT: As far as the criminal history?

15 MR. BECKHAM: No, for her priors.

16 MS. BORNHOFT: I have some case law but I  
17 don't have it printed out yet and my email is not  
18 working totally great up here, but I will have it  
19 very shortly.

20 MR. BECKHAM: We'll have time. They have four  
21 or five witnesses.

22 THE COURT: We'll just need to take it up  
23 before then.

24 DEFENDANT COURVELLE: May I ask something?

25 THE COURT: Yes.

1                   DEFENDANT COURVELLE:    Okay.  Are y'all  
2 maritime law?

3                   THE COURT:  No.

4                   DEFENDANT COURVELLE:  Okay, what law are  
5 y'all?

6                   THE COURT:  The law of the United States of  
7 America and Arkansas.

8                   DEFENDANT COURVELLE:  Okay.

9                   MS. BORNHOFT:  One thing that I just - and I  
10 could've talked to Mr. Beckham about this but just  
11 to be clear - so as far as getting into obviously  
12 we have to address some of the basis of why she's  
13 charged with failure to appear.  There are three  
14 charges, each linked to an individual case, so I'm  
15 planning to state that there were three cases that  
16 she was set to appear on, what those three cases  
17 were as far as just case numbers but break it down  
18 to three separate matters, but I don't intend to  
19 state what the nature of the charges were, but I  
20 just wanted to hear if you have any feeling on how  
21 far that needs to go or how far it shouldn't go.

22                   MR. BECKHAM:  So you're just gonna refer to  
23 the case number and not the actual charge itself?

24                   MS. BORNHOFT:  I was going to.

25                   MR. BECKHAM:  That's fine.  I mean that's -

1 THE COURT: Do you have any objection to that?

2 MR. BECKHAM: No, not at all.

3 THE COURT: I'm going to read it to you - I  
4 have it in the script - to make sure nobody has  
5 any objection to it.

6 MR. BECKHAM: Sure.

7 THE COURT: (READS ALOUD) "Defendant is  
8 charged with Failure to Appear committed as  
9 follows, to-wit: On or about August 22<sup>nd</sup>, 2023, in  
10 Garland County, Arkansas, the Defendant did  
11 unlawfully and feloniously failed to appear  
12 without reasonable excuse subsequent to having  
13 been lawfully set at liberty upon the condition  
14 that she appear before this circuit court at a  
15 specified time and date after having been  
16 notified." And I just have that date of August  
17 22<sup>nd</sup>, but I didn't go into the case numbers, I just  
18 left it at that. Is that fine with everybody?

19 MS. BORNHOFT: That's fine.

20 MR. BECKHAM: (NODS AFFIRMATIVELY)

21 THE COURT: Aside from not actually stating  
22 the specific charges in each case, I guess I don't  
23 know if the court has a position or if the Defense  
24 has a position on whether the jury, given that  
25 we're here and it is a felony Information. It

1 says she feloniously failed to appear, that they  
2 have a right to know that these were felony cases  
3 that she failed to appear on without, again,  
4 getting into the specifics of what she was charged  
5 with. That will be the State's position.

6 THE COURT: That's my position as well.

7 MR. BECKHAM: She's in circuit court. They  
8 are felonies.

9 MS. BORNHOFT: Right.

10 MR. BECKHAM: So I have no problem with that.

11 MS. BORNHOFT: Okay.

12 THE COURT: All right, anything else we need  
13 to take up?

14 MR. BECKHAM: Only when speaking with Ms.  
15 Courvelle, there are two potentially - I could  
16 make this one felony that I was referring to as  
17 far as for impeachment purposes. She is trying to  
18 get documentation from an appellate case or an  
19 appeal of that case where she thinks it might've  
20 been reversed.

21 THE COURT: Okay.

22 MR. BECKHAM: But I've looked online. It's  
23 dated. It's about twenty-one years old so it  
24 doesn't have a link to it.

25 MS. BORNHOFT: I can work on it too.

1                   DEFENDANT COURVELLE: Kimberly, my friend,  
2 should have a copy of that with her.

3                   THE COURT: She can provide it to Mr. Beckham  
4 and I'll look at it.

5                   DEFENDANT COURVELLE: Yes, ma'am.

6                   THE COURT: So that's another reason to table  
7 it until we can look at all of that and then we'll  
8 take care of everything.

9                   DEFENDANT COURVELLE: Thank you.

10                  MR. BECKHAM: We've got time.

11                  DEFENDANT COURVELLE: I appreciate it, thank  
12 you.

13                  THE COURT: Is there anything else we need to  
14 take up?

15                  MR. BECKHAM: I don't believe so.

16                  DEFENDANT COURVELLE: But the only reason I  
17 missed court is I was challenging jurisdiction.

18                  THE COURT: We'll be in recess until it's time  
19 to get started.

20                  DEFENDANT COURVELLE: Thank you, Judge Petro.

21                  (WHEREUPON, THESE PROCEEDINGS WERE ADJOURNED.  
22 THEREAFTER, THE COURT, COUNSEL AND DEFENDANT  
23 COURVELLE RECONVENED IN CHAMBERS WHERE THE  
24 FOLLOWING PROCEEDINGS WERE HAD, TO-WIT:)  
25

**IN CHAMBERS**

1  
2 MS. BORNHOFT: Your Honor, Joel Ware is on our  
3 witness list and we have reached out to him. He  
4 knew he was to be here, but we are working on  
5 getting hold of him. I know there was a homicide  
6 this weekend, so I don't know if he's lost a lot  
7 of sleep. But hopefully he will be here in the  
8 next few minutes.

9 MR. BECKHAM: He'll be late, won't he? I mean  
10 he'll be -

11 MS. BORNHOFT: He'll be later on, but I'm  
12 hoping he's here for introductions, but I have not  
13 heard back from him yet this morning so worst case  
14 scenario we may have to read his name out, but  
15 everybody else is here.

16 THE COURT: That's not like him.

17 MR. BECKHAM: He's gotta be sleeping.

18 MS. BORNHOFT: I think they were up all  
19 weekend.

20 (WHEREUPON, THESE CHAMBERS PROCEEDINGS WERE  
21 ADJOURNED. THEREAFTER, THE COURT, COUNSEL AND  
22 DEFENDANT COURVELLE RECONVENED IN OPEN COURT WHERE  
23 THE FOLLOWING PROCEEDINGS WERE HAD, TO-WIT:)

**OPEN COURT**

24  
25 THE COURT: Madam Clerk, have you called the

1 roll of jurors?

2 THE CLERK: I have, Your Honor. We have  
3 eighty-three jurors and they've all been  
4 qualified.

5 THE COURT: Ladies and Gentlemen of the Jury,  
6 please stand and raise your right hand to take the  
7 oath touching on your qualifications to serve in  
8 this case.

9 (PANELISTS STAND AND ARE SWORN THAT THEY WILL  
10 MAKE TRUE AND PERFECT ANSWERS TO SUCH QUESTIONS AS  
11 MAY BE ASKED OF YOU TOUCHING YOUR QUALIFICATION TO  
12 SERVE AS JURORS IN THIS CASE, SO HELP YOU GOD)

13 THE COURT: You may be seated. This case is  
14 Garland County Circuit Court State of Arkansas  
15 versus Sherrel Jean Courvelle, a/k/a Sherrel Jean  
16 Whisenhunt, a/k/a Jean Marie Sherrel Allen, a/k/a  
17 Sherrel J. Stine, a/k/a Sherrel Whisenant, CR23-  
18 712-IV. Defendant is charged with Failure to  
19 Appeal committed as follows, to-wit:

20 On or about August 22<sup>nd</sup>, 2023, in Garland  
21 County, Arkansas, the Defendant did unlawfully and  
22 feloniously fail to appear without reasonable  
23 excuse subsequent to having been lawfully set at  
24 liberty upon the condition that she appear before  
25 the Circuit Court at a specified time and date

1 after being notified.

2 Defendant is also charged with Failure to  
3 Appear committed as follows, to-wit:

4 On or about August 22<sup>nd</sup>, 2023, in Garland  
5 County, Arkansas, the Defendant did unlawfully and  
6 feloniously fail to appear without reasonable  
7 excuse subsequent to having been lawfully set at  
8 liberty upon the condition that she appear before  
9 the Circuit Court at a specified time and date  
10 after having been notified.

11 Defendant is also charged with Failure to  
12 Appear committed as follows, to-wit:

13 On or about August 22<sup>nd</sup>, 2023, in Garland  
14 County, Arkansas, the Defendant did unlawfully and  
15 feloniously fail to appear without reasonable  
16 excuse subsequent to having been lawfully set at  
17 liberty upon the condition that she appear before  
18 the Circuit Court at a specified time and date  
19 after having been notified.

20 It is alleged that this action is against the  
21 peace and dignity of the State of Arkansas.

22 You are advised that what I just read is an  
23 Information. An Information is a method by which  
24 an individual is brought to trial. It is not  
25 evidence of guilt and must not be taken as such by

1 you if you are selected as a juror. It is merely  
2 a step in the process of going to trial. The law  
3 presumes every person is innocent unless and until  
4 his guilt is established beyond a reasonable  
5 doubt.

6 Are you and each of you willing and able to  
7 give the Defendant the benefit of a doubt  
8 throughout the trial until and unless it is  
9 overcome?

10 (AFFIRMATIVE RESPONSES)

11 THE COURT: Does any juror know of any reason  
12 that if chosen as a juror why he or she could not  
13 be absolutely fair and impartial and base your  
14 verdict strictly upon the law as given to you by  
15 the court and the evidence gained from the witness  
16 stand?

17 (NEGATIVE RESPONSES)

18 THE COURT: In this case Deputy Prosecuting  
19 Attorney, Caitlin Bornhoft represents the State of  
20 Arkansas. Madam Prosecutor, would you please  
21 announce your associates.

22 MS. BORNHOFT: Good morning, everyone. I am  
23 the Division Chief for this division, Division IV.  
24 Also at the Garland County Prosecutor's Office you  
25 have your elected Prosecutor, Michelle Lawrence.

1 You have Deputy Prosecutors Brock Price, Katrina  
2 Taylor, Colby Harbor and Norman Frisby.

3 THE COURT: Thank you.

4 MS. BORNHOFT: Can everyone hear me?

5 (ONE PANELIST INDICATES SHE COULDN'T HEAR)

6 THE COURT: If you need a headset, please  
7 raise your hand and the bailiff will get you one.

8 UNIDENTIFIED PANELIST: I can't hear you.

9 THE COURT: Okay. Give us one second.

10 (HEADSET IS PROVIDED TO THE PANELIST)

11 THE COURT: Can you hear now?

12 UNIDENTIFIED PANELIST: Yes.

13 THE COURT: Okay, very good. Madam  
14 Prosecutor?

15 MS. BORNHOFT: My name is Caitlin Bornhoft.  
16 Also at the Garland County Prosecutor's Office you  
17 have Michelle Lawrence, Brock Price, Katrina  
18 Taylor, Norman Frisby, and Colby Harbor.

19 THE COURT: Thank you. The Defendant in this  
20 case is Sherrel Jean Courvelle, a/k/a Sherrel Jean  
21 Whisenhunt, a/k/a Jean Marie Sherrel Allen, a/k/a  
22 Sherrel J. Stine, a/k/a Sherrel Whisenant,  
23 Attorney Tim Beckham represents her. Mr. Beckham,  
24 could you please announce the associates in your  
25 office.

1 MR. BECKHAM: Good morning. I'm the Public  
2 Defender here in Garland County and I have a  
3 number of attorneys that work for me part-time so  
4 listen closely because a lot of them are in  
5 private practice. Their names are Ann Hill,  
6 Tamara Barrett, Bailey Farner, Ron Kelsay, Morse  
7 Gist, Clay Janske, Mark Fraiser, Louis Loyd, and  
8 Brent Miller.

9 THE COURT: Okay, thank you. Are any of you  
10 personally or any immediate member of your family  
11 related to or acquainted with any of the  
12 attorneys, witnesses, or the Defendant?

13 (TWO HANDS ARE RAISED)

14 THE COURT: Can you please stand and say your  
15 name and panel number.

16 EDWARD KING: Edward King, Panel 3. I'm  
17 fairly good friends with Ann Hill.

18 THE COURT: Okay, could you please come  
19 forward.

20 (AT BENCH DISCUSSION)

21 THE COURT: How do you know Ms. Hill?

22 EDWARD KING: I've just known her a long time  
23 through social events and charitable events. Her  
24 husband Randy runs the same medical clinic that I  
25 go to.

1 THE COURT: Okay. Is there anything about  
2 knowing her that would make you unable to be fair  
3 and impartial in this case?

4 EDWARD KING: Not at all.

5 THE COURT: Thank you. You may have a seat,  
6 Sir. Thank you.

7 (AT BENCH DISCUSSION CONCLUDED)

8 THE COURT: Anyone else? Did anyone else raise  
9 their hand? All right, Ma'am? Please stand and  
10 say your name and panel number.

11 MARTI CONRAD: Marti Conrad, Panel 4. I'm a  
12 seamstress in town. I sew for Tamara Barrett and  
13 I've sewn for you and your family as well.

14 THE COURT: Okay, so is there anything about  
15 that that would make you be unable to be fair and  
16 impartial?

17 MARTI CONRAD: Not that I'm aware of. I just  
18 wanted to put that out there so I didn't get in  
19 trouble for it later.

20 THE COURT: I understand. Any questions in  
21 light of mine?

22 MR. BECKHAM: No, Your Honor.

23 MS. BORNHOFT: No, Your Honor.

24 THE COURT: Anyone else? Oh, yes, ma'am,  
25 please stand and say your name and panel number.

1           BETHANY HALE: Bethany Hale, Panel 2. I  
2           taught Bailey Farner in seventh grade. I just  
3           thought I'd mention that.

4           THE COURT: Okay. Is there anything about  
5           that that would make it difficult for you to be  
6           fair and impartial?

7           BETHANY HALE: No.

8           THE COURT: Okay, thank you. Anyone else?

9                   (NO FURTHER RESPONSE)

10          THE COURT: Have any of you ever been  
11          represented by any attorney in this case or have  
12          any current business with any of the attorneys or  
13          associates other than the ones that just told me?

14                   (NO RESPONSE)

15          THE COURT: Okay. Bailiff, please bring in  
16          the witnesses.

17                   (THE WITNESSES PRESENT IN THE HALLWAY ARE  
18                   BROUGHT IN FOR INTRODUCTION TO THE PANELISTS)

19          THE COURT: Why don't y'all just come stand in  
20          front of me since we have jurors against the wall.  
21          When I say your name, raise your hand. The  
22          witnesses who the parties may call to testify in  
23          this case so far as known by the court are David  
24          Jones -

25                   DAVID JONES: (RAISES HAND)

1 THE COURT: - Joel Ware?

2 JOEL WARE: (NO RESPONSE)

3 THE COURT: John Muldoon?

4 JOHN MULDOON: (RAISES HAND)

5 THE COURT: And Olivia Dorman?

6 OLIVIA DORMAN: (RAISES HAND)

7 THE COURT: Would all the witnesses please  
8 raise your right hand to take the oath.

9 (THE WITNESSES ARE SWORN THAT THE TESTIMONY  
10 THEY WILL GIVE IN THIS MATTER WILL BE THE TRUTH,  
11 THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO  
12 HELP YOU GOD)

13 THE COURT: Each of you has been summonsed as  
14 a witness in this case. The court has invoked a  
15 rule of procedure that requires your exclusion  
16 from the courtroom at all times except during the  
17 trial when you may be asked to testify in this  
18 matter. You are directed to remain out of the  
19 courtroom except for when you are called to  
20 testify. While you are waiting to testify and  
21 after you have done so you are not to discuss this  
22 case or your testimony among yourselves or with  
23 anyone else. You may, however, discuss your  
24 testimony with counsel for either party in this  
25 case.

1           Counsel for each of the parties are  
2 instructed to advise each of their respective  
3 witnesses that are not present at the time of the  
4 direction that I've just given that each of them  
5 shall be governed thereby.

6           Any violation of this direction may not only  
7 subject you to contempt of court, but may also  
8 disqualify you as a witness in this case.

9           Does anyone in here know any of the witnesses  
10 named? Please stand and say your name and panel  
11 number.

12           TRACY LEHNERD: Tracy Lehnerd.

13           THE COURT: And who do you know?

14           TRACY LEHNERD: Olivia Dorman is my daughter.

15           THE COURT: You may be excused. Anyone else?

16           UNIDENTIFIED SPEAKER: I know Mr. Jones. We  
17 work together.

18           THE COURT: Okay. Where do you work together  
19 at?

20           UNIDENTIFIED SPEAKER: Hot Springs Village  
21 Police Department.

22           THE COURT: Okay. What's your name and panel  
23 number?

24           AMY BERRONES: Amy Berrones. Amy Wells  
25 Berrones, Panel Number 2.

1 THE COURT: Okay. Can you please come  
2 forward. The witnesses can step out in the  
3 hallway again, thank you.

4 (THE WITNESSES ARE EXCUSED FROM THE COURTROOM  
5 AT THIS TIME)

6 (AT BENCH DISCUSSION)

7 THE COURT: You work with Officer Jones at the  
8 Village?

9 AMY BERRONES: Uh-hum. I'm a 911 dispatcher  
10 there.

11 THE COURT: Do either of you have any  
12 questions?

13 MR. BECKHAM: I'm sorry, how do you spell your  
14 last name?

15 AMY BERRONES: It's B as in Boy - E-R-R-O-N-E-  
16 S.

17 THE COURT: Is there anything about that that  
18 would make it difficult for you to be fair and  
19 impartial in this case?

20 AMY BERRONES: I don't think so, no.

21 THE COURT: Any questions?

22 MS. BORNHOFT: No, Your Honor.

23 MR. BECKHAM: I don't have any.

24 THE COURT: Okay, you may have a seat.

25 (AT BENCH DISCUSSION CONCLUDED)

1 THE COURT: Sir, please stand and say your  
2 name and panel number.

3 SPENCER HAMILTON: Spencer Hamilton, Panel 3.  
4 My dad knows Joel Ware.

5 THE COURT: But you don't know Joel Ware?

6 SPENCER HAMILTON: (SHAKES HEAD SIDE TO SIDE)

7 THE COURT: Is there anything about your dad  
8 knowing Joel Ware that would make it difficult for  
9 you to be fair and impartial in this case?

10 SPENCER HAMILTON: Not that I know of.

11 THE COURT: Okay, thank you. Anyone else?  
12 All right, Sir, please stand and say your name and  
13 panel number.

14 THOMAS BENFIELD: Thomas Benfield, Panel 2. I  
15 don't know Officer Jones but we work for the same  
16 organization.

17 THE COURT: Okay. Is there anything about  
18 that that would make it difficult for you to be  
19 fair and impartial in this case?

20 THOMAS BENFIELD: No.

21 THE COURT: Thank you. Anyone else? Yes,  
22 sir?

23 LANDON STUART: Landon Stuart, Panel 4. I  
24 know Mr. Muldoon.

25 THE COURT: Okay. How do you know him?

1 LONDON STUART: Through baseball.

2 THE COURT: Is there anything about that that  
3 would make it difficult for you to be fair and  
4 impartial in this case?

5 LONDON STUART: No, ma'am.

6 THE COURT: Thank you. Do either of you have  
7 any questions?

8 MR. BECKHAM: No, Your Honor.

9 MS. BORNHOFT: No, Your Honor.

10 THE COURT: Anyone else?

11 (NO FURTHER RESPONSE)

12 (AT BENCH DISCUSSION)

13 MS. BORNHOFT: The only thing I can think is  
14 maybe read off Joel's name one more time. Maybe  
15 announce that he's a captain at the Garland County  
16 Sheriff's Office since they didn't get to see the  
17 face with the name just to be sure.

18 THE COURT: Okay.

19 (AT BENCH DISCUSSION CONCLUDED)

20 THE COURT: One of our witnesses was not here  
21 this morning. His name is Captain Joel Ware at  
22 the Garland County Sheriff's Office. I just  
23 wanted to say his name one more time to make sure  
24 because he wasn't here that any of you knew him.  
25 Does anybody know Captain Joel Ware? All right,

1 please stand and say your name and panel number.

2 INAUDIBLE SPEAKER: (Inaudible), Panel 3. I  
3 knew Joel Ware. He used to patrol around where I  
4 used to work.

5 THE COURT: Any questions?

6 REPORTER: I didn't hear her name.

7 THE COURT: I'm sorry, can you stand and say  
8 your name and panel number one more time so the  
9 Court Reporter can get it down.

10 TABITHA BISHOP: Tabitha Bishop, Panel 3.

11 THE COURT: Thank you. Anyone else?

12 (NO FURTHER RESPONSE)

13 THE COURT: The court anticipates the trial of  
14 this case will potentially last one to two days.  
15 Does any juror have any necessary business that  
16 would prevent them from being able to remain  
17 potentially these next one to two days and decide  
18 this case? Please stand and say your panel  
19 number?

20 TAMARA ABERNATHY: Is it this week?

21 THE COURT: Yes, it's today and tomorrow.

22 TAMARA ABERNATHY: Today and tomorrow. I'm  
23 good for today and tomorrow.

24 THE COURT: All right, thank you. Ma'am,  
25 please stand and say your name and panel number.

1                   TIFFANY HADDOX: Tiffany Haddox, Panel 2.  
2                   Roughly what are the time frames that we'll be  
3                   looking at?

4                   THE COURT: We usually try to break by 5:00,  
5                   but sometimes it goes a little bit later if  
6                   there's a witness we need to finish, but we try at  
7                   5:00.

8                   TIFFANY HADDOX: Okay. I have a work thing  
9                   going on. My HR department is coming down for the  
10                  first time in two years tomorrow and I have to do  
11                  escort and I have to be there before 5:30.

12                  THE COURT: Okay. Can anybody do this for  
13                  you?

14                  TIFFANY HADDOX: I can ask, but I don't know  
15                  for sure how long it'll take to find out.

16                  THE COURT: Okay, and I do think we'll be done  
17                  before 5:30 tomorrow. It just might spill over  
18                  tomorrow, but I don't think we'd still be going at  
19                  5:30 tomorrow.

20                  TIFFANY HADDOX: Okay.

21                  THE COURT: Okay, thank you. All right,  
22                  anybody else? Sir, please stand and say your name  
23                  and panel number.

24                  JAMES RECK: Jim Reck, Panel 1. My wife has  
25                  surgery on Thursday.

1 THE COURT: We'll be done by Thursday. Anyone  
2 else in this area? Okay, moving over here. Say  
3 your name and panel number.

4 JAMIE WITTENBERG: Jamie Wittenberg, Panel 2.  
5 I work with my dad tomorrow and we're gonna be  
6 doing Tuesday and Wednesday. He goes into - he  
7 does dialysis Thursday, Friday, Saturday and  
8 Sunday so I need to be with him tomorrow working.

9 THE COURT: What is it that you do?

10 JAMIE WHITTENBURG: I'm his helper. I help  
11 him with handyman work.

12 THE COURT: Is there anyone else that can do  
13 it for you?

14 JAMIE WHITTENBURG: No, I'm his only helper.

15 THE COURT: Could it start a little bit later  
16 tomorrow?

17 JAMIE WHITTENBURG: I would have to ask him.

18 THE COURT: Okay, thank you. All right,  
19 please say your name and panel number.

20 REBEKKAH PADGEN: Becky Padgen, Panel 1. I  
21 have an appointment tomorrow for the whole day. I  
22 had emailed about it last week.

23 THE COURT: Is this something that could be  
24 easily rescheduled?

25 REBEKKAH PADGEN: No.

1 THE COURT: Can you approach?

2 (AT BENCH DISCUSSION)

3 THE COURT: What kind of appointment do you  
4 have?

5 REBEKKAH PADGEN: It's a doctor's appointment  
6 with a new doctor. It took me a month to get in  
7 to see him.

8 THE COURT: Do you have any objection to her  
9 being excused?

10 MR. BECKHAM: No.

11 MS. BORNHOFT: No, Your Honor.

12 THE COURT: Check the message Wednesday,  
13 September 25<sup>th</sup> after 6:00 p.m. You may be excused.

14 (AT BENCH DISCUSSION CONCLUDED)

15 THE COURT: All right, anyone else? Please  
16 stand and say your name and panel number.

17 AMBER MILLER: Amber Miller, Panel 3. I have  
18 a continuing education class tomorrow for my  
19 insurance license that I cannot miss.

20 THE COURT: Do you have any objection to me  
21 excusing her?

22 MR. BECKHAM: No, Your Honor.

23 MS. BORNHOFT: No, Your Honor.

24 THE COURT: You may be excused. Anyone else?  
25 Please stand and say your name and panel number.

1 TAMARA ABERNATHY: I'm Tamara Abernathy. For  
2 clarification, just for tomorrow?

3 THE COURT: It's today and tomorrow.

4 TAMARA ABERNATHY: Today and tomorrow. Thank  
5 you.

6 THE COURT: Anyone else?

7 (NO FURTHER RESPONSE)

8 THE COURT: Do any of you know anything of  
9 your own knowledge of the facts of this case?

10 (NO RESPONSE)

11 THE COURT: Have any of you read or heard  
12 anything about this case?

13 (NO RESPONSE)

14 THE COURT: Have any of you formed or  
15 expressed an opinion of the case that may  
16 influence your judgment?

17 (NO RESPONSE)

18 THE COURT: Do any of you feel that you are  
19 biased or prejudiced for or against another party  
20 - or either party?

21 (NO RESPONSE)

22 THE COURT: Are any of you prevented by any  
23 relationship or circumstance from acting  
24 impartially?

25 (NO RESPONSE)

1 THE COURT: Have any of you or members of your  
2 family or friends ever been involved with this  
3 type of crime so it would be difficult for you to  
4 sit objectively as a juror in this case? Please  
5 stand and say your name and panel number.

6 SPENCER HAMILTON: Spencer Hamilton, Panel 3.  
7 My uncle has several failure to appears.

8 THE COURT: Here in Garland County?

9 SPENCER HAMILTON: (NODS HEAD UP AND DOWN)

10 THE COURT: Will you approach please.

11 (AT BENCH DISCUSSION)

12 THE COURT: Are the failures to appear in this  
13 court?

14 SPENCER HAMILTON: (NODS HEAD UP AND DOWN)

15 THE COURT: Am I specifically the Judge on  
16 them?

17 SPENCER HAMILTON: I don't know if you're the  
18 Judge, but I just - I mean he's had a few in  
19 Garland County. I don't know if you need his  
20 name, but I can give you his name.

21 THE COURT: What's his name?

22 SPENCER HAMILTON: Jared Hawkins, Jr.

23 THE COURT: I don't recognize that name. Is  
24 there anything about that that would make it  
25 difficult for you to be fair and impartial?

1           SPENCER HAMILTON: No. But since I'm up here,  
2 it was a couple of years back I was kinda beaten  
3 by police and I get kind of nervous being around  
4 this. I can tell you the story, it might take a  
5 minute.

6           THE COURT: That's okay. I guess with that  
7 experience with your uncle and with your own  
8 personal experience, would it be difficult because  
9 you're nervous? I mean your hands are shaking.  
10 Would it be difficult for you to sit here and be  
11 fair and impartial to both the Defendant and the  
12 State in this case?

13          SPENCER HAMILTON: It just makes me nervous.

14          THE COURT: Do either one of you have a  
15 question?

16          MS. BORNHOFT: I can see distinctly that he  
17 appears uncomfortable, so I understand that.

18          MR. BECKHAM: I'm sorry?

19          THE COURT: She's just saying that she can see  
20 that he appears uncomfortable. I don't have an  
21 issue letting him go since we have plenty of  
22 jurors.

23          MR. BECKHAM: That's fine. We've got plenty.

24          THE COURT: Okay, you may be excused. Call  
25 back on Wednesday, September 25<sup>th</sup> after 6:00 p.m.

1                   SPENCER HAMILTON: Thank you.

2                   (AT BENCH DISCUSSION CONCLUDED)

3                   THE COURT: Does anyone else feel that they  
4 are biased or prejudiced for or against a party?

5                   (NO FURTHER RESPONSE)

6                   THE COURT: Are any of you prevented by any  
7 relationship or circumstance from acting  
8 impartially?

9                   (NO RESPONSE)

10                  THE COURT: Have any of you or members of your  
11 family or friends ever been involved with this  
12 type of crime so that it would be difficult for  
13 you to sit objectively as a juror in this case?  
14 Please stand and say your name and panel number.

15                  KENNETH WRIGHT: I work for Dow Chemical and I  
16 was overseas working and I got a failure to appear  
17 on me. They put a warrant out for me cause I  
18 didn't - and I didn't know nothing about it  
19 because I'd been working for a year overseas. I  
20 came home and I got a traffic ticket and the cop  
21 told me I had a warrant - a bench warrant for  
22 failure to appear for jury duty.

23                  THE COURT: For jury duty?

24                  KENNETH WRIGHT: Yeah. But I didn't know  
25 nothing about it cause I was working in

1 Afghanistan. They just excused me when my work  
2 showed them a thing saying that I was out of the  
3 country from here to here.

4 THE COURT: Was that here in Garland County?

5 KENNETH WRIGHT: No, ma'am, that was in  
6 California.

7 THE COURT: Okay. Is there anything about  
8 that experience that would make it difficult for  
9 you to separate that experience and be fair and  
10 impartial in this case to -

11 KENNETH WRIGHT: No. No.

12 THE COURT: - the State and to the Defendant?

13 KENNETH WRIGHT: Like I said, I was ignorant  
14 to it and I was just thankful the cop let me go  
15 and told me to get it fixed.

16 THE COURT: Okay. Does anybody have any  
17 questions in light of mine?

18 MR. BECKHAM: No.

19 MS. BORNHOFT: No, Your Honor.

20 THE COURT: All right, you may have a seat.  
21 Thank you, Sir. Anyone else?

22 (NO FURTHER RESPONSE)

23 THE COURT: Madam Clerk, shake up the box,  
24 pull twenty-six names, list them, call them,  
25 identify their panel numbers and, Bailiff, please

1 seat them. I don't know how we're gonna do this  
2 because we're pretty packed, but we'll need  
3 everyone to stand so that the jurors can come sit  
4 over here that are called. So just as best as you  
5 can I guess, just try to move over.

6 Thank you for so much attendance. This is  
7 great. We don't normally have this.

8 THE CLERK: Panel 3, Jennifer Coats; Panel 3,  
9 Robert James; Panel 4, Dwight Rye; Panel 1,  
10 Katrina Bailey; Panel 1, Michael West; Panel 2,  
11 Bethany Hale; Panel 1, Braden Sarver; Panel 1,  
12 Carol Holland; Panel 2, Steven Brown; Panel 2,  
13 Linda Estoll; Panel 3, Art Holzman; Panel 3,  
14 Tabitha Bishop; Panel 1, Jessica Jorge-Graulau;

15 Panel 3, Johnathan Moody; Panel 4, Sandra  
16 Meeks; Panel 1, Laverne Johnson; Panel 4, Pamela  
17 Cox; Panel 2, Teresa Andersen; Panel 4, Landon  
18 Stuart; Panel 3, Jason Free; Panel 1, Jackie  
19 Blythe; Panel 3, Draylen Sledge; Panel 1, Larry  
20 Gilbreth; Panel 2, Marion Johnson; Panel 1, Robert  
21 Rutherford; Panel 3, Hayley Cole.

22 THE COURT: If the jurors that are sitting in  
23 the gallery, if you would scoot down to make room  
24 for everyone to sit down.

25 The State may voir dire.

**VOIR DIRE EXAMINATION OF THE STATE**

1  
2 BY MS. BORNHOFT: All right, good morning  
3 everyone.

4 (GOOD MORNING RESPONSES)

5 MS. BORNHOFT: That was pretty good, but it's  
6 the middle of the morning, it's almost 11:00  
7 o'clock, we'll try one more time. The Hogs won.  
8 Good morning everyone.

9 (GOOD MORNING RESPONSES LOUDER)

10 MS. BORNHOFT: There you go. All right, and  
11 hopefully everybody behind me can hear me as well,  
12 but in this process of voir dire where Mr. Beckham  
13 and I will speak to you guys, we are primarily  
14 speaking to the twenty-six right here in front but  
15 we do ask that everybody else try to listen in  
16 case you get called later on to join this group up  
17 here.

18 So as I said earlier and as the court said,  
19 my name is Caitlin Bornhoft. I am a Deputy  
20 Prosecutor here in Garland County. And here in  
21 this courthouse we have two Circuit Courtrooms  
22 that handle all of the felony cases, this one and  
23 the one across the hallway. I'm the division  
24 chief in this courtroom.

25 And I will tell you typically in this voir

1           dire process I do a lot of talking. I do a good  
2           amount of explaining. I try to explain certain  
3           things about the law, certain things about what  
4           this trial may look like so that you're prepared  
5           for it if you get selected to be on our jury, but  
6           I'm eight months pregnant so I'm already getting a  
7           little bit out of breath, okay, so I'm gonna ask  
8           you guys even more so than I normally would to  
9           engage with me a little bit to try to answer some  
10          of the questions that I ask you because I can't  
11          talk the whole time or I'll have to sit down.

12                 What this is really about is just kind of  
13           going over some things about the case and some  
14           things about you guys to determine whether you all  
15           would make a good juror for this particular trial.  
16           You may make a good juror for one type of case,  
17           not a good juror for a different type of case, so  
18           it's a chance for us to chitchat a little bit and  
19           learn a little bit more about each of you and you  
20           guys learn about what is gonna happen over the  
21           next day or so.

22                 So you heard the court say that there are  
23           three counts in this case, each of them being a  
24           count of Failure to Appear. That the Defendant  
25           unlawfully and feloniously failed to appear. And

1 you actually heard I think someone of your fellow  
2 jurors too a little bit about how some people may  
3 be familiar with that, what that might mean, but  
4 who here can volunteer to tell me what the crime  
5 of Failure to Appear means? What does that mean?  
6 We all know what the crime of theft means, right?  
7 We all know what the crime of robbery means,  
8 things like that. Who here thinks they know what  
9 it means when you commit the crime of failing to  
10 appear? There we go, I got help coming here. Ms.  
11 Holland, what do you think that means?

12 CAROL HOLLAND: Yes. That somebody did  
13 something - they got in trouble and they were  
14 asked to appear at a certain time and certain  
15 location and they failed to do that.

16 THE COURT: Okay. So they started out by  
17 doing something that required them to come to  
18 court in the first place and then they didn't come  
19 to court when they were supposed to?

20 CAROL HOLLAND: Uh-hum.

21 THE COURT: I think I had started to see  
22 another hand. Anybody want to expand on that?  
23 Anything different? Mr. West?

24 MICHAEL WEST: I was gonna say basically the  
25 same thing except that you're required to be here.

1 MS. BORNHOFT: That you're required to be  
2 here.

3 MICHAEL WEST: You're required to come to  
4 court and you didn't come to court.

5 MS. BORNHOFT: Right, okay, so it's not just a  
6 request to come -

7 MICHAEL WEST: Right.

8 MS. BORNHOFT: - it's a requirement somehow.

9 MICHAEL WEST: Yes.

10 MS. BORNHOFT: Okay. Is it Mr. Holzman or  
11 Holtman?

12 ARTHUR HOLZMAN: Holzman.

13 MS. BORNHOFT: Holzman, okay, thank you.

14 ARTHUR HOLZMAN: Basically without a valid  
15 excuse like being in the hospital or -

16 MS. BORNHOFT: Sure.

17 ARTHUR HOLZMAN: - being out of the country  
18 and cannot be here.

19 MS. BORNHOFT: Sure, right. Yes, so that's a  
20 perfect segue because I was gonna ask you all  
21 about that type of thing anyway, but then we  
22 actually heard a good example from one of the  
23 fellow jurors. Who here agrees with me that - Mr.  
24 Holzman, I'll stay with you - there could be all  
25 different kinds of failures to appear and that

1 every person may have a different reason why they  
2 failed to appear, is that fair?

3 ARTHUR HOLZMAN: That would be fair, but some  
4 reasons are excuses, not reasons.

5 MS. BORNHOFT: Okay. So would you agree with  
6 me that there are maybe some reasons that have  
7 some validity to them and then some that just do  
8 not excuse that failure to appear?

9 ARTHUR HOLZMAN: Right.

10 MS. BORNHOFT: Okay. Who can give me an  
11 example - we already had one of our jurors here  
12 kindly enough give us an example of a good reason  
13 why someone may fail to appear. He said he was  
14 out of the country, he was in Afghanistan I think  
15 it was, he didn't know about it at all, and then  
16 when he came back and he heard about it he took  
17 care of it as soon as he could. That's probably  
18 an example of a really good reason, right?

19 (AFFIRMATIVE RESPONSES)

20 MS. BORNHOFT: Who can give me the opposite of  
21 that? Kind of failure to appear unlike that one  
22 that we heard about that you think would not be  
23 justified. Or that would actually warrant, you  
24 know, being charged with a crime. Ms. Bailey?

25 KATRINA BAILEY: Yes. Not wanting to come or

1 they just ignored it, and say well I won't get in  
2 trouble.

3 MS. BORNHOFT: Just not wanting to or ignoring  
4 it because you don't wanna deal with the  
5 consequences?

6 KATRINA BAILEY: Yes.

7 MS. BORNHOFT: Okay. Anybody else? You know,  
8 an example of a failure to appear that actually in  
9 your mind makes sense that it would not be  
10 excusable but would be a crime to fail to appear  
11 when required to do so? Mr. - is it Sledge?

12 DRAYLEN SLEDGE: Yes.

13 MS. BORNHOFT: Okay.

14 DRAYLEN SLEDGE: Like they have to go to work  
15 or something, but it's in town so they could've  
16 still made it, so I feel like they still should've  
17 been able to show up.

18 MS. BORNHOFT: So even that, Mr. Sledge is  
19 saying, you know, even if a person has work, if  
20 that work is local here, that you still think that  
21 they should be expected to come to court when  
22 asked to do so. Who here agrees with Mr. Sledge  
23 that even that is not a good enough excuse or good  
24 enough reason to not go to court when you're  
25 required?

(HANDS ARE RAISED)

MS. BORNHOFT: I see a lot of hands, okay.

And that's a good point. That's an interesting point. Mr. Free, I saw you raised your hand that you agree. I mean where do you start to draw that line between, well, you know you're required to appear in court somewhere. You did something that caused you then to be required to appear in court. Why is work not a good enough reason to not go?

JASON FREE: If you have teammates you have other employees that can help out, they could fill in your position no different than if you're on vacation or if you're sick.

MS. BORNHOFT: Okay, so ultimately Mr. Free, I mean why is it all these reasons that we can think of we could probably be up here all day thinking of reasons and whether they're good reasons, bad reasons, excuses, or genuine, you know, heart-aches that would cause you to not be in court, but ultimately why did the lawmakers in Arkansas say it is going to be a crime, that you can be charged with committing a violation of Arkansas law when you don't go to court after you're asked to? I mean why would they make that a crime?

JASON FREE: I would think that because you

1 have officers involved and you have lawyers  
2 involved and you have people here who are paid to  
3 be here and you're wasting valuable time and  
4 you're wasting public funds.

5 MS. BORNHOFT: Okay. Anybody agree with Mr.  
6 Free for some of those reasons that the lawmakers  
7 would say that there's gotta be consequences for  
8 this? Ms. Coats, I saw you raise your hand. What  
9 would happen if the lawmakers had said this isn't  
10 gonna be a crime to not appear, you don't appear,  
11 you just don't appear?

12 JENNIFER COATS: Nobody would ever go to face  
13 the consequences of what they'd done wrong.

14 MS. BORNHOFT: Right, okay, so there would  
15 just be no way to ensure that the process can move  
16 forward?

17 JENNIFER COATS: Right.

18 MS. BORNHOFT: Okay. After talking about some  
19 of this, and some of you this may be a phrase that  
20 you've heard of, failure to appear, but you may or  
21 may not have actually known that it's a crime in  
22 and of itself to fail to appear, but after talking  
23 about some of this and kind of going over some  
24 examples, is there anybody - and I say this just  
25 again because we talked about whether you're gonna

1 make a good juror for this case versus a different  
2 case. You might make a great juror on a theft  
3 case, things like that. But is there anybody,  
4 after sort of talking about some of this and  
5 rolling it over in your mind that thinks well I  
6 just don't think that failing to appear by itself  
7 should be a crime on its own? You just feel like  
8 that doesn't make sense to you or it's just - you  
9 know, maybe there should be some other way to  
10 ensure that people appear, but you do not feel  
11 that it should be a crime at all despite what  
12 we've been talking about? And if you feel that  
13 way, that's fine.

14 (NO RESPONSE)

15 MS. BORNHOFT: Nobody? Okay. And so the  
16 burden in this case, as in every criminal felony  
17 offense that we bring forward, the burden rests on  
18 the State of Arkansas to prove the elements of  
19 failure to appear in this case and the Defendant  
20 being charged with three counts we have to prove  
21 the elements of all three counts and throughout  
22 this trial that burden remains with the State of  
23 Arkansas to prove those elements to you and we'll  
24 go more into what those elements are further into  
25 the trial. But only if you find that the State

1 has proven beyond a reasonable doubt that this  
2 Defendant, Ms. Courvelle, failed to appear in  
3 Circuit Court on each count - only when you feel  
4 that that's been proven beyond a reasonable doubt  
5 could you possibly convict her at the end of all  
6 the evidence here.

7 Who here thinks they know what beyond a  
8 reasonable doubt means? Anybody? Anybody watch  
9 legal TV shows? I saw Ms. Bailey's hand. Ms.  
10 Bailey, what do you think?

11 KATRINA BAILEY: Well if she just did not come  
12 or if there's - I mean if it shows that she's  
13 wanting to come and she didn't feel like she did  
14 the crime or something, then that would be wrong.  
15 But if it's proven that she did the crime and she  
16 did not come, which is going against the law, when  
17 everybody's here then she should be guilty.

18 MS. BORNHOFT: Okay. And let me ask this - so  
19 we talked about, you know, failing to appear means  
20 that you were required to be some place, something  
21 happened that led you to have to be there in the  
22 first place and then you weren't there, what kind  
23 of evidence would you expect? The State has the  
24 burden. I have the burden of proof here. What  
25 kind of evidence might you expect to hear or see

1 if you're picked to be on this jury, what do you  
2 think that's gonna be presented that you would  
3 want to hear as evidence? Ms. Coats?

4 JENNIFER COATS: Evidence that the person was  
5 notified of the trial when they were supposed to  
6 be there.

7 MS. BORNHOFT: Okay, some evidence that they  
8 had the knowledge in the first place that would  
9 even allow them to be there when they were  
10 supposed to be?

11 JENNIFER COATS: Yes, ma'am.

12 MS. BORNHOFT: Okay. I think that's a great  
13 start. What else? Mr. Moody?

14 JOHNATHAN MOODY: Yes. Some court document  
15 stating that should they not actually appear.

16 MS. BORNHOFT: Okay. Okay, something saying  
17 that she was aware that she was supposed to be  
18 there, then something saying that she was not  
19 there?

20 JOHNATHAN MOODY: Some documentation, yes.

21 MS. BORNHOFT: Okay, okay. What else? I saw  
22 some other hands. Ms. Hale?

23 BETHANY HALE: Documentation of what she was  
24 doing when she wasn't being where she was supposed  
25 to be.

1 MS. BORNHOFT: Okay. So some kind of  
2 information to tell you what that alternative was,  
3 we talked about was it work, was it you just  
4 didn't wanna be there, you didn't want to face the  
5 consequences, was it you're at the hospital?  
6 Something showing what was going on instead you  
7 might want to know?

8 BETHANY HALE: Yes. Right.

9 MS. BORNHOFT: Anything else? Ms. Bishop?

10 TABITHA BISHOP: Means of transportation.

11 MS. BORNHOFT: Means of transportation, okay.  
12 Why would that be important to you?

13 TABITHA BISHOP: Because if you're not able to  
14 come in then that - you may be unable to come in.

15 MS. BORNHOFT: Okay. Let me ask you this, Ms.  
16 Bishop: If - I'm trying to think of how to ask  
17 this. Do you think that it should be something  
18 that's written into the law that says you must  
19 appear in court at such and such date and time and  
20 if you don't it's a failure to appear - do you  
21 think there should be something set in the law  
22 there that says a list of sort of, but if you X,  
23 Y, Z, if you don't have a car, if you have work,  
24 you think all that should be set out in the law or  
25 how would you go about sort of fleshing out

1                   legally what's a reason and what's not?

2                   TABITHA BISHOP: I think there should be time  
3                   for them to be able to arrange.

4                   MS. BORNHOFT: Okay, okay, so that kind of  
5                   then again goes to when were they told to be there  
6                   in the first place and how much time maybe did  
7                   they have to plan for that?

8                   TABITHA BISHOP: Yes.

9                   MS. BORNHOFT: Okay, that's fair. That's  
10                  fair. Any other evidence that we haven't talked  
11                  about that somebody thinks would be super  
12                  important to hear about? So we heard did they  
13                  know when they were supposed to be there, were  
14                  they there, and is there any proof of whether they  
15                  were there or not, what were they doing instead,  
16                  and how long did they have that they were notified  
17                  of that appearance requirement to make  
18                  arrangements, make plans and things like that to  
19                  then get there on time. I think all that's very  
20                  fair.

21                  Okay, and so I asked this earlier but I'll  
22                  ask it again, so who thinks they know what - after  
23                  hearing all the evidence - what it would mean to  
24                  feel that the case has been proven beyond a  
25                  reasonable doubt? What is beyond a reasonable

1 doubt? Mr. Moody?

2 JOHNATHAN MOODY: Without question.

3 MS. BORNHOFT: Okay, without question.

4 JOHNATHAN MOODY: A level of certainty.

5 MS. BORNHOFT: Okay. Anybody else have a  
6 different definition in mind or heard something  
7 different?

8 LARRY GILBRETH: I've been sitting here  
9 listening to this and I'm just gonna give an  
10 opinion -

11 MS. BORNHOFT: Sure. This is Mr. Gilbreth for  
12 the record.

13 LARRY GILBRETH: - but it might not affect  
14 everybody. How many of us right now would be here  
15 if we didn't think we would be penalized in some  
16 way or another for not showing up?

17 MS. BORNHOFT: Right.

18 LARRY GILBRETH: And this is not a failure to  
19 appear like in court right now.

20 MS. BORNHOFT: Right. Right. So you're  
21 saying you have it in your mind -

22 LARRY GILBRETH: I would be -

23 MS. BORNHOFT: - that you're here in the first  
24 place today because you didn't want to get in any  
25 trouble for not coming?

1 LARRY GILBRETH: I'm not saying only that.  
2 But I'm saying if you ask the total of all the  
3 jurors how many of them, that would be a  
4 determining factor of why they're here.

5 MS. BORNHOFT: Uh-huh, sure. Because they  
6 didn't want to have some adverse consequence.

7 LARRY GILBLRETH: We're not on trial, but yet  
8 we would feel some type of a penalty for not  
9 showing up for this. So that's kind of how strict  
10 I would look at it.

11 MS. BORNHOFT: Okay.

12 LARRY GILBRETH: If I'm gonna be penalized for  
13 not showing up for jury duty, then I would be very  
14 strict on somebody else's responsibility to not  
15 show up.

16 MS. BORNHOFT: Sure. Sure.

17 LARRY GILBRETH: To court. For actual court.

18 MS. BORNHOFT: Right. Okay. I think that's a  
19 great point. I hadn't thought of it that way.

20 Okay, anybody else on - and I know we're  
21 kinda bouncing around on topics - anybody else  
22 have a thought on the meaning of beyond a  
23 reasonable doubt? Mr. Moody said without question  
24 or to a certain level of certainty. So a lot of  
25 times - I'll just tell you - a lot of times the

1 answers that we hear that people think it means  
2 are beyond all doubt - I'll wait. I can't yell  
3 over the sirens. So a lot of times we have people  
4 say they think it means beyond all doubt or beyond  
5 any doubt, beyond a shadow of a doubt. All things  
6 that sound kind of all a lot like each other,  
7 right?

8 But there's a definition and it just says -  
9 the definition is written by lawyers I'm sure  
10 many, many years ago - it basically says that a  
11 juror feels that a charge - in this case a charge  
12 of failure to appear - has been proven beyond a  
13 reasonable doubt when the juror has an abiding  
14 conviction of the truth of the charge. So if you  
15 - I'm gonna ask Mr. Rutherford - if you have an  
16 abiding conviction of the truth of the charge,  
17 what does that mean?

18 ROBERT RUTHERFORD: I would say that means I  
19 feel they're guilty of what they're charged with.

20 MS. BORNHOFT: Okay. So you have a feeling -

21 ROBERT RUTHERFORD: Because of what transpired  
22 in court.

23 MS. BORNHOFT: Is it fair to say that a  
24 feeling is kind of similar to a conviction? If  
25 you have a conviction, you have a belief or a

1 feeling about something, right?

2 ROBERT RUTHERFORD: You'd have to.

3 MS. BORNHOFT: Okay. So that kinda covers  
4 conviction. It's a strongly held belief. What  
5 does abiding? If you have to have an abiding  
6 conviction of the truth of the charge, what does  
7 it mean? You've got a strongly held belief; what  
8 is abiding?

9 TABITHA BISHOP: You have to feel you believe  
10 it.

11 THE COURT: Okay. So when you Google the  
12 definition of those words they say that abiding  
13 means something that continues and doesn't fade so  
14 it's long-lasting and a conviction is a strongly  
15 held belief. So a juror feels that the charge has  
16 been proven beyond a reasonable doubt when you go  
17 back into that deliberation room, you talk about  
18 the evidence, you talk about the trial, and after  
19 your discussions and your deliberations you still  
20 remain with a strongly held belief that they're  
21 guilty. That this happened and that they did it.  
22 So that's what it means to feel that a charge has  
23 been proven beyond a reasonable doubt.

24 We talked about the type of evidence that you  
25 may expect to hear. Anybody here served on a jury

1 before, whether it be here or elsewhere?

2 (SOME HANDS ARE RAISED)

3 MS. BORNHOFT: Couple of hands, okay. Mr.  
4 Gilbreth, when did you serve on a jury?

5 LARRY GILBRETH: Well it was just past the two  
6 years.

7 MS. BORNHOFT: Okay. And here you are again.

8 LARRY GILBRETH: I'm guessing three or four  
9 years ago.

10 MS. BORNHOFT: Was that here in Garland  
11 County?

12 LARRY GILBRETH: Yes.

13 MS. BORNHOFT: Was it criminal or civil?

14 LARRY GILBRETH: Civil.

15 MS. BORNHOFT: Okay. Were you the foreperson?

16 LARRY GILBRETH: No.

17 MS. BORNHOFT: Okay. I think I saw a hand -  
18 Mr. Free?

19 JASON FREE: Yes.

20 MS. BORNHOFT: When was that?

21 JASON FREE: It was probably eight years ago.

22 MS. BORNHOFT: Okay. Here in Garland County?

23 JASON FREE: Yes.

24 MS. BORNHOFT: Criminal or civil?

25 JASON FREE: Criminal.

1 MS. BORNHOFT: Okay. Were you the foreperson?

2 JASON FREE: I was not.

3 MS. BORNHOFT: Okay. Do you remember if you  
4 guys reached a unanimous verdict?

5 JASON FREE: We did.

6 MS. BORNHOFT: You did, okay. Anybody else?  
7 Mr. James?

8 DWIGHT RYE: Rye.

9 MS. BORNHOFT: Oh, Mr. Rye, yes. Mr. James is  
10 right next to you. When and where were you last  
11 on a jury?

12 DWIGHT RYE: It was four years ago.

13 MS. BORNHOFT: Okay. Here?

14 DWIGHT RYE: Yes.

15 MS. BORNHOFT: Okay. Do you remember if it  
16 was criminal or civil?

17 DWIGHT RYE: It was criminal.

18 MS. BORNHOFT: Criminal. And were you the  
19 foreperson? Were you in charge?

20 DWIGHT RYE: No.

21 MS. BORNHOFT: No. Did you reach a unanimous  
22 verdict?

23 DWIGHT RYE: Yes.

24 MS. BORNHOFT: Okay. Anybody else in that row  
25 with Mr. Rye?

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(NO FURTHER RESPONSE)

MS. BORNHOFT: A bunch of people in the back all jurors, oh my goodness. Okay, same questions to all of you. Ms. Bishop?

TABITHA BISHOP: (INAUDIBLE)

MS. BORNHOFT: Do you remember what kind?

TABITHA BISHOP: It was a criminal.

MS. BORNHOFT: Do you remember if you reached a unanimous verdict?

TABITHA BISHOP: Yes.

MS. BORNHOFT: And were you the foreperson?

TABITHA BISHOP: Huh?

MS. BORNHOFT: Were you the foreperson of that jury?

TABITHA BISHOP: No.

MS. BORNHOFT: And foreperson just is like the person that the jurors elect sort of as their - I guess as their leader or as the person who's gonna sort of help to lead the discussions. Mr. Holzman, you were on a jury?

ARTHUR HOLZMAN: Well, I was at this point in the jury.

MS. BORNHOFT: Okay. So you didn't get selected?

ARTHUR HOLZMAN: No.

1 MS. BORNHOFT: Okay, gotcha. Ms. Estoll?

2 LINDA ESTOLL: Yes, back in the mid-'80's in  
3 Colorado and in the mid-'90's in Georgia.

4 MS. BORNHOFT: Okay, were those criminal  
5 cases?

6 LINDA ESTOLL: The first one was like traffic  
7 court -

8 MS. BORNHOFT: Okay. Sure.

9 LINDA ESTOLL: - and the second one was a  
10 criminal case but it got pled out before we -  
11 during the middle of the trial.

12 MS. BORNHOFT: So you didn't wind up having to  
13 deliberate on that, okay. And then did I see Mr.  
14 Brown?

15 STEVEN BROWN: No.

16 MS. BORNHOFT: No. Ms. Holland?

17 CAROL HOLLAND: Yes. It was about fifteen  
18 years ago. It was in Clark County, Arkadelphia,  
19 and it was civil - two civil cases.

20 MS. BORNHOFT: Okay.

21 CAROL HOLLAND: And I was just one of the  
22 jurors.

23 MS. BORNHOFT: Okay, all right. All right, so  
24 like I said - I didn't actually say this earlier -  
25 but if you're selected to be on this jury for the

1 next day or so, once you're selected to be on it,  
2 the lawyers and the jurors can't interact and that  
3 even goes so far as we're really not even supposed  
4 to say hi to each other in the hallway or comment  
5 on the weather or just even say good morning,  
6 things like that. Just so that there's no  
7 appearance that any of the parties are conversing  
8 about anything that they shouldn't be with the  
9 jurors. So this is really the last time that I  
10 get to actually interact with and hear from you  
11 guys so if there's anything that has been on your  
12 mind or that we haven't talked about that you  
13 think we should talk about or you're just still  
14 going I don't get it, why am I here on this  
15 failure to appear thing, now's the time.

16 I see Mr. Johnson kinda giving me a quizzical  
17 look. Anything that we haven't talked about that  
18 you just think you want to bring up and we can  
19 always approach the bench too or just anything  
20 that you think I should know?

21 (NO RESPONSE)

22 MS. BORNHOFT: All right. Well thank you guys  
23 very much.

24 THE COURT: The Defense may voir dire.

25 MR. BECKHAM: May I proceed, Your Honor?

1 THE COURT: You may.

2 **VOIR DIRE EXAMINATION OF THE DEFENSE**

3 BY MR. BECKHAM: Good morning everyone.

4 (GOOD MORNING RESPONSES)

5 MR. BECKHAM: As the Judge told you earlier my  
6 name's Tim Beckham. I'm the Public Defender here.  
7 I want to apologize, I don't have my tie all the  
8 way done. It's not just the price of everything  
9 that's inflated, my neck has gotten inflated over  
10 the years and I just haven't bought new clothes.  
11 So I'm not being disrespectful, it's gonna be hot  
12 in here and I gotta get a little comfortable.

13 As Ms. Bornhoft said, this is the only  
14 opportunity I get to talk about myself. I'd like  
15 to introduce myself just a little bit if I may.  
16 I've been practicing for about twenty-two years.  
17 Prior to that I was a law clerk for Judge Andrea  
18 Layton Rolf on the Arkansas Court of Appeals. A  
19 brilliant woman. I recommend everybody Google  
20 her. She was the first African American female to  
21 ever be on the Arkansas Supreme Court or the  
22 Arkansas Court of Appeals. She's passed away, but  
23 I really encourage you to Google her because she  
24 was a fantastic woman. Prior to that I worked at  
25 the Attorney General's Office. I was a law

1 enforcement instructor at ALETA, certified law  
2 enforcement instructor. I was also an  
3 investigator for the Crime Victims Reparations  
4 Board. So I've had a pretty well-rounded career  
5 in the criminal justice system. I have actually  
6 even served as a Deputy Prosecutor here in Garland  
7 County for a few years before I went into private  
8 practice and started public defending.

9 I am married. My wife, Carla, has her own  
10 small business that is computer-aided drafting. I  
11 have two children. Eric is twenty-six and my son  
12 Cane is ten. He'll be eleven in November. That's  
13 sixteen years apart. That is on purpose. When  
14 you get married a second time and your second wife  
15 wants a baby, you give your second wife a baby.  
16 The unique thing about those two children besides  
17 me being the common denominator, both of my  
18 children are autistic. My oldest son is what you  
19 consider very high-functioning. He has a  
20 bachelor's degree. I tell this story to  
21 everybody. His freshman year in college he took  
22 trigonometry as an elective. He's that kind of  
23 smart. Socially awkward, but very smart. My  
24 youngest son Cane is what you would consider  
25 nonverbal. He probably has about a few hundred

1 words that he uses, but they're all in these catch  
2 phrases that he hears on videos or sees on  
3 television. He can communicate to you, but he  
4 cannot hold a conversation with you. But he can  
5 tell you if he's hungry, if he's hurt, if he - you  
6 know, that sort of thing. I could tell you he's  
7 been diagnosed seven years ago and he's changed my  
8 life. You would think it'd be tough - and it is  
9 tough at times - but it also changed me for the  
10 better. I'm a much more grateful and humble human  
11 being. I tell everyone ten years ago if I'd be in  
12 a restaurant and heard some baby crying, I  
13 would've been the guy that said man, I wish they'd  
14 shut that baby the hell up. I'm not that guy  
15 anymore because I don't know what that baby's  
16 going through, I don't know what that family's  
17 going through. I can tell you he's been a joy for  
18 me. It's tough, I'm not gonna lie, but he's made  
19 me a better person.

20 Now, let's get to the reason why you're here.  
21 You had some very interesting answers to some of  
22 the reasons why you would or not come to court.  
23 Mr. Holzman, I think the basic one, you had a very  
24 good - what you considered a valid excuse -  
25 hospitalization, correct?

1                   ARTHUR HOLZMAN: Yeah, you can't come.

2                   MR. BECKHAM: Obviously you can't come. And  
3 you're gonna hear in the definitions, Ladies and  
4 Gentlemen, when you hear the instruction, you have  
5 to determine what is considered a valid or a  
6 reasonable excuse, okay? The Judge cannot say  
7 that's not reasonable or that's not reasonable.  
8 You are the trier of fact so you collectively have  
9 to decide what is considered reasonable. Can  
10 everybody agree to do that for me?

11                   (AFFIRMATIVE RESPONSES)

12                   MR. BECKHAM: Okay. Let me ask you, Mr.  
13 Holzman, what if it's not you that's in the  
14 hospital? What if you're ordered to appear in  
15 court and it's your daughter that's in a car wreck  
16 and needs to go to the hospital or is in the  
17 hospital?

18                   ARTHUR HOLZMAN: Now that, I would not go,  
19 okay?

20                   MR. BECKHAM: Right.

21                   ARTHUR HOLZMAN: I might get charged for it.

22                   MR. BECKHAM: Sure.

23                   ARTHUR HOLZMAN: I would say that could be a  
24 valid excuse. It should be communicated to the  
25 court that day.

1 MR. BECKHAM: Right.

2 ARTHUR HOLZMAN: Or the next day -

3 MR. BECKHAM: Okay.

4 ARTHUR HOLZMAN: - so that the action wouldn't  
5 be taken if you had a reasonable Judge.

6 MR. BECKHAM: Okay. Everybody kinda agree  
7 with that?

8 (SOME AFFIRMATIVE RESPONSES)

9 MR. BECKHAM: The thing I think is important,  
10 not only is it valid to you personally, you want  
11 to be with your family in a time of need, but you  
12 also have the respect to give the court notice  
13 beforehand because that's what you thought was a  
14 priority. Let them know what's happening so  
15 they're not clueless as to what's going on in your  
16 life and the reason why you're not there, is that  
17 reasonable?

18 ARTHUR HOLZMAN: That's reasonable.

19 MR. BECKHAM: Everybody agree would that be a  
20 pretty reasonable explanation?

21 (AFFIRMATIVE RESPONSES)

22 MR. BECKHAM: Okay. Ms. Bishop, you also  
23 asked about transportation being an issue. I'm  
24 gonna give you two scenarios. What if someone  
25 lives on Malvern Avenue and is ordered to appear

1 in court tomorrow. They don't have a car, they  
2 don't have money for a bus, but they live five  
3 miles away. Do they have the ability to walk  
4 here?

5 TABITHA BISHOP: Depends on the person.

6 MR. BECKHAM: Right. We don't know their  
7 circumstances, correct?

8 TABITHA BISHOP: Uh-hum.

9 MR. BECKHAM: What if they live in  
10 Jessieville? They're still in the county.  
11 They're still ordered to appear. I mean the exact  
12 same scenario, is that reasonable to expect them  
13 to walk thirty-five miles or thirty miles?

14 TABITHA BISHOP: Not to walk. You'd have to  
15 use other means.

16 MR. BECKHAM: Sure. And again, I go back to  
17 what Mr. Holzman said, would it also kinda require  
18 that they notify the court in advance?

19 TABITHA BISHOP: Yes.

20 MR. BECKHAM: Because if you knew you weren't  
21 gonna be able to make it, you should make an  
22 opportunity to do that, would you not? Wouldn't  
23 you expect that?

24 TABITHA BISHOP: (NODS HEAD UP AND DOWN)

25 MR. BECKHAM: Okay.

1 LARRY GILBRETH: You could Uber.

2 MR. BECKHAM: Uber, right. Well that goes  
3 back to Mr. - I think it was Mr. Free. I'll get  
4 back with you in just a second. Mr. Free talked  
5 about I believe it was missing work. Where you've  
6 got coworkers that can cover for you and that sort  
7 of thing. What if that's not the situation? What  
8 if the situation is I've been living with my  
9 mother and I've been unemployed for four or five  
10 months and I finally got a job and I'm on  
11 probation and if I don't make it to work they're  
12 gonna fire me and I'm gonna be unemployed again?  
13 It's that critical. The situation is a little  
14 different that way, is it not?

15 JASON FREE: I still disagree. You still have  
16 your teammates. If you're in a situation where  
17 you rely upon your job, you still need to be able  
18 to provide and have communication with your  
19 employer as well as the court over your  
20 circumstances of where you need to be at a certain  
21 time.

22 MR. BECKHAM: Okay. What if you don't have  
23 any coworkers that can cover for you?

24 JASON FREE: Then your boss is gonna have to  
25 fill in.

1 MR. BECKHAM: Right. What if you don't have a  
2 boss? What if you're literally paycheck to  
3 paycheck, cutting lawns for a living and you know  
4 it's gonna rain for the next five days and this is  
5 the one day it's gonna be sunny and you could make  
6 a couple hundred bucks and that will literally  
7 help you buy your groceries that month, is that  
8 not an excuse?

9 JASON FREE: To me, no. It's not a valid  
10 excuse.

11 MR. BECKHAM: That's fine. I don't have a  
12 problem with that. Anybody kind of agree with Mr.  
13 Free?

14 KATRINA BAILEY: You need to do the lawn later  
15 after your appointment.

16 MR. BECKHAM: Okay.

17 KATRINA BAILEY: And don't miss work when  
18 you're supposed to.

19 MR. BECKHAM: Let me ask you this, have you  
20 ever been to court?

21 KATRINA BAILEY: No, but if you're mowing  
22 lawns you don't actually do it in the morning or  
23 the afternoon. You can do it at a different time  
24 when you have to be here.

25 MR. BECKHAM: All right. Has anybody been to

1 District Court in the past ten years?

2 (NO RESPONSE)

3 MR. BECKHAM: Would y'all believe me if I told  
4 you if you show up at 8:30 on a speeding ticket  
5 you might be there at 2:00 in the afternoon? Do  
6 y'all believe that being a reality?

7 (MIXED RESPONSES)

8 MR. BECKHAM: Okay. Now Mr. Gilbreth, I'm  
9 just gonna pick on you a little bit here in a  
10 funny way. I realize your comment that we are  
11 collectively here because you think there might be  
12 a repercussion for not showing up when you're  
13 summoned for jury duty.

14 LARRY GILBRETH: I don't think all of us feel  
15 that way, but there is some that does.

16 MR. BECKHAM: So are there any of them that  
17 are just doing it out of the goodness of their  
18 heart and their civic duty?

19 LARRY GILBRETH: I am.

20 MR. BECKHAM: Okay. I appreciate that, thank  
21 you very much. Because I'm pretty much sure most  
22 everybody here is like they do not wanna be here  
23 and they're the unluckiest people in the room  
24 because they didn't call in with an excuse they're  
25 sick.



1 thing.

2 MR. BECKHAM: Okay.

3 DRAYLEN SLEDGE: Like -

4 MR. BECKHAM: Let me see, Mr. Holzman, I'm  
5 gonna pick on you again. What am I required to  
6 prove in this case?

7 ARTHUR HOLZMAN: You're required to prove  
8 nothing.

9 MR. BECKHAM: Thank you very much. That's the  
10 best answer I've heard in a long time. Y'all  
11 understand that I could technically sit in this  
12 chair and if I don't think any of the testimony  
13 harms my client in any way I don't have to ask a  
14 question? Do you understand that?

15 (AFFIRMATIVE RESPONSES)

16 MR. BECKHAM: And why is that? Is it because  
17 of the burden of proof?

18 ARTHUR HOLZMAN: The burden of proof.

19 MR. BECKHAM: The burden of proof, okay. And  
20 how long does it last through? How long does it  
21 last for my client? Until you hear every bit of  
22 evidence and you close that door for the final  
23 time and start deliberating. That's when you  
24 start deciding whether or not there's actual guilt  
25 or not, okay? Everyone agree to do that?

(AFFIRMATIVE RESPONSES)

1  
2 MR. BECKHAM: I'm really shortening this up  
3 just because of the nature of the case, there's a  
4 lot of questions that I don't need to necessarily  
5 ask. Kinda going back to what he was saying.  
6 Anybody just - are not going to be able to give me  
7 your full attention for the next day and a half?  
8 Simply do not want to be here. They're just  
9 thinking about something else - family event,  
10 medical emergency, anything?

11 (NO RESPONSE)

12 MR. BECKHAM: No? Okay, thank you. I  
13 appreciate your time. Thank you very much.

14 THE COURT: All right, Ladies and Gentlemen,  
15 there's some housekeeping matters we need to take  
16 care of so we're gonna take a fifteen minute  
17 recess but I'll need you to remember where you're  
18 seated if you're in the box and sit right back in  
19 that spot. Thank you. We'll be in recess for  
20 fifteen minutes.

21 (WHEREUPON, A RECESS WAS TAKEN AT THIS TIME  
22 DURING WHICH COUNSEL FOR BOTH SIDES EXERCISED  
23 PEREMPTORY CHALLENGES. THE COURT WAS NOTIFIED BY  
24 THE CLERK WHEN CHALLENGES WERE COMPLETED AND ALL  
25 PARTIES RECONVENED IN OPEN COURT FOR THE FOLLOWING

1 PROCEEDINGS, TO-WIT:)

2 OPEN COURT

3 THE COURT: All right, Ladies and Gentlemen, I  
4 know I asked you all to sit in the same seat, but  
5 now I need you to go over to the wall please.

6 All right, come forward and have a seat when  
7 I call your name. Juror Number 1 will be Robert  
8 James. Juror Number 2 will be Dwight Rye. Juror  
9 Number 3 will be Michael West. Juror Number 4  
10 will be Bethany Hale. Juror Number 5 is Braden  
11 Sarver. Juror Number 6 is Carol Holland. Juror  
12 Number 7 is Steven Brown. Juror Number 8 is  
13 Johnathan Moody. Juror Number 9 is Teresa  
14 Anderson. Juror Number 10 is Landon Stuart.  
15 Juror Number 11 is Jackie Blythe. Juror Number 12  
16 is Draylen Sledge.

17 Counsel approach.

18 (AT BENCH DISCUSSION)

19 THE COURT: I don't know how you want to  
20 handle this. There's two jurors left. I can give  
21 you each a strike and we can call more up or you  
22 can take the two and we can just have two.

23 MR. BECKHAM: You want to keep two?

24 THE COURT: Let's just do two to be safe.

25 MR. BECKHAM: Those are fine with me.

1 MS. BORNHOFT: Those two are fine, just to be  
2 safe.

3 (AT BENCH DISCUSSION CONCLUDED)

4 THE COURT: Robert Rutherford, please come  
5 forward. You'll be Alternate Number 1. Hayley  
6 Cole, please come forward. You'll be Alternate  
7 Number 2.

8 Is the jury satisfactory for both sides?

9 MS. BORNHOFT: Good for the State, Your Honor.

10 MR. BECKHAM: Good for the Defense, Your  
11 Honor.

12 THE COURT: The jury will now stand and raise  
13 your right hands and take the oath to sit as a  
14 juror in this particular case.

15 **(JURY SWORN AND SEATED AT 11:28 A.M.)**

16 THE COURT: To everyone else - we thank you so  
17 much for your service. We could not have a  
18 justice system without you and we can't tell you  
19 how much we appreciate you for being here. With  
20 that being said, we need you to call back and  
21 check the message Wednesday, September 25<sup>th</sup> after  
22 6:00 p.m. You may be excused. Thank you.

23 (THE REMAINING PANELISTS WERE EXCUSED AT THIS  
24 TIME)

25 THE COURT: Ladies and Gentlemen of the Jury,

1 the faithful performance of your duties as jurors  
2 is essential to the administration of justice. It  
3 is my duty as Judge to inform you of the law  
4 applicable to this case by instructions. It is  
5 your duty to accept and follow them as a whole,  
6 not singling out one instruction to the exclusion  
7 of others. You should not consider any rule of  
8 law with which you may be familiar unless it is  
9 included in my instructions.

10 It is your duty to determine the facts from  
11 the evidence produced in this trial. You are to  
12 apply the law as contained in these instructions  
13 to the facts and render your verdict upon the  
14 evidence and the law. You should not permit  
15 sympathy, prejudice, or like or dislike of any  
16 party to this action or of any attorney to  
17 influence your findings in this case.

18 In deciding the issues you should consider  
19 the testimony of the witnesses and the exhibits  
20 received in evidence. The introduction of  
21 evidence in Court is governed by law. You should  
22 accept without question my rulings as to the  
23 admissibility or rejection of evidence, drawing no  
24 inferences that by these rulings I have in any way  
25 or manner indicated my views on the merits of this

1 case.

2 Opening statements, remarks during the trial  
3 and closing arguments of the attorneys are not  
4 evidence, but are made only to help you in under-  
5 standing the evidence and applicable law. Any  
6 argument, statements or remarks of the attorneys  
7 having no basis in the evidence should be  
8 disregarded by you.

9 To ensure fairness and the appearance of  
10 fairness you as jurors must obey the following  
11 rules:

12 First: Do not talk among yourselves about  
13 this case or about anyone involved with it until  
14 the very end of the case when you go to the jury  
15 room to decide the verdict.

16 Second: Do not talk with anyone else about  
17 this case or about anyone else involved with it  
18 until the trial has ended and you have been  
19 discharged as jurors.

20 Third: When you are outside the Courtroom, do  
21 not let anyone tell you anything about the case or  
22 about anyone involved with it. If someone should  
23 try to talk to you about the case, please report  
24 it to me.

25 Fourth: During the trial you should not talk

1 with or speak to any of the parties, lawyers or  
2 witnesses involved in this case. You should not  
3 even pass the time of day with any of them. It is  
4 important not only that you do justice in this  
5 case, but that you also give the appearance of  
6 doing justice in this case. If a person from one  
7 side of the case sees you talking to a person from  
8 the other side, even if it is simply to pass the  
9 time of day, an unwarranted and unnecessary  
10 suspicion about your fairness might be aroused.  
11 When the lawyers, parties, or witnesses do not  
12 speak to you when you pass in the hall or meet  
13 elsewhere, remember it is because they are not  
14 supposed to talk or visit with you either.

15 Fifth: Do not read any news articles or  
16 stories about this case or about anyone involved  
17 with it or listen to any radio or television  
18 reports about the case or about anyone involved  
19 with it. In fact, until the trial is over I  
20 suggest that you avoid reading any newspapers or  
21 news journals at all and avoid listening to any TV  
22 or radio newscast at all. I do not know whether  
23 there might be any news reports of this case, but  
24 if there are, you might inadvertently find  
25 yourself reading or listening to something before

1 you could do anything about it. If you want, you  
2 can have your spouse or a friend clip out any  
3 stories and set them aside for you until after the  
4 trial is over. I can assure you, however, by the  
5 time you've heard the evidence in this case you  
6 will know more about the matter than anyone will  
7 learn through the news media.

8 Sixth: Do not do any research on the internet  
9 or otherwise or make any investigation about the  
10 case or the parties on your own. Since this case  
11 involved an incident that occurred at a particular  
12 location you may be tempted to visit the scene  
13 yourself. Please do not do so. This case must be  
14 tried solely upon the evidence presented to you in  
15 court and not upon any information or impression,  
16 whether correct or not, which you might acquire  
17 from visiting the scene. Even if you have  
18 previous information concerning the scene of the  
19 occurrence due to your familiarity with it, you  
20 should keep that information to yourself and not  
21 allow it to become a part of the deliberations.

22 Seventh: Do not make up your mind during the  
23 trial about what the verdict should be. Keep an  
24 open mind until you have gone to the jury room to  
25 decide the case and you and your fellow jurors

1 have discussed the evidence.

2 Eighth: Do not bring cell phones, pagers, or  
3 other communication devices into the courtroom.  
4 If someone needs to contact you in an emergency,  
5 the court can receive messages and it will deliver  
6 to you. If you need to contact someone, the court  
7 will make a telephone available to you.

8 When we take breaks during the day I will not  
9 read this lengthy instruction to you again, but  
10 will remind you of the court's instruction by  
11 simply telling you to leave the case in the box.

12 When we take recesses in the trial, you'll  
13 have the room back here to yourselves. There are  
14 bathrooms back there for your use and coffee and  
15 water for you during the breaks. There's sodas in  
16 the fridge as well as snacks.

17 You may take notes during the trial if you  
18 wish and the bailiff will make notepads available  
19 to you.

20 Please wear your juror buttons throughout the  
21 day and even if you go to lunch to remind you and  
22 those around you not to discuss the case.

23 Please remember to keep your cell phones and  
24 any other communication devices outside the  
25 courtroom at all time.

1                   The State may open.

2                   **OPENING STATEMENT OF THE PROSECUTION**

3                   BY MS. BORNHOFT: All right, Members of the  
4                   Jury now that you've been selected, so what is it  
5                   that the State of Arkansas has to prove to you in  
6                   this case today? The State of Arkansas has to  
7                   prove that Sherrel Courvelle, the Defendant here,  
8                   was lawfully set at liberty upon a condition that  
9                   she appear at a specified time, place in court.  
10                  That is sort of the first element.

11                  So how are we going to prove that element?  
12                  Well you're gonna hear from a bondsman and you're  
13                  gonna hear throughout the evidence today that in  
14                  this case Ms. Courvelle was charged in three  
15                  Circuit Court cases. Three separate Circuit Court  
16                  cases being 26CR-19-84 - that was one Circuit  
17                  Court case where she was charged with a felony;  
18                  26CR-21-123 - that was a second Circuit Court case  
19                  where she was charged with a felony; and, 26CR-21-  
20                  531 - a third Circuit Court case where she was  
21                  charged with a felony. And you're gonna hear from  
22                  her bondsman who contracted with her to make a  
23                  bond on each of those three cases so that she  
24                  could be lawfully set at liberty and remain out on  
25                  a bond while those cases were pending.

1           And so you're gonna hear the phrase  
2 throughout this trial out on bond, especially when  
3 you hear from that bondsman. And if you're not  
4 familiar with it, it's a common legal phrase that  
5 we lawyers and judges use pretty often and it's  
6 representing that the bondsman and the person who  
7 is out on bond came to some kind of contractual  
8 agreement where essentially the bondsman agrees to  
9 ensure that person's appearance in court and the  
10 bondsman agrees that if they don't assure that  
11 person's appearance in court, they will be  
12 responsible for the debt of the amount of that  
13 bond. And so you're gonna hear the bondsman and  
14 he's gonna explain some more of the particulars  
15 about that and he's gonna explain the three  
16 contracts he entered into with this Defendant, Ms.  
17 Courvelle, to allow her to then be set at liberty  
18 with the condition that he would assure and do his  
19 best to assure, but with the condition that she  
20 appear at a later specific time, place in court to  
21 see to those matters that were pending in Circuit  
22 Court, those three separate Circuit Court cases  
23 that I read to you. So you're gonna hear that  
24 evidence.

25           And then the second element that we have to

1 prove is that she was ordered to appear at that  
2 time and failed to appear without a reasonable  
3 cause. And I want to assure you all right now  
4 that you're not gonna hear any evidence that she  
5 didn't appear because she was hospitalized or was  
6 mowing lawns in order to make a paycheck - some of  
7 the examples we discussed in jury selection - and  
8 that that's why she had some reasonable excuse for  
9 not appearing.

10 The evidence that you're gonna hear is that  
11 on July 25<sup>th</sup> of 2023, she appeared in Circuit Court  
12 for those three separate matters and in those  
13 three separate matters you're gonna hear that she  
14 was ordered to appear back almost thirty days  
15 later. She was ordered to appear back on August  
16 22<sup>nd</sup> of the same year, 2023. So just a little bit  
17 less than thirty days later. You're gonna hear  
18 that she was given that notice to appear in person  
19 and you're actually gonna be provided  
20 documentation like we talked about in jury  
21 selection, what documentation is there. You're  
22 gonna see the documentation that she was provided  
23 on July 25<sup>th</sup> ordering her appearance back on those  
24 three Circuit Court matters for August 22<sup>nd</sup>.  
25 You're gonna see that she signed that

1 documentation acknowledging those dates and  
2 acknowledging when she was required to appear  
3 next.

4           Then you're going to hear evidence that on  
5 August 22<sup>nd</sup>, 2023, in Circuit Court when those  
6 three cases were called and when her name was  
7 called she did not appear. But not only that,  
8 you're not gonna hear evidence that she appeared  
9 again the next day or that she appeared again a  
10 few days later, a few weeks later. Somebody  
11 talked in jury selection about letting the court  
12 know and coming back the next day or coming back a  
13 few days later as soon as you're able to appear.  
14 I think we were talking about if you're  
15 hospitalized or you have work or something like  
16 that or your child is sick one of the jurors said  
17 then you would appear again as soon as you're able  
18 to.

19           You're gonna hear evidence in this case that  
20 not only her bondsman began looking for her and  
21 began trying to reach out to her almost  
22 immediately calling her, going by the address that  
23 was listed on that bonding contract. That  
24 contract that the bondsman has with the individual  
25 who's set at liberty contains all their personal

1 information, their address, so that the bondsman,  
2 if he ever can't find that individual, can go and  
3 look for her. He began doing all those things.  
4 He began looking everywhere he could for her  
5 trying to locate her. This went on for months.

6 Eventually her bondsman you're gonna hear had  
7 to enlist the help of the Garland County Sheriff's  
8 Department because he could not find her despite  
9 all of his best efforts to reach out to her. He  
10 enlisted the help of the Garland County Sheriff's  
11 Department who also began then looking for Ms.  
12 Courvelle, the Defendant. They couldn't find her  
13 for quite some time. They put investigators on  
14 the matter to try to search for her.

15 And it was not until February of 2024 - the  
16 date she was supposed to appear in court was  
17 August 22<sup>nd</sup> of 2023 - it was not until February of  
18 2024, when the Garland County Sheriff's Department  
19 criminal investigations division executed a search  
20 warrant upon an address where they had reason to  
21 believe after much investigation - where they had  
22 reason to believe she may be at - that they  
23 entered that residence and located her and were  
24 able to bring her back before the court. That is  
25 the nature of this particular failure to appear

1 and you're gonna hear from the captain of the  
2 investigations division at the Sheriff's  
3 Department who began helping the looking for Ms.  
4 Courvelle. You're gonna hear about the different  
5 locations that they had to surveil in order to  
6 find her. You're gonna hear about how many days  
7 and hours and different deputies had to actually  
8 surveil these locations in order to look for her.

9 You're gonna hear about the bondsman and all  
10 the attempts that he made. As a bondsman he's  
11 gonna tell you about some of the investigation  
12 tools that he has. While he's not a law  
13 enforcement officer, he does have access to  
14 investigation tools that regular citizens wouldn't  
15 have and how he utilized those to try to locate  
16 her. And you're going to hear about everything  
17 that went on between August and February to try to  
18 secure Ms. Courvelle's appearance back in Circuit  
19 Court.

20 So this is not a case of coming back the next  
21 day. This is not a case of an emergency happened  
22 and it's a failure to appear for twenty-four  
23 hours, forty-eight hours. This is a case that I  
24 expect you're gonna hear about Ms. Courvelle not  
25 appearing in court for more than six months until

1 she was brought back by the Sheriff's Department.

2 At the end of the case it will be your duty  
3 to determine whether we've proven beyond a  
4 reasonable doubt that in each of those three  
5 separate cases she was lawfully set at liberty  
6 upon a condition that she reappear, that she was  
7 given notice of when to appear, and that she  
8 failed to appear without a reasonable excuse for  
9 six-plus months until her appearance was secured  
10 by law enforcement officers. And at the end of  
11 the trial once you've heard all that evidence I'll  
12 ask you to find her guilty of failing to appear in  
13 those three matters.

14 THE COURT: The Defense may open.

15 **OPENING STATEMENT OF THE DEFENSE**

16 BY MR. BECKHAM: May it please the court,  
17 Ladies and Gentlemen of the Jury, the two  
18 elements, there's only one contesting element that  
19 we're challenging. We'll acknowledge that Ms.  
20 Courvelle had cases pending. She was ordered to  
21 appear in court on the 22<sup>nd</sup> of August of 2023. The  
22 instruction is whether or not there was a  
23 reasonable cause for not appearing. Reasonable  
24 excuse, reasonable cause.

25 The State's asserted that there's not gonna

1 be an allegation of a medical emergency and I  
2 don't think that's gonna be true. I think the  
3 testimony and evidence will be that she notified  
4 the court the day before via fax that a child or  
5 family member of hers had been in a car wreck in  
6 Dallas and was in the ER and she sent it the day  
7 before. There was not a continuance granted and  
8 a bench warrant was issued.

9 I think the State is gonna focus on after the  
10 fact what was her consciousness, why did she not  
11 contact me, why did she not honor the bench  
12 warrant that was served. I can tell you you're  
13 gonna hear some testimony more than likely I  
14 anticipate it from Ms. Courville herself how she  
15 is a what you would consider an American National.  
16 She challenges the jurisdiction of the court over  
17 her and that is part of the reason why she did not  
18 honor the bench warrant. She did, however, honor  
19 the notice to appear. We talked about with Mr.  
20 Holzman earlier, she did what she thought was  
21 right. She went to take care of a family member  
22 and she notified the court and the court or the  
23 Prosecutor, whoever, elected not to honor her  
24 request for a continuance and they issued a bench  
25 warrant for her. You ultimately have to decide



1 sitting and standing in right now?

2 A Yes, ma'am.

3 Q Okay. And what are your duties as a deputy circuit  
4 clerk in the criminal division?

5 A I issue warrants, I open new cases, I have to attend  
6 court and take notes.

7 Q Let's talk about the days that you actually have to  
8 attend court. When you attend court, what are you doing  
9 and what are your duties?

10 A I take notes and I write out notices that the Defendant  
11 and the attorney has to sign off on for the Defendant's  
12 next court date.

13 Q Okay. So when you say you write out notices, how do  
14 you go about doing that?

15 A I would go ahead and write the date and the time that  
16 the Defendant would need to show up for their next  
17 appearance. It's on carbon copy paper and then I would  
18 hand it to the attorney, the attorney would sign off on it  
19 and also the Defendant and I would get the originals and  
20 the Defendant and the attorney would get their own copy.

21 Q Okay. So this is a carbon copy that sounds like it has  
22 three separate copies on it that kind of tear off?

23 A Yes, ma'am.

24 Q Okay. And if I'm thinking of sort of the carbon copy  
25 I'm used to it's like usually pink or yellow, something

1 like that, different colors?

2 A Yes, ma'am.

3 Q Okay. And so what information do you put on those  
4 written notices that the Defendant and their attorney wind  
5 up signing?

6 A It would be the date and the time. The name of the  
7 Defendant and the case numbers are already on there.

8 Q Okay. And is this standard practice for you anytime  
9 you're having a day where you attend court and you're  
10 taking notes and all these other things? Is this something  
11 that you regularly do?

12 A Yes, ma'am.

13 MS. BORNHOFT: May I have permission to  
14 approach the witness, Your Honor?

15 THE COURT: You may.

16 MS. BORNHOFT CONTINUING:

17 Q I'm going to hand you what I've just marked for  
18 identification as State's Exhibit 1. Do you recognize this  
19 document?

20 A Yes, ma'am.

21 Q How do you recognize it?

22 A It is a notice that I marked the disposition, the date  
23 and the time on.

24 Q How can you tell that you marked that?

25 A My handwriting.

1 Q Okay, you recognize your handwriting on that document?

2 A Yes, ma'am.

3 Q And who does that pertain to?

4 A Sherrel Courvelle.

5 Q And is that a fair and accurate copy of the notice that  
6 you wrote out for Ms. Courvelle?

7 A Yeah.

8 Q Even though it's not the original, is that a fair copy?

9 A Yes, ma'am.

10 MS. BORNHOFT: The State would move to admit  
11 Exhibit 1.

12 THE COURT: Any objection?

13 MR. BECKHAM: No, Your Honor.

14 THE COURT: Be admitted.

15 **(STATE'S EXHIBIT 1 INTRODUCED AND ADMITTED**  
16 **INTO EVIDENCE WITHOUT OBJECTION)**

17 MS. BORNHOFT CONTINUING:

18 Q And so looking on this copy of the notice, can you tell  
19 what date that was written on?

20 A It was written on July 15<sup>th</sup> of '23.

21 Q Okay. And it's kind of hard to tell, can you tell if  
22 that's July 15<sup>th</sup> or July 25<sup>th</sup> or -

23 A It could be the 25<sup>th</sup>.

24 Q Okay, it looks like there's some overlapping writing?

25 A Yes, ma'am.

1 Q And what other information is contained on there?

2 A The Defendant's name, the case number.

3 Q Can you read the case or case numbers?

4 A Yes, 19-84, 21-123, and 21-531.

5 Q And do each of those numbers represent its own Circuit  
6 Court case number?

7 A Yes, ma'am.

8 Q What other information is on there?

9 A It has the next court setting which is the disposition  
10 hearing, the time of 1:30, and the next court date of 8-22  
11 of '23.

12 Q Okay. And is the Defendant's signature on there?

13 A Yes, ma'am.

14 Q And is there an attorney's signature on there?

15 A Yes, ma'am.

16 Q And do those signatures take place in person in the  
17 courtroom?

18 A Yes, ma'am.

19 Q And so the copy that you wind up providing - the copy  
20 that you have from that carbon copy, does it have the  
21 signatures -

22 A Yes, ma'am.

23 Q - before they leave?

24 A Yes.

25 Q Why is it that the different case numbers are all

1 contained on one notice sheet?

2 A More or less for convenience for the Defendant, just so  
3 it's all together.

4 Q As opposed to having say three different pieces of  
5 paper to keep up with, it's just the one?

6 A Yes, ma'am.

7 Q So from this document, State's Exhibit 1, what are you  
8 able to tell?

9 A I'm able to tell that the Defendant signed off as well  
10 as the attorney and that she was supposed to appear for her  
11 next court date on August 22<sup>nd</sup> of '23 at 1:30 I believe for  
12 a disposition hearing.

13 Q Thank you.

14 MS. BORNHOFT: Nothing further.

15 THE COURT: Cross.

16 **CROSS EXAMINATION**

17 BY MR. BECKHAM:

18 Q Good morning, Ms. Dorman, how are you?

19 A Good, how are you?

20 Q I'm good. A couple of questions. You said based on  
21 that notice you could tell that the Defendant had signed  
22 it. Were you standing with us when the Defendant had  
23 opportunity to sign that notice?

24 A Was I standing?

25 Q Were you standing next to Ms. Courvelle when she had

1 opportunity to sign?

2 A No.

3 Q Is it very common practice that you sit over there and  
4 I take it upon myself to either bring it to this podium or  
5 I bring it over to the door and have her sign?

6 A Yes, sir.

7 Q I'm only splitting hairs there. You didn't actually  
8 see her sign the signature, but presumably that is her  
9 signature on the notice, correct?

10 A Correct.

11 Q And presumably that's mine as well?

12 A Yes.

13 Q You're probably more familiar with mine than hers?

14 A Yes.

15 Q And you said you're the deputy clerk for Division IV,  
16 the criminal division IV. Let me ask you, I know, is it  
17 fair to say most filings of any kind of pleadings they're  
18 done electronically mostly now, are they not?

19 A Yes.

20 Q Okay. If someone comes in and wants to file something  
21 not electronically, but just wants to file it with the  
22 clerk for Division IV criminal docket, are you the one that  
23 would have to file-mark it or could any of the deputies do  
24 it on your behalf?

25 A Typically they would bring it back to the criminal

1 department and I would file it or my coworker.

2 Q Okay.

3 MR. BECKHAM: May I approach, Your Honor?

4 THE COURT: You may.

5 MR. BECKHAM CONTINUING:

6 Q Ms. Dorman, I'm handing you a document. If you'd look  
7 over that for just a second. It's a Xerox copy so you can  
8 tell there's a sticky note that's unrelated to the issue at  
9 hand, but do you recognize the time stamp on the top right  
10 corner?

11 A I do.

12 Q What is that?

13 A That is an electronically filed stamp copy.

14 Q Okay. Does it also kind of show very faintly a  
15 traditional file mark where it says filed?

16 A Yes.

17 Q So in this case if it's something that's related to a  
18 criminal case in Division IV would you be the individual  
19 that would have file marked that?

20 A It would either be me or the other criminal division.

21 Q Okay. Does it appear to be altered in any way or is  
22 that a pretty standard, that file mark?

23 A That's standard.

24 Q Okay.

25 MR. BECKHAM: Your Honor, I'd like to

1 introduce as Defendant's 1.

2 THE COURT: Any objection?

3 MS. BORNHOFT: No.

4 THE COURT: It'll be admitted.

5 **(DEFENDANT'S EXHIBIT 1 INTRODUCED AND**  
6 **ADMITTED INTO EVIDENCE WITHOUT OBJECTION)**

7 MR. BECKHAM CONTINUING:

8 Q And can you basically read that briefly and explain to  
9 the jury what that document is stating?

10 A It looks as Ms. Courvelle is requesting a continuance  
11 for court for August 22<sup>nd</sup> of '23 at 1:30.

12 Q Does it say why?

13 A Her son totaled his truck and is in the ER near Dallas  
14 and her granddaughter has to be picked up ASAP.

15 Q And what's the date and time exactly of the file mark?  
16 I know there's some writing over it, but -

17 A It looks like August 21<sup>st</sup> of '23.

18 Q And that would be the day before her required court  
19 date?

20 A Yes.

21 Q And does it have a time stamp on the top left corner  
22 for a facsimile like when it was faxed over?

23 A Yes, it looks like it's again August 21<sup>st</sup> of '23.

24 Q All right.

25 MR. BECKHAM: Thank you.

1 THE COURT: Redirect?

2 MS. BORNHOFT: No, Your Honor.

3 MR. BECKHAM: I'd like to publish if I could,  
4 Your Honor?

5 MS. BORNHOFT: No objection, Your Honor.

6 THE COURT: You may.

7 (DEFENDANT'S EXHIBIT 1 WAS PUBLISHED AT THIS  
8 TIME)

9 THE COURT: May this witness be excused?

10 MS. BORNHOFT: Yes.

11 MR. BECKHAM: Yes, for the Defense, Your  
12 Honor.

13 THE COURT: You may step down.

14 (WHEREUPON, THIS WITNESS WAS EXCUSED)

15 THE COURT: Call your next witness.

16 MS. BORNHOFT: The State calls David Jones.

17 WHEREUPON,

18 **DAVID JONES,**

19 **HAVING BEEN FIRST DULY SWORN, TOOK THE WITNESS STAND AT THE**  
20 **INSTANCE OF THE STATE, AND TESTIFIED AS FOLLOWS, TO-WIT:**

21 **DIRECT EXAMINATION**

22 BY MS. BORNHOFT:

23 Q Good morning, Sir.

24 A Morning.

25 Q Could you please introduce yourself to members of our

1 jury.

2 A My name is David Jones.

3 Q How are you employed?

4 A Right now I'm an officer with the Hot Springs Village  
5 Police Department.

6 Q Okay. Prior to that how were you employed?

7 A I was the bailiff in Division IV Circuit Court here.

8 Q Okay, and is that this very courtroom we're in?

9 A It is. Yes.

10 Q All right. Can you tell the jury just a bit about how  
11 long you were the bailiff here in Division IV and what your  
12 duties were as the bailiff?

13 A I started in July of 2019, so almost five years I was  
14 here and the bailiff's main job is the safety of the Judge.  
15 Keep the Judge safe and the jury safe when we're having a  
16 jury trial and keep order in the courtroom. And like  
17 during docket call days, we basically take roll at the door  
18 of who's in the courtroom and who hasn't shown up.

19 Q Okay, so when you say on a docket call day, what is a  
20 docket day?

21 A So a docket call day is we'll see anyone that's been  
22 charged with a felony that needs to appear before the Judge  
23 and it'll be anywhere from forty to eighty people in one  
24 day. You know we'll do the jail in the mornings and then  
25 we'll see the people that's been bonded out here in the

1 afternoon.

2 Q Okay, so typically the people who are on bond are seen  
3 in the afternoon on those days?

4 A Correct.

5 Q Okay. And so in the afternoon on days when you have a  
6 docket with people who are out on bond, what are you doing  
7 as people are coming in and out of the courtroom as the  
8 bailiff?

9 A So I have a copy of the docket for the day and as  
10 they're coming in they'll check in with me and I'll write  
11 down that they're here. You know I'll check them in and  
12 just have them have a seat and that way I've got a list of  
13 who's here and who's not.

14 Q Okay. And when you say you have a list of who's here  
15 and who's not, what do you do typically when there's  
16 somebody who's not there?

17 A Well I really don't do anything until the Judge tells  
18 me to. She'll go through her docket as she calls each  
19 person up. If she gets to one that has not appeared she  
20 will sound the courtroom two or three times loudly. If no  
21 one answers she'll ask me to call the hall. I'll go out in  
22 the hallway and sound the hall loudly. I'll say their name  
23 three times and I will go around the corner and say their  
24 name loudly down the stairwell in case they're on the  
25 second floor or something, you know just to make sure if

1 they're anywhere close they hear me. And if there's no  
2 response I'll come back in the courtroom and tell the Judge  
3 that there was no response in the hall.

4 Q And is that sort of step-by-step process essentially  
5 the same thing that happens every time there's somebody  
6 called who's not there?

7 A Correct. Every single time same thing.

8 Q Okay. And so on August 22<sup>nd</sup> of 2023, I will direct  
9 your attention to that day, was that one of these docket  
10 days?

11 A It was.

12 Q And would there have been this afternoon court that  
13 you're talking about?

14 A Correct, yes ma'am.

15 Q And was there somebody by the name of Sherrel  
16 Courvelle who was on your list for appearing that day?

17 A Yes, ma'am.

18 Q And do you recall whether she appeared?

19 A She did not.

20 Q What happened when her name was called out in the  
21 courtroom?

22 A The same process. The Judge got to her on the docket,  
23 sounded her name loudly in the courtroom three times - two  
24 or three times - and asked me to call the hall for her so I  
25 went in the hall, sounded her name loudly three times. I

1 may have actually said it four that day just to make sure  
2 everyone heard me. And I come back in and told the Judge  
3 that there was no response in the hall.

4 Q And do you know approximately what time that would've  
5 been?

6 A It's gonna be around 2:30, 2:40.

7 Q Okay. And we have in evidence State's Exhibit 1  
8 which is a notice to appear. Have you seen those before?

9 A Yes, ma'am.

10 Q And it states on it that she's to appear at 1:30 p.m.

11 A Correct.

12 Q When you have these docket days generally speaking, is  
13 everybody set to appear at one time or does everybody have  
14 their own individual time?

15 A They're all set to appear at one time. They're set at  
16 1:30, but you know as she starts and works through the  
17 docket it may take a little while to get to each person.

18 Q Okay. So even though they're all set to appear at  
19 1:30, fair to say they may be there for an hour, couple of  
20 hours, however long it takes to get to them?

21 A Yes, ma'am.

22 Q Okay. Was it - at the time that you were the bailiff,  
23 was it the practice for these call-outs in the hallway that  
24 you would do to happen right at 1:30 or would you typically  
25 give people a little bit more time to see if they were

1 gonna show up?

2 A We would give them more time, and you know, they were  
3 scheduled to be here at 1:30. Court did not always start  
4 at 1:30. You know if the attorneys were wanting to talk to  
5 their clients or something like that we would - you know,  
6 it generally didn't start until closer to 2:00 so that gave  
7 them a little time. Plus, like I said, as you work through  
8 the docket that puts it further and further in the  
9 afternoon.

10 Q And so what would happen if say somebody was scheduled  
11 to appear for 1:30 but they came running in at 2:30  
12 instead? What would you do?

13 A At that point if they came in at 2:30 and they had  
14 already been called and they failed to appear when they  
15 were called I would take them into custody. I would set  
16 them in the jury box and let the Judge know that they were  
17 here and she would - you know, we would go from there. She  
18 would call them back up and I would go over what she wanted  
19 me to do.

20 Q Okay. And did Ms. Courvelle ever appear that day  
21 during this afternoon docket call?

22 A She did not.

23 Q Do you remember if Ms. Courvelle was ever eventually  
24 brought back before this court?

25 A I do not. I know that eventually she was taken into

1 custody, but I don't know - I was already gone when she had  
2 her appearance, so.

3 Q Okay. Okay, so you had actually moved to the new  
4 position?

5 A Yes, ma'am, I had already - yes, ma'am.

6 Q Okay.

7 MS. BORNHOFT: I'll pass the witness.

8 THE COURT: Cross.

9 MR. BECKHAM: Just briefly, Your Honor.

10

11

**CROSS EXAMINATION**

12 BY MR. BECKHAM:

13 Q Good afternoon, Officer. Good to see you.

14 A You too.

15 Q Just a couple of very quick questions. You were doing  
16 this for about five years. Basically common practice you  
17 stand at the door with a list of the Defendants that were  
18 scheduled to show up in the afternoon.

19 A Correct.

20 Q Was it fairly common to have that list modified due to  
21 continues filed by Defense counsel at last minute?

22 A It is common for it to be modified, but by the time I  
23 received my list it had already been modified usually so it  
24 was pretty close.

25 Q Okay. But it - and would it be fair to say was it

1 just a courtesy kind of given to attorneys because of their  
2 professional status that when they file continuances  
3 they're more likely to be honored as opposed to a pro se  
4 litigant?

5 A Right, yes sir.

6 MR. BECKHAM: That's all I have.

7 THE COURT: Any redirect?

8 MS. BORNHOFT: No, Your Honor.

9 THE COURT: May this witness be excused?

10 MS. BORNHOFT: Yes.

11 THE COURT: You may step down.

12 (WHEREUPON, THIS WITNESS WAS EXCUSED)

13 THE COURT: All your next.

14 MS. BORNHOFT: Your Honor, may we approach?

15 THE COURT: Yes.

16 (AT BENCH DISCUSSION)

17 MS. BORNHOFT: I do expect this next witness  
18 to be a little bit lengthier. It is John Muldoon.

19 THE COURT: Do you want to break for lunch?

20 MS. BORNHOFT: I would appreciate that.

21 THE COURT: We'll start back at 1:15.

22 MR. BECKHAM: 1:15?

23 THE COURT: Yes.

24 (AT BENCH DISCUSSION CONCLUDED)

25 THE COURT: We'll start back at 1:15. We're

1 gonna be in recess before we take any more  
2 testimony so you can go to lunch or you can stay  
3 here and go in the jury room, but you are not to  
4 discuss the case and you are to leave the case in  
5 the box and keep your juror buttons on. Thank  
6 you. We'll be in recess.

7 (WHEREUPON, A LUNCH RECESS WAS TAKEN AT THIS  
8 TIME. THEREAFTER, ALL PARTIES RECONVENED IN OPEN  
9 COURT WHERE THE FOLLOWING PROCEEDINGS WERE HAD,  
10 TO-WIT:)

11 **OPEN COURT**

12 THE COURT: Bring in the jurors. The  
13 Defendant is present with counsel.

14 (THE JURY RETURNS TO THE JURY BOX AT THIS  
15 TIME)

16 THE COURT: All the jurors are present. Call  
17 your next witness.

18 MS. BORNHOFT: The State calls John Muldoon.

19 THE COURT: Please come forward over here.  
20 You may inquire.

21 MS. BORNHOFT: Thank you, Your Honor.

22 WHEREUPON,

23 **JOHN MULDOON,**

24 **HAVING BEEN FIRST DULY SWORN, TOOK THE WITNESS STAND AT THE**  
25 **INSTANCE OF THE STATE, AND TESTIFIED AS FOLLOWS, TO-WIT:**

**DIRECT EXAMINATION**1  
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BY MS. BORNHOFT:

Q Good afternoon, Sir.

A Good afternoon.

Q Could you please state your name to sort of introduce yourself to the jury.

A I'm John Muldoon. I'm the owner and president of H&H Bail Bonds.

Q Okay. And what is - for those of us who don't know, what is H&H Bail Bonds?

A H&H Bail Bonds is a state licensed surety to bond individuals out so that they appear in court. Make sure they're able to be released from custody until their time that they - their trial date in court.

THE COURT: Mr. Muldoon, will you pull that

mike to you so I can hear?

A Yes. (MICROPHONE IS ADJUSTED)

MS. BORNHOFT CONTINUING:

Q All right, so is it fair to say that one of your titles as well as well owner and president is that you're a bondsman as well?

A Yes. Yes, ma'am.

Q Okay, so kind of - can you please just walk the jury through what it means to be a bondsman and when you say that you act as a surety to ensure that somebody appears in

1 court, what does that really mean? What kind of  
2 relationship is it that you have with these people who are  
3 on bond?

4 A Okay, so when an individual is arrested and placed into  
5 custody the court sets a monetary amount to guarantee that  
6 that person makes their appearances in court if they choose  
7 to bond out or try to get released prior to their trial.  
8 The State of Arkansas licensed myself and my company in  
9 order to perform that function. So when an individual is  
10 incarcerated they reach out to us as the surety. It's a  
11 financial relationship between the two and then our  
12 obligation at that time is our bond is our contract with  
13 the court that we turn in at the time of their release in  
14 order for that individual to appear for all their  
15 subsequent court appearances.

16 Q And why would somebody who is arrested and incarcerated  
17 if they want to bond out, why would they reach out to you  
18 as opposed to just posting that bond themselves?

19 A Most occasions the bond amount itself the individuals  
20 aren't able to post the face amount of the bond so when  
21 they reach out to us our obligation, our job is that we can  
22 post that amount for them. We work a lot like a bank I  
23 guess is the best way to describe it. We loan that money  
24 to that individual, they pay us ten percent for that loan.  
25 The only obligation they have for repayment of that is to

1 make all their court appearances. Once that has occurred,  
2 their case has been adjudicated, then their bond is then  
3 exonerated and their obligation is void at that point in  
4 time.

5 Q So just to make sure I understand it, if somebody  
6 can't afford the full amount that the court sets their bond  
7 at but they can afford - did you say ten percent?

8 A Ten percent, yes.

9 Q Ten percent of it, then you cover the rest of that cost  
10 for them so that they can still be released and not have to  
11 stay in jail?

12 A Right. We have a CD put up with the state that we  
13 work against.

14 Q What does that mean?

15 A We have money deposited with the State of Arkansas  
16 so that we're able to perform this function.

17 Q Okay. And do you and H&H Bail Bonds, do you post  
18 misdemeanor as well as felony bonds?

19 A Yes.

20 Q Does it make any difference to you or is the contract  
21 the same regardless as far as their obligation?

22 A The contract is the same regardless.

23 Q All right. Are you familiar with a Sherrel Courvelle?

24 A Yes.

25 Q How?

1 A We bonded Ms. Courvelle out.

2 Q On one case or something else?

3 A I actually had - we had posted three bonds on Ms.  
4 Courvelle.

5 Q Okay. And so in each of those instances was it the  
6 same thing that you just described where in each instance  
7 she was incarcerated and worked with you in order to be  
8 released and post that amount?

9 A Yes.

10 Q Okay. Were each of those bonds associated with a  
11 separate case?

12 A Yes, I believe they were.

13 Q And do you know whether those cases, each of them, were  
14 felony or misdemeanor - without getting into the specific  
15 charges whether they were felony or misdemeanor cases?

16 A I believe their were felonies.

17 Q Okay. What happens generally speaking if somebody  
18 fails on that obligation that they have to you after you've  
19 posted their bond and they've been released if they don't  
20 show up in court? What happens then as far as your role as  
21 their bondsman?

22 A Okay, at that time upon them failing to appear, the  
23 court issues a summons to show cause on us as surety to  
24 appear before the court and provide an explanation as to  
25 why that individual did not appear on the day that was set

1 by the court.

2 Q So then a court actually asks you to explain that  
3 failure to appear?

4 A Yes.

5 Q Okay. What happens if you can't do that?

6 A Under state law the court has seventy-five days before  
7 they can forfeit the bond. They have the ability - the  
8 court has the discretion to extend that time, but a  
9 seventy-five day minimum before that bond can be forfeited  
10 which means that the payment for the face amount of the  
11 bond would be made to the court.

12 Q So in a typical instance somebody that you posted their  
13 bond fails to appear in court and it's up to you to explain  
14 their absence to the court what do you spend that seventy-  
15 five days trying to do?

16 A During that time frame I immediately start trying to  
17 contact the Defendant in the case or our bondee and trying  
18 to get an explanation as to what's going on to have an idea  
19 of what's happening. If I'm not able to get in contact  
20 with that person, then my perspective changes towards  
21 apprehending them and getting them placed into custody so  
22 that the bond does not become a forfeited action.

23 Q Okay. So you're saying at first you try to just get  
24 in contact with them. What happens if you do get in  
25 contact with them after they fail to appear?

1 A In most instances the individual ends up having to go  
2 back into custody and then we work towards trying to, you  
3 know, get them back released again.

4 Q But you said if you're unable to contact them you  
5 start focusing on apprehension?

6 A Yes, ma'am.

7 Q Why is that?

8 A So that the face amount of the bond isn't forfeited by  
9 the court and the state.

10 Q Do you start focusing on apprehension only once you're  
11 sort of unable to make contact with your bondee?

12 A Yes.

13 Q Okay. So let's go back to August of 2023, about a  
14 little more than a year ago. Did you become aware of Ms.  
15 Courvelle failing to appear for a court date?

16 A Yes.

17 Q How did you become aware of that?

18 A I received notice from the court that on that day she  
19 had failed to appear.

20 Q Is that standard that the court provides the bondsman  
21 notice when somebody fails to appear?

22 A Yes, ma'am, that is the show cause action and then it's  
23 served upon us as the surety on the case.

24 Q How is it served upon you?

25 A By certified mail.

1 Q Okay, so you get something in the mail saying this  
2 individual who you're on their bond didn't come to court?

3 A Yes.

4 Q So when you got this information about Ms. Courvelle,  
5 what did you begin doing?

6 A I believe in this instance our first thing was we  
7 reached out to some of the indemnitors on the case which  
8 would be other individuals that had helped guarantee the  
9 face amount of that bond and tried to reach out to Ms.  
10 Courvelle and we was unable to get in contact with her.

11 Q So let me ask you a few other questions. When you  
12 enter into one of these contracts with somebody to post  
13 their bond so that they can be released pending their  
14 charges, what type of information do you make sure to  
15 gather about them before you post their bond?

16 A I try to get all their personal information as far as  
17 address, phone numbers, their date of birth, social  
18 security, next of kin, friends, family, and also the  
19 individual that helps to indemnify the bond which is a  
20 guarantor on the bond.

21 Q If they are employed, do you try to find out their  
22 place of employment?

23 A Yes.

24 Q What is the purpose of gathering all of this personal  
25 information about them?

1 A To be able to locate that individual in case a  
2 situation like this occurs.

3 Q Okay.

4 A Or to just simply notify them of a change in court  
5 appearances or anything like that that we may be notified  
6 by the court.

7 Q So if somebody's court appearance is changed, that  
8 also falls on you to notify that person if you're the one  
9 on their bond?

10 A I take an active role in trying to notify that  
11 individual because of the risk of the bond being forfeited.

12 Q Okay. In Ms. Courvelle's case was this a situation,  
13 are you aware, where her court date had changed or -

14 A No, ma'am.

15 Q Okay. So did you have all that information that you  
16 listed - address, phone number, date of birth, next of kin,  
17 social security, employment, all that stuff that you make  
18 sure to have about somebody when you post their bond, did  
19 you do your best to have all of that regarding Ms.  
20 Courvelle when you posted her three bonds?

21 A Yes.

22 Q And so you said that when she failed to appear you  
23 started reaching out. Did you call her?

24 A Yes.

25 Q Did she answer?

1 A That would have been our first step in trying to get in  
2 contact with her.

3 Q Okay. Did she ever answer?

4 A No, I did not get an answer from her. To my best  
5 recollection.

6 Q Okay. Do you remember if she ever returned your call?

7 A From the time she failed to appear I do not believe we  
8 had any contact with her until she was apprehended.

9 Q Okay. So let's jump forward for a minute. When was it  
10 that she was apprehended?

11 A It was February of this year. I believe February 29<sup>th</sup>.

12 Q And so to your recollection between August when she  
13 failed to appear and February you did not have contact with  
14 her?

15 A No.

16 Q So can you walk the jury through what other attempts  
17 you made. I know you said that you tried to reach out to  
18 her personally via phone. Did you try to go to her  
19 address?

20 A I went to the address that we had on her contract of  
21 I believe - I can give you the exact address - the 249  
22 Nathan Terrace. We had went out there. I didn't actually  
23 go up to the address itself. We went to that area. There  
24 was no vehicles there that we could see at the time. Spoke  
25 to some of the neighbors to try to get an idea. There was

1 a business out in that area, a rehab I believe it is. I  
2 spoke to some of the employees there to see if they'd seen  
3 Ms. Courvelle.

4 Q Okay. Were you able to gain any information about her  
5 whereabouts from going out there to Nathan Terrace?

6 A Just that there had been some individuals coming back  
7 and forth from the property, but I don't think they - they  
8 had never seen Ms. Courvelle personally at that time.

9 Q Okay. So what did you do next to continue your search  
10 for Ms. Courvelle?

11 A I started reaching out to some investigative services  
12 that I use. We went through the process of doing a  
13 technology search is what I'd call it for lack of better  
14 terms and was able to get some more updated information on  
15 her.

16 Q And when you say investigative services, what do you  
17 mean by that?

18 A It's not a private investigator per se. It's a company  
19 that they specialize in computer searches, things of that  
20 nature like that where they can get email information and  
21 go through the process of getting IP addresses which is  
22 basically it's an address for data, for all practical  
23 purposes and then they can give us a GEO location on where  
24 that is located.

25 Q Okay. Did you get any leads about Ms. Courvelle's

1 location after reaching out to that company?

2 A One of the addresses that came up in the search was an  
3 address inside Hot Springs Village.

4 Q Was that an address that you had in your records as  
5 being listed for Ms. Courvelle from when you contracted  
6 with her?

7 A I don't believe it was.

8 Q Okay. So what was the address that she had provided to  
9 you in the three cases that you had posted her bond on?

10 A I believe it was the 249 Nathan Terrace on all three of  
11 those.

12 Q Okay. And what was the location that came up from the  
13 company's data search?

14 A It was 8 Cevico Lane in Hot Springs Village.

15 Q Okay. So what did you begin doing after you got that  
16 address from them as a possible lead?

17 A Well the first thing I did is I got in contact with  
18 the Village Police Department and spoke to them, if they  
19 had - because that's a manned gate - if they had seen Ms.  
20 Courvelle coming in or out of the Village itself. That  
21 location is not that - the distance from the 249 Nathan  
22 Terrace is not that far.

23 Q Okay.

24 A So I knew she was in that Jessieville area - or I  
25 assumed she was in that Jessieville area at that time.

1 They had received calls - the Village PD had stated that  
2 they had received calls, but they had not been able to get  
3 her apprehended and they had been by that address. That  
4 was provided to them. I was unsure how it was, but that  
5 address was provided to them and they had been checking it  
6 regularly.

7 Q Now let me ask you this: As a bondsman, you talked  
8 earlier about how if somebody fails to appear you start  
9 trying to apprehend them. What authority do you have  
10 unless it's by the State of Arkansas to apprehend somebody  
11 who is actively failing to appear on one of your bonds?

12 A Well actually our authority comes from old Federal  
13 case law, *Taylor vs. Taintor*.

14 Q Okay.

15 A Which basically gives us - it gives us the authority  
16 to take that individual back into custody at any time that  
17 we deem that our financial obligation is in jeopardy.

18 Q Okay. So you're not a law enforcement officer, you're  
19 not a police officer, but you do have the authority if you  
20 feel that your bond is in jeopardy to take that person back  
21 into custody?

22 A Yes.

23 Q Okay. And we've probably all seen the television  
24 shows where bondsmen go out and sort of do those kind of  
25 things -

1 A Yes.

2 Q - but you're -

3 A Which is not an accurate depiction of what occurs.

4 Q Not accurate, all right. And so what did you do next  
5 after contacting the Village PD to try to keep on working  
6 on locating Ms. Courvelle?

7 A We started trying to watch that address and making  
8 attempts to go by there to see what kind of activity that  
9 we could see at that address itself also.

10 Q How often were you trying to watch that location?

11 A I was going through there personally about every third  
12 day me personally, driving through there taking time to  
13 just sit and see what I could see going on at that address.

14 Q Okay. And you mentioned earlier that you never  
15 approached the residence on Nathan Terrace, that you went  
16 by it but you didn't actually go up to the house?

17 A Yes.

18 Q Why not?

19 A I just didn't see any activity or anything that made  
20 me believe that there was somebody in that address.

21 Q Okay.

22 A I don't wanna say it looked abandoned, but it did not  
23 look like there was a lot of activity there at that time.

24 Q Okay. Just in general in your practice as a bondsman  
25 looking for people who are maybe out on one of your bonds

1 and they're failing to appear, do you ever have a reason to  
2 try to conceal the fact that you're looking for an  
3 individual who's out on one of your bonds who is not  
4 appearing in court?

5 A Yes, I would say -

6 Q Why?

7 A Once I realize that they're not trying to cooperate  
8 with the situation, then I don't necessarily want to run  
9 them off from wherever they're at, I just need to find that  
10 location. I routinely try to get law enforcement involved  
11 on what I would call an apprehension of an individual so I  
12 try to make sure that they're where they're supposed to be  
13 prior to that point.

14 Q So it sounds like - correct me if I'm wrong - you focus  
15 on locating them, but so as to not scare them off from  
16 where they're at you actually then list help to actually  
17 apprehend.

18 A I do. I contact law enforcement. We're obligated  
19 under state law to contact them when we're actually in the  
20 process of looking for individuals or if we're setting up  
21 on houses, I guess you could say.

22 Q Okay.

23 A Monitoring them.

24 Q And so you didn't actually go up to the house on Nathan  
25 Terrace, but you said it pretty much looked abandoned.

1 What about the house 8 Cevico Lane, did you physically go  
2 up to that house and knock on the door?

3 A I never went up to that house to try to gain entry  
4 into that house. I was just trying to make sure there was  
5 activity there and there were vehicles that was coming in  
6 and out of that house.

7 Q Could you tell whose vehicles they were?

8 A I had seen at different times a truck that come up to  
9 that address and it looked like possibly there was some  
10 children that was getting in and out of that vehicle from  
11 where I was located.

12 Q Okay. Did you ever see Ms. Courvelle coming in or out  
13 of that address?

14 A I personally did not ever see her coming in or out of  
15 that address.

16 Q All right. So after going up there - now how long was  
17 it do you think that you were going up there about every  
18 third day and kind of surveilling this house?

19 A Quite often. I wanna say that -

20 Q For how long did that go on for?

21 A I would say it went on for several months.

22 Q Okay. Did anybody else with H&H Bonds also do that in  
23 reference to looking for Ms. Courvelle or was it just you?

24 A No, I had my agent, Rhonda Cravens, went to the  
25 location on I think three different occasions.

1 Q Okay.

2 A When she had that opportunity to go and I was tied up.

3 Q Okay. At any point in your looking for Ms. Courvelle  
4 over those several months did you wind up enlisting law  
5 enforcement's help?

6 A Yes, towards the end of it. I stayed in constant  
7 contact with law enforcement throughout this investigation  
8 to locate her. If we got any new information or we had  
9 individuals contacting us saying that she was at this  
10 address or that address, you know trying to work down those  
11 leads I guess is the best way to call them.

12 Q Okay. And I know you said it was towards the end; do  
13 you remember about when it would've been - what month or so  
14 that you would have enlisted their help in a more  
15 substantial way?

16 A It was in that February month. Once I felt like that  
17 I'd gotten enough information to where more and more that  
18 was the address that was coming up.

19 Q Okay.

20 A Was in the Village.

21 Q How did you sort of enlist their help? What did you  
22 need them to do to assist you in this process?

23 A I have the right-of-entry on any bondee that we bond  
24 out, especially if I have that address listed on the  
25 contracts that they have provided us at the time when

1 they're bonded.

2 Q But in this case it was a different address.

3 A This was a different address. You know I felt  
4 comfortable - I'd never actually seen her in there. I had  
5 several tips, if you will, to say that that was the address  
6 that she was at. I felt like there was enough activity for  
7 us to move forward and then I reached out to the Sheriff's  
8 Department.

9 Q Okay. And do you know if Ms. Courvelle was apprehended  
10 at that 8 Cevico address?

11 A Yes, I believe she was.

12 Q Were you there at the time?

13 A I was not at the time.

14 Q Were you notified?

15 A Yes.

16 Q Okay. Once you were notified that she had been  
17 located, do you have some kind of duty to bring her back  
18 before the court at that point?

19 A Once she's incarcerated or placed back into custody  
20 the court is made aware of that through the incarceration  
21 itself.

22 Q Okay. And I know you were telling us earlier about  
23 how generally when somebody first fails to appear the court  
24 has to give you seventy-five days to try to locate them and  
25 bring them back and they can extend it.

1 A Yes.

2 Q In Ms. Courvelle's case had you been before the court  
3 to try to explain her absence during this period where she  
4 was missing?

5 A Yes, I believe I've been before the court on two  
6 separate occasions prior to her being apprehended.

7 Q And when you go and appear before the court and some-  
8 body is still missing I think you said that either the  
9 court can forfeit that bond and that means you have to pay  
10 it or they can extend it?

11 A That's correct.

12 Q What did the court do on the occasions where you  
13 appeared in this period where you were still looking for  
14 her?

15 A The court granted us a continuance on both those  
16 occasions.

17 Q To allow you to keep looking for her?

18 A Yes.

19 Q Okay. So ultimately how long was it that you and your  
20 agent and with the help of law enforcement were looking for  
21 Ms. Courvelle?

22 A From the time of her failure to appear which is that  
23 August - I think it was 22<sup>nd</sup>, 23<sup>rd</sup>, until she was apprehended  
24 in February of 2024.

25 Q And aside from having to have law enforcement assist

1 you in apprehending her, was there anything you feel that  
2 you could've done that you did not do to try to get her to  
3 contact you consensually or willfully as far as any other  
4 way you could've reached out to her?

5 A No, I don't.

6 Q Okay. Do you feel like you made every effort to try to  
7 get ahold of her that you were able to do?

8 A Yes.

9 Q Okay. So did you ultimately have to forfeit the bond  
10 to the court or because she was secured were you able to  
11 avoid that?

12 A Once she was placed back into custody prior to  
13 judgment being entered to the court the court did not enter  
14 judgment against us.

15 Q Okay.

16 MS. BORNHOFT: Thank you.

17 THE COURT: Cross.

18 MR. BECKHAM: May I proceed, Your Honor?

19 THE COURT: Yes.

20 MR. BECKHAM: Thank you.

21 **CROSS EXAMINATION**

22 BY MR. BECKHAM:

23 Q Good afternoon, Mr. Muldoon, how are you?

24 A Good.

25 Q Good to see you. I've got just a - well, I keep saying

1 just a few questions and it ends up being more than a few.

2 A Sure.

3 Q I'm seeing there's three case numbers that you  
4 testified to that you bonded Ms. Courvelle out on. The  
5 first one is number 19-84 - 19 dash 84 in Division IV.

6 A Uh-hum.

7 Q Just for the jury's information, the first number,  
8 the nineteen, would be the year that it was filed - that  
9 information was filed in court, correct?

10 A That's correct.

11 Q So the other two were filed in '21, what I'm looking at  
12 is 21-123 and 21-531, is that correct?

13 A That's correct.

14 Q You've been doing this for a long time, Mr. Muldoon,  
15 is it generally a safe estimate that about nine hundred  
16 cases, give or take a few, have been filed per year in this  
17 county?

18 A I would say that's accurate.

19 Q So what I'm getting at is on the 19-84, that eighty-  
20 four number pretty much lets me know that that case was  
21 filed some time at the end of January or the first of  
22 February of '19, is that accurate to your knowledge?

23 A We actually bonded Ms. Courvelle out on that March 1<sup>st</sup>  
24 of '19.

25 Q Okay. So if it was filed in February she might've

1 sat in jail for thirty days and you bonded her out,  
2 correct?

3 A Perhaps.

4 Q And similarly, the one that's dated 21-123, that was  
5 probably around February or March of 2021, correct?

6 A We bonded - on that particular case we bonded her out  
7 January 29<sup>th</sup> of '21.

8 Q Okay. So they filed even more that year. What about  
9 the one that's dated 21-531, when did you bond her out on  
10 that?

11 A That was in June of 2021.

12 Q So based on the information I have right there, given  
13 that you bonded her out the last time was in June of 2021 -

14 A That's correct.

15 Q - you had history with her because you'd bonded her  
16 out twice previously. Did you have any other issues with  
17 her as far as making her court appearances, keeping in  
18 contact with you, that sort of thing? Or even paying her  
19 portion of what she owed you?

20 A Not to that point. Not until that August date.

21 Q And I'm going to back up just for a little bit. When  
22 you were explaining to Ms. Bornhoft you kept mentioning the  
23 word face amount of the bond.

24 A Yes.

25 Q I'm gonna simplify this a little bit. For example, if

1 someone is charged with a felony crime and say the bond is  
2 ten thousand dollars, that's the face amount that you're  
3 talking about, correct?

4 A That's correct.

5 Q You would guarantee to the court that full amount -

6 A Correct.

7 Q - and in exchange your profit would be that the  
8 Defendant would pay you ten percent of that bond, correct?

9 A Yes.

10 Q And if they come to court and their case gets disposed  
11 of you keep that ten percent and that's how you make a  
12 living?

13 A Yes.

14 Q Okay. If they don't show up for court and your time  
15 expires, you would have to pay the court in theory the full  
16 amount of the bond which would be the ten thousand dollars?

17 A That's correct.

18 Q That's the risk that you face?

19 A That's correct.

20 Q And you said you were the president and owner of H&H;  
21 you're not the only agent, correct?

22 A No.

23 Q You mentioned - I know you mentioned Rhonda Cravens.  
24 Do you have any other agents that work for you?

25 A Yes. I have five different individuals that are

1 licensed with us, but during this time for Ms. Courvelle's  
2 purposes, Mark McFarland wrote the first bond that we  
3 issued on her in 2019. Since then he had went on - he's  
4 still licensed with us but he's also got other ventures  
5 that he does. And then Ms. Cravens wrote both the bonds in  
6 January and June of '21.

7 Q All right. And just for my information, how often  
8 have you had to testify about someone not showing up for  
9 court?

10 A In an actual fail to appear case?

11 Q Yeah?

12 A This is my first.

13 Q Okay. And the reason why I'm asking that is because  
14 you clearly have a document or a file that you have for Ms.  
15 Courvelle and her bonds. When I was in private practice if  
16 we called someone, we got billable hours so we would  
17 document every time we talked to somebody on the phone,  
18 every time we exchanged an email, are you that detailed in  
19 your file as far as keeping up with Ms. Courvelle?

20 A No.

21 Q Okay. Is it possible that Ms. Courvelle might've  
22 contacted one of your other agents, maybe specifically Ms.  
23 Cravens, and notified her of an accident and that it was in  
24 Dallas and that's why she couldn't appear? Is that  
25 possible and not be documented in your file?

1 A I don't believe that that's possible. As small as our  
2 company is, me and Ms. Cravens are in constant contact with  
3 one another.

4 Q Right. Would you have wanted Ms. Cravens to have  
5 documented it?

6 A Yes.

7 Q Okay. And you say you don't think it's possible. Is  
8 it - a possibility is one thing, but likely is another, do  
9 you think it's possible that Ms. Cravens simply didn't  
10 document it?

11 A I guess it could be possible. I guess it could be.

12 Q And you have testified as far as your attempts to make  
13 contact or locate Ms. Courvelle at I believe it was 249  
14 Nathan Terrace?

15 A Uh-hum.

16 Q 246, 249?

17 A 249 is what I have.

18 Q I believe you testified that you had spoken to some  
19 neighbors and you believe there was a rehab facility in the  
20 area that you had contacted?

21 A Uh-hum.

22 Q Was that the SOZO Rehab program that you're talking  
23 about?

24 A I believe that was the name.

25 Q Did you know who those people were in advance of

1 speaking to them?

2 A I had heard of that facility through the course of  
3 doing business.

4 Q Okay.

5 A But I did not know them personally, no.

6 Q Okay. Were you aware that they were actually involved  
7 in a legal dispute - a land dispute with Ms. Courvelle at  
8 the time of your attempts to make contact with them?

9 A No.

10 Q Okay. And I recall - and correct me if I'm wrong -  
11 I think once you started out making efforts to locate her  
12 you were going to the Nathan Terrace address about every  
13 three days?

14 A That's correct.

15 Q About what time of day would you go?

16 A Most of the time it was in the afternoon. Some  
17 mornings if the opportunity availed itself to me.

18 Q All right. Did you ever make attempts to go after  
19 sunset?

20 A No.

21 Q Okay. You're a smart man, Mr. Muldoon. You realize a  
22 lot of people work during the day and it could have very  
23 easily been that she was at work 8:00 to 5:00 anytime you  
24 went to go look for her at that location?

25 A That could be possible, but my understanding of Ms.

1 Courvelle is that she was - did a bunch of agricultural-  
2 type work, I guess you could say and that she would -  
3 mainly she was there at that location.

4 Q But you yourself said that it didn't appear to be -

5 A No, it -

6 Q - any agricultural work being done, so it's easily  
7 possible that she ventured out into another line of work?

8 A She could have. Which she should have notified us of.

9 Q I'm not disagreeing with you on that. Now that's  
10 another point I want to get into. After the fail to appear  
11 bench warrant was issued have you had opportunity to look  
12 on Court Connect and verify proper notice and that sort of  
13 thing on any of her cases?

14 A Proper notice?

15 Q Right.

16 A I have looked at it in the past and I believe each time  
17 she was noticed here in court.

18 Q Okay. All right. Well let me ask you, did you scroll  
19 through all the pleadings that had been filed in her cases?  
20 And you might not have the -

21 A No, I don't know that I would go there.

22 Q Okay. And it was your testimony that at no time did  
23 - you never knocked on the door at Number 8 Cevico - is it  
24 Cebico?

25 A Cevico. I believe that's the way you pronounce it.

1 Q At no time did you go to the door and knock?

2 A I did not.

3 Q Thank you, Mr. Muldoon.

4 MR. BECKHAM: That's all I have.

5 THE COURT: Redirect?

6 MS. BORNHOFT: Yes.

7 **REDIRECT EXAMINATION**

8 BY MS. BORNHOFT:

9 Q All right, so I just want to make sure I know and the  
10 jury knows, so was it the Nathan Terrace address, which I  
11 think is the one I think you said kinda looked abandoned or  
12 was it the 8 Cevico where she was ultimately located that  
13 you were going every third day or so to check in?

14 A I started at the Nathan address and because I did have  
15 communication with the neighbors, I wasn't on it as much  
16 per se at the beginning of this. But it was the Cevico  
17 address that I tried to go to quite a bit.

18 Q Okay. So which one would you say you went to more?

19 A The Cevico address.

20 Q Okay. And you said that it was your understanding that  
21 she was engaged in some kind of agricultural venture, so  
22 why was it that you felt going by the 8 Cevico during the  
23 day would be useful in trying to find her?

24 A Well I started going by that once I realized that I  
25 didn't have a good address on her and that was the one that

1 kept coming up the most through our investigations.

2 Q What is somebody who is out on one of your bonds where  
3 you're a surety, what are they supposed to do when they  
4 move?

5 A They're supposed to notify us.

6 Q What are they supposed to do if they get a new phone  
7 number?

8 A Notify us.

9 Q Change of employment?

10 A Notify us.

11 Q Okay. And Mr. Beckham asked you if it was possible  
12 that she had contacted somebody else at H&H Bail Bonds  
13 prior to her missing court about a reason that she may have  
14 had for missing court. But regardless of whether it's  
15 possible that she contacted somebody at your company prior  
16 to missing court, did she ever contact you after she missed  
17 court?

18 A Not to my knowledge.

19 Q Okay. What would be your standard course if somebody  
20 out on one of your bonds called you the next day after they  
21 missed court and said, "Oh my gosh, I overslept and I  
22 missed court," what would you do?

23 A My first thing is I'd have them meet me at the bonding  
24 company across the street here on Ouachita and then I would  
25 reach out to the court and if a warrant had already been

1 issued, ninety percent of the time that individual has to  
2 go back in custody so it can be served and then I work  
3 towards - because that individual reached out to me, I work  
4 to try to get that bond reinstated or to - to get it  
5 reinstated.

6 Q So if they have a reason that they missed court and  
7 they convey that to you in a timely manner, you can  
8 actually get them to be re-released back out on a bond  
9 potentially?

10 A It is a possibility.

11 Q Okay. And Mr. Beckham pointed out what year each of  
12 these three cases that she was ordered to appear on, what  
13 year they were filed. I think it was 2019 one was filed  
14 and then 2021 the other two?

15 A Yes.

16 Q So prior to August of 2023, had you ever had an issue  
17 with Ms. Courvelle not appearing in Court on one of your  
18 bonds?

19 A Not to where it led to the point of actually getting a  
20 show cause I don't believe.

21 Q Okay. And so does that mean that Ms. Courvelle would  
22 have been familiar with the process of receiving notice and  
23 appearing in court on those matters?

24 A Yes.

25 Q Just based on how old they were and how long they had

1 been going on?

2 A Yes.

3 Q Had you ever had any issues reaching her prior to  
4 August of 2023 when you were notified of her absence?

5 A No. Not to my knowledge.

6 Q And what were the amounts of the bonds that you had  
7 posted for Ms. Courvelle's three cases?

8 A One was a twenty-five hundred dollar bond, one was a  
9 thirty-five hundred dollar bond, and one was a five  
10 thousand dollar bond.

11 Q So in total more than ten thousand dollars -

12 A Yes.

13 Q - that you would've been responsible for?

14 A That's correct.

15 MS. BORNHOFT: Nothing further.

16 THE COURT: Cross?

17 **RECROSS EXAMINATION**

18 BY MR. BECKHAM:

19 Q Mr. Muldoon, she was asking you about conditions that  
20 a lot of times your clients might violate as far as the  
21 agreement that you have with them. If they change their  
22 address and they don't provide it to you that would be kind  
23 of a violation of your contractual agreement with that  
24 person, wouldn't it?

25 A It could be, yes.

1 Q They get a new phone number and you don't have a way to  
2 call them, that would be a violation of the contractual  
3 agreement, correct?

4 A Correct.

5 Q That would not necessarily warrant a fail to appear  
6 charge. That's just a civil contractual violation between  
7 you and the Defendant, correct?

8 A Yes, by the rules and the laws that regulate bail  
9 bondsmen in the State of Arkansas, that would give us the  
10 authority, if we deemed it at that time, to place them back  
11 into custody.

12 Q Basically you surrender the bond?

13 A Correct.

14 Q Okay. That wouldn't require that they stay in jail.  
15 They could go to another bonding company and bond out again  
16 but -

17 A Sure.

18 Q - your risk would be absolved because you put them back  
19 in jail?

20 A Correct.

21 Q All right.

22 MR. BECKHAM: Thank you.

23 THE COURT: Anything further?

24 MS. BORNHOFT: No, Your Honor.

25 THE COURT: May this witness be excused?

1 MS. BORNHOFT: Yes.

2 THE COURT: Mr. Beckham?

3 MR. BECKHAM: I'm sorry?

4 THE COURT: May this witness be excused?

5 MR. BECKHAM: Yes.

6 THE COURT: You may step down. You're  
7 excused.

8 (WHEREUPON, THIS WITNESS WAS EXCUSED)

9 THE COURT: Call your next witness.

10 MS. BORNHOFT: The State calls Captain Joel  
11 Ware.

12 (JOEL WARE, WAS SWORN THAT THE TESTIMONY HE  
13 WOULD GIVE IN THIS MATTER WOULD BE THE TRUTH, THE  
14 WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP  
15 YOU GOD)

16 THE COURT: You may inquire.

17 WHEREUPON,

18 **CAPTAIN JOEL WARE,**

19 **HAVING BEEN FIRST DULY SWORN, TOOK THE WITNESS STAND AT THE**  
20 **INSTANCE OF THE STATE, AND TESTIFIED AS FOLLOWS, TO-WIT:**

21 **DIRECT EXAMINATION**

22 BY MS. BORNHOFT:

23 Q Good afternoon, Sir.

24 A Good afternoon.

25 Q Could you please state your name and sort of introduce

1 yourself to the members of our jury.

2 A My name is Joel Ware. I am the criminal investigations  
3 commander for the Sheriff's Office.

4 Q Okay. And is that your current title?

5 A Yes.

6 Q Back in August, fall of 2023, did you have that same  
7 title at the Sheriff's Office?

8 A I did not.

9 Q What was your title then?

10 A I was the security director for the detention center.

11 Q Okay. Would that be like in other words the Garland  
12 County Jail?

13 A Absolutely, yes ma'am.

14 Q Okay. And as security director, what was your role  
15 there at the jail?

16 A Basically the overall safety and security of the  
17 detention center. I oversaw inmates entering and leaving  
18 the detention facility. I facilitated them going back and  
19 forth to court. Just basically making sure everybody was  
20 safe.

21 Q Okay. And then I think you said that currently you  
22 are the CID commander. What is CID?

23 A Criminal investigations division.

24 Q Okay. Is that any certain type of crime or just any  
25 and all crime?

1 A Any and all.

2 Q Any and all, okay. Back in late summer, early fall of  
3 2023, were you contacted by a John Muldoon about a bondee  
4 of his?

5 A Yes.

6 Q And who was that bondee that he reached out to you  
7 about?

8 A Sherrel Courvelle.

9 Q Why was he reaching out to you?

10 A He reached out to me, basically he said that he had  
11 her on bond and she failed to appear in court and that the  
12 Judge had issued a failure to appear warrant for her  
13 arrest. He asked me if I could assist in locating her due  
14 to her having a Circuit Court warrant and at that time I  
15 could not do anything for him because I was the security  
16 director for the detention center.

17 Q Okay. Did you direct him to anybody else at the  
18 Sheriff's Department at that time?

19 A I did. I knew that there were some patrolmen seeking  
20 her whereabouts to place her into custody. I also referred  
21 him to Captain Dodd who was the CID commander at that time  
22 and in that division because they usually handle fugitives,  
23 if you will.

24 Q Okay. Do you remember about when it was that he first  
25 reached out to you and you sort of referred him to those

1 other individuals at the Sheriff's Department?

2 A Late October, early November. I know I spoke to him  
3 late November as well. I was actually deer hunting at the  
4 time and I had to call him back.

5 Q All right. So sometime there in the fall?

6 A Yes.

7 Q At what point did you transition from being security  
8 director at the detention center to actually being the CID  
9 commander yourself?

10 A January 10<sup>th</sup> of '24.

11 Q Okay. And so I know that you said earlier that you had  
12 referred him to the captain at the time, Captain Dodd over  
13 CID because they handle those type of things -

14 A Yes.

15 Q - when you became captain over CID did you inherit the  
16 investigation into Ms. Courvelle's whereabouts?

17 A I did.

18 Q And at that time what was the Sheriff's Department  
19 doing to try to locate Ms. Courvelle?

20 A Basically they were surveilling her residence up off  
21 298, and forgive me, I don't know the exact address. They  
22 were in communication with Hot Springs Village Police.  
23 There was some information that she was residing in Hot  
24 Springs Village. Also there was information that she was  
25 kinda back and forth in and out of Garland County so they

1 were just basically trying to do some followup and obtain  
2 lead information.

3 Q Okay. Is it common, uncommon, for the criminal  
4 investigations division - I know you said that you  
5 investigate all crimes, that would be homicide, crimes  
6 involving children, sexual offenses, that type of thing -  
7 how common is it that you guys get involved with locating  
8 somebody who's at large and can't be found?

9 A Daily.

10 Q Daily, okay. So this is something that you're enlisted  
11 for help for often?

12 A Yes.

13 Q So besides being in touch with the Hot Springs Village  
14 Police Department and some of the deputies patrolling that  
15 area, things like that, were there any other concrete  
16 actions taken to develop a lead on her location?

17 A Yes. I actually spoke to John Muldoon and then one of  
18 his agents, Rhonda Craven. She actually provided me very  
19 good intelligence in relation to Ms. Courvelle's  
20 whereabouts which was inside Hot Springs Village. That was  
21 our main focus at that time as far as surveillance goes.

22 Q So once you're able to narrow that focus down to a  
23 location in the Village, you mentioned surveillance, so was  
24 surveillance done by the Sheriff's Office?

25 A Yes.

1 Q Okay, and what does that entail- surveillance?

2 A Basically - gosh, I hate to even say it, it kinda gives  
3 it away, but I'll put people in the woods and they watch  
4 houses and they're very rarely detected by anybody.

5 Q Okay. And we won't get into too much detail.

6 A Please don't.

7 Q What ultimately was done by the Sheriff's Department  
8 after this intelligence was gained?

9 A I obtained a search warrant on February 28, 2024, for  
10 a residence at Number 8 Cevico Lane in Hot Springs Village  
11 which was the best location we had and my surveillance team  
12 confirmed that location to be good. So I obtained a search  
13 warrant through Circuit Court and then executed that search  
14 warrant the following morning at 9:32 a.m.

15 Q Who was there along with you to execute that search  
16 warrant on that residence?

17 A I had my entire investigations division. I had three -  
18 I think it was three officers from Hot Springs Village PD.  
19 Due to it being their - inside their city, if you will, but  
20 inside Garland County, I contacted them as a courtesy  
21 thing.

22 Q Okay. And when was this that the search warrant was  
23 executed?

24 A February 29<sup>th</sup> at 9:32 a.m.

25 Q Okay. And who, if anyone, was located inside 8 Cevico?

1 A Ms. Courvelle was located at that residence along with  
2 her juvenile son.

3 Q Okay. And at that point was she placed under arrest?

4 A She was.

5 MS. BORNHOFT: Thank you.

6 THE COURT: Cross.

7 MR. BECKHAM: May I proceed, Your Honor?

8 THE COURT: You may.

9 **CROSS EXAMINATION**

10 BY MR. BECKHAM:

11 Q Good afternoon. Do I call you captain or commander?

12 A Captain is fine.

13 Q Commander sounds - I don't know.

14 A Commander, I'll go with that also.

15 Q Congratulations. I know you've been there for a long  
16 number of years. I don't get to see you every often.

17 A Yes.

18 Q I just have a few questions. The search warrant  
19 itself, is that common practice to get a search warrant to  
20 extract someone from a home?

21 A It is now. It started - really body only search  
22 warrants started mid-2023 and it just makes it safe for  
23 everybody involved, including the Defendant as well as our  
24 officers.

25 Q Sure. Can you describe the actual extraction process?

1 Were any flashbombs used or any -

2 A At that point in time I don't know if we used any  
3 flashbombs or not. I can't recall. I know we had to  
4 breach the door so we breached the door with a ram.

5 Q Okay.

6 A And then - do you want me to continue on how we made  
7 contact?

8 Q Well, I guess was she armed in any way or try to  
9 present a threat to you or any of the officers?

10 A Once the door was breached, absolutely not.

11 Q Okay. And I'm assuming her son was - you said he was  
12 a minor - I'm assuming he didn't as well?

13 A No, neither one.

14 Q Okay. Did you happen to speak to her that day at all?

15 A I did.

16 Q Did she give you - did she try to explain to you that  
17 she had been acquitted in a Common Law trial court of these  
18 charges or these allegations?

19 A So my first contact with Ms. Courvelle was obviously  
20 when she was brought out of the residence. I tried to  
21 explain to her that we had a search warrant, explained to  
22 her we had a valid Garland County Circuit Court warrant for  
23 her arrest. She was very pleasant to me, very cordial as  
24 she stated that she understood. She did also explain to me  
25 that she had some other trial where she was acquitted, yes.

1 Q Did she elaborate as to the existence of this republic  
2 that she was speaking of?

3 A I didn't really go into detail with her because that's  
4 really not my thing, but she did mention it, yes.

5 Q And that was all voluntary? She wasn't Mirandized and  
6 questioned here, was she?

7 A No.

8 Q Okay.

9 MR. BECKHAM: That's all I have. Thank you.

10 THE COURT: Redirect?

11 **REDIRECT EXAMINATION**

12 BY MS. BORNHOFT:

13 Q What is a body only search warrant?

14 A So a body only search warrant is that's all we're  
15 looking for. We're looking for the person themselves. Like,  
16 it for instance, Ms. Courvelle has a warrant for her arrest  
17 we are seeking the search warrant to go inside the  
18 residence for her only. We're not gonna search for  
19 anything else. We're not gonna search for contraband,  
20 we're not gonna search for weapons, anything like that once  
21 she is placed into custody. Once she's placed into  
22 custody, we're out of the residence.

23 Q And was that the case here, it was just a search for  
24 Ms. Courvelle's physical person?

25 A That is correct.

1 Q Okay. So as far as the rest of it, the house wasn't  
2 gone through, her belongings weren't gone through, things  
3 like that?

4 A We did obtain some tennis shoes I believe for her.

5 Q Okay.

6 A I did ask her, because the son was a juvenile, I asked  
7 her if it was okay for him to stay there and she obliged  
8 and said absolutely, so.

9 Q Okay. But other than getting her some items from the  
10 house and things like that?

11 A No. No.

12 Q You said that you had to breach the door. When you're  
13 executing these kind of search warrants, is there any kind  
14 of knock and announce?

15 A It varies from search warrant to search warrant.

16 Q Okay. Do you remember if there was any kind of knock  
17 or announcement in this one?

18 A I don't know.

19 Q Okay. When I say knock and announce, in case anybody  
20 doesn't know, what do I mean by that?

21 A Basically a no-knock is we breach the door without  
22 announcing. Obviously the announce is we knock, announce  
23 ourselves as Sheriff's Office, search warrant. We usually  
24 give you around thirty seconds to respond. If you're not  
25 gonna respond within thirty seconds, we try to do it again

1 but in certain cases we can't do it. Certain cases we have  
2 to do it. It just depends on what the warrant and the  
3 Judge decides they want.

4 Q Okay. And then this one you can't remember whether  
5 there was an announcement or not?

6 A No. I actually - being the division commander, I  
7 usually am far back in the stack -

8 Q Sure.

9 A - of vehicles.

10 Q Sure.

11 A My team that does the execution, they're first. So  
12 when I roll up I'm usually there after they make contact.

13 Q Okay, understood. Mr. Beckham asked you if she made  
14 some kind of statement about having had a trial in another  
15 republic. In any of the terminology that Ms. Courvelle was  
16 using with you that day when you were speaking with her  
17 after she was placed into custody about another republic or  
18 anything of that nature, are you familiar at all with that  
19 vocabulary?

20 A I believe - I didn't really go into or really pay much  
21 attention into what court, what trial it was. I'm a firm  
22 believer that if it doesn't involve anything that I'm  
23 partaking in I try to stay out of it. I don't like to hear  
24 other trials and republics and all that. I have a job to  
25 do and that was to execute a warrant and that's all I was

1 there for.

2 Q Okay.

3 A And I tried to make sure that Ms. Courvelle was  
4 comfortable and she wasn't hurt in any way and to get her  
5 to the detention center safe.

6 Q When she was talking to you, understanding that you  
7 didn't really ask too many questions or try to get too  
8 involved in it, but had you heard ever in your line of work  
9 and being with law enforcement for the amount of time that  
10 you have been, have you heard terms like this before where  
11 somebody's talking about a different republic?

12 A Yes.

13 Q What is that in reference to in your experience?

14 A Different republics - I don't know, sovereign  
15 republics, basically is these folks, they have a different  
16 belief than your average citizen. They do not believe in  
17 the laws set forth by county, city, federal laws. They  
18 have their own set of rules that they abide by.

19 Q Okay. And in this case though, as far as there being  
20 an active warrant for her arrest, the search warrant that  
21 was executed on that location, all of that was pursuant to  
22 law here in Garland County and in Arkansas that all of  
23 these things were executed?

24 A Yes, it all stemmed from the laws that I took an oath  
25 to uphold.

1 Q Okay.

2 MS. BORNHOFT: Nothing further.

3 THE COURT: Cross?

4 **RECROSS EXAMINATION**

5 BY MR. BECKHAM:

6 Q I don't wanna get lost in the weeds here.

7 A Sure.

8 Q Well, let's jump in the weeds. I understand you're  
9 not necessarily wanting to get involved with a lot of her  
10 full explanation as to her position as far as the common  
11 law trial, but does it not go to her state of mind when she  
12 explains to you that I feel like I've been acquitted of  
13 these allegations? Does that not go to her state of mind  
14 as far as not responding to a bench warrant?

15 A I can't really - I don't know what her state of mind  
16 was at the time. If that is her belief, then I can't  
17 dispute it, although I have to follow the laws that I'm  
18 sworn to uphold.

19 Q Right.

20 A And that's what I have to go by.

21 Q I appreciate it.

22 A Yes, sir.

23 THE COURT: Anything further?

24 MS. BORNHOFT: No, Your Honor.

25 THE COURT: May this witness be excused?

1 MS. BORNHOFT: He may.

2 MR. BECKHAM: Yes, Your Honor.

3 THE COURT: All right, you may be excused.

4 (WHEREUPON, THIS WITNESS WAS EXCUSED)

5 THE COURT: Call your next witness.

6 MS. BORNHOFT: Can we approach?

7 THE COURT: Yes.

8 (AT BENCH DISCUSSION)

9 MS. BORNHOFT: That was the State's last  
10 witness. If I could have just a moment to make  
11 sure before I rest. I don't know if we want to  
12 take a quick bathroom break?

13 THE COURT: I'm just gonna tell them we have  
14 some housekeeping to take care of and that way you  
15 can do what you need to do.

16 MS. BORNHOFT: Okay, perfect. And then we're  
17 ready on that other issue from this morning.  
18 Before she decides whether to testify, we can take  
19 that up.

20 MR. BECKHAM: Yeah.

21 THE COURT: All right.

22 (AT BENCH DISCUSSION CONCLUDED)

23 THE COURT: Ladies and Gentlemen, there's some  
24 housekeeping matters we need to take care of  
25 before we can go forward so I'll need you to go

1 into the jury room and we'll call you back when  
2 we're ready. It should be about fifteen minutes,  
3 but if you want to go ahead and take a bathroom  
4 break, this is a good time.

5 (WHEREUPON, THE JURY WAS EXCUSED TO THE JURY  
6 ROOM AT THIS TIME.)

7 THE COURT: Ms. Bornhoft, I'm gonna let y'all  
8 take a bathroom break for about five minutes and  
9 then we can take care of motions in chambers.

10 MS. BORNHOFT: Sure.

11 (WHEREUPON, A RECESS WAS TAKEN AT THIS TIME.  
12 THEREAFTER, THE COURT, COUNSEL AND DEFENDANT  
13 COURVELLE RECONVENED IN CHAMBERS WHERE THE  
14 FOLLOWING PROCEEDINGS WERE HAD, TO-WIT:)

15 **IN CHAMBERS**

16 THE COURT: All right, we're in chambers. The  
17 Defendant is present with counsel. I thought we  
18 were gonna rest but I guess we're not. We need to  
19 go over jury instructions. We can go over those  
20 proposed jury instructions while we're back here  
21 and then we can go over your motions regarding  
22 your prior convictions and whether or not they'll  
23 be used.

24 So let's go over the prior convictions first.

25 MS. BORNHOFT: So I think I asked the Defense

1 motion that was made - I had asked the court for  
2 time to respond. So her prior convictions include  
3 Forgery, Financial Identity Fraud, Possession of  
4 Firearms by Certain Persons. I agree that the  
5 Possession of Firearms by Certain Person is not a  
6 crime of dishonesty and that conviction is from  
7 2001 so that would certainly be outside the ten  
8 years and it doesn't show to be probative of her  
9 truthfulness or untruthfulness.

10 But the Forgery and the Fraudulent Insurance  
11 Act conviction, while outside of the ten years I  
12 do have case law where courts held that it was  
13 properly admissible.

14 THE COURT: Were they Arkansas Courts?

15 MS. BORNHOFT: Yes. So I have *David v. State*  
16 which is a Supreme Court of Arkansas and it said  
17 that - the Supreme Court held that the trial court  
18 correctly ruled that the State would be allowed to  
19 attack the credibility of the appellant on cross-  
20 examination by asking if he had been convicted of  
21 the crime of forgery because it directly went to  
22 honesty, dishonesty, truthfulness, and  
23 untruthfulness. It says that most forgeries are  
24 probative of truthfulness or untruthfulness.

25 THE COURT: That is outside the ten years?

1 MS. BORNHOFT: Yes.

2 THE COURT: The way I was reading the rules is  
3 that in Arkansas that doesn't apply, it's only  
4 federally to go outside the ten years for  
5 dishonesty.

6 MS. BORNHOFT: Well, I didn't bring my Rules  
7 of Criminal Procedure back here.

8 THE COURT: It's right here.

9 MS. BORNHOFT: Thank you.

10 THE COURT: It reads even in the rules that  
11 it's an absolute bar. 609 is one of the very ones  
12 that seems to be different than the federal one.

13 MS. BORNHOFT: Well, the court held in this  
14 one not that it was - the one that I can look at  
15 here 609(a), looking at just the general rule says  
16 that it's admissible if either, one, punishable by  
17 imprisonment by excess of one year, so that would  
18 just be any felony; or, involved dishonesty or  
19 false statement regardless of the punishment, and  
20 so that would apply. It doesn't matter whether  
21 it's a felony or misdemeanor, but that it - but  
22 for the purpose of attacking credibility.

23 I do see 609(b), although it doesn't seem to  
24 give a great explanation of how (b) and (a) work  
25 together. But in *David v. State* what I can say is

1 that the basis that they allowed the admission for  
2 under 609(a) was that the Arkansas Uniform Rules  
3 of Evidence provide that a witness' credibility  
4 can be attacked by proving certain prior  
5 convictions and if the prior convictions involve a  
6 false statement or dishonesty, the trial court  
7 does not determine whether the prejudicial effect  
8 of the prior outweighs the probative value, and  
9 therefore, it was proper to ask on cross-  
10 examination about that specifically for the  
11 purpose of dishonesty.

12 THE COURT: And how old was that prior felony  
13 conviction?

14 MS. BORNHOFT: I don't think this says. I do  
15 have one here, where it's a misdemeanor theft and  
16 fraudulent use of a credit or debit card, and that  
17 was a case that went to trial in less than ten  
18 years from the prior conviction so that one was  
19 where they allowed the misdemeanor to be asked  
20 about. It was within less than ten years, but it  
21 was a misdemeanor, but they allowed it to be asked  
22 about.

23 THE COURT: And I agree that that would be  
24 admissible if it was within the ten years and a  
25 misdemeanor involving dishonesty. I'm concerned

1 with it being a felony outside of the ten years.  
2 I'm afraid the Federal Rules do not apply. I  
3 think that it's barred. Mr. Beckham, what's your  
4 interpretation?

5 MR. BECKHAM: It's always been my impression  
6 that beyond the ten years they were barred. I  
7 think there is one that would apply because I  
8 think it's within the ten years. I think that the  
9 forgery case that we were mentioning. But other  
10 than that, I don't think - and I need to check  
11 with Ms. Bornhoft - I don't know that that was the  
12 one that may have been reversed or not. But if it  
13 has been, I still think she's entitled to one.

14 THE COURT: Okay. Well so can you verify  
15 which cases were reversed so that -

16 MS. BORNHOFT: Yes.

17 THE COURT: - we know what we're talking  
18 about?

19 MS. BORNHOFT: Yes, Your Honor. I can go  
20 through the priors and actually this will make it  
21 easier. I have the amended list because we  
22 initially submitted jury instructions that had the  
23 ones that we did not realize were reversed, so  
24 this is the updated list or what we've amended it  
25 to.

1           So we have a conviction for Forgery from  
2 Texas from 1994; a conviction from Pike County  
3 Arkansas from 2001 for Fraudulent Insurance Act.  
4 We also have a revocation from that case. We have  
5 a 2001 conviction from Pike County for Possession  
6 of Firearm by Certain Person. And then all from  
7 the same case we have a 2010 conviction for  
8 Forgery in the Second Degree from Arkansas County  
9 and that's three counts.

10           The two that were specifically reversed that  
11 we have removed are from the same case as the  
12 Possession of Firearm by Certain Person which was  
13 case number 2001-3 and in that certified  
14 conviction it shows that she was convicted of  
15 Possession of Firearm by Certain Person as well as  
16 Theft of Property and Financial Identity Fraud,  
17 but despite those being on the sentencing order,  
18 on appeal those two charges were reversed and so  
19 the only conviction that stood from that case was  
20 the Possession of Firearm by Certain Person. So  
21 we've removed those from our instruction.

22           THE COURT: So you're alleging she has six  
23 prior felony convictions that are correct that  
24 were not reversed?

25           MS. BORNHOFT: Correct.

1 THE COURT: Okay. And do you dispute that?

2 MR. BECKHAM: No, we do not.

3 DEFENDANT COURVELLE: That was reversed. I  
4 have that on my docket.

5 MR. BECKHAM: Which one?

6 DEFENDANT COURVELLE: This one in Texas. It  
7 was expunged.

8 MR. BECKHAM: Expunged and reversed are not  
9 the same thing.

10 DEFENDANT COURVELLE: Oh, okay.

11 THE COURT: Correct. There's different rules  
12 for expungement.

13 DEFENDANT COURVELLE: I'm sorry.

14 MR. BECKHAM: You're okay. And just for  
15 clarification as far as the impeachment felony, I  
16 think it's Count II that's 2007-60. My  
17 understanding is that the first count she received  
18 three years in the Department of Corrections, the  
19 third count she received three years in the  
20 Department of Corrections. The second count she  
21 got five years probation and I think that five  
22 years probation would be the one that extends  
23 within that ten years.

24 THE COURT: Right.

25 MR. BECKHAM: Okay.

1 MS. BORNHOFT: So Count V I think that is on  
2 the sheet we're looking at.

3 MR. BECKHAM: Yes.

4 THE COURT: Okay. So everyone understands  
5 that everything's outside of the ten years except  
6 for that one count which was the probation?

7 MS. BORNHOFT: Right.

8 MR. BECKHAM: Correct.

9 THE COURT: Okay, so that's what you can use  
10 for impeachment purposes.

11 MS. BORNHOFT: Understood.

12 DEFENDANT COURVELLE: So what does that mean?

13 THE COURT: You can explain.

14 MR. BECKHAM: On cross-examination, or we can  
15 bring it up, but normally on cross-examination if  
16 you have a prior felony that involves dishonesty -  
17 and forgery is considered a crime of dishonesty -  
18 they can use it to basically to make them question  
19 whether or not you're believable.

20 DEFENDANT COURVELLE: Okay.

21 MR. BECKHAM: Essentially. But we can address  
22 it if you want to.

23 DEFENDANT COURVELLE: Okay. I just wanted to  
24 know.

25 MR. BECKHAM: You're okay.

1 THE COURT: All right, what else do we need to  
2 take up right now since we can't do the -

3 MS. BORNHOFT: We've dealt with the reversals  
4 and impeachment. You've got the final copy of our  
5 jury instructions including the Stage 2.

6 DEFENDANT COURVELLE: Does the jury have this?

7 MR. BECKHAM: No, not yet.

8 THE COURT: We're gonna go over it first.

9 DEFENDANT COURVELLE: Okay, thank you.

10 MR. BECKHAM: This is Stage 2 anyway. They  
11 have to have a guilty verdict before they can even  
12 talk about it.

13 DEFENDANT COURVELLE: Okay.

14 THE COURT: So, Ms. Hunt, is this in the  
15 binder correct?

16 TRIAL COURT ADMINISTRATOR: Yes, ma'am.

17 THE COURT: All right, let's go ahead and go  
18 over Stage 1 jury instructions. I'm gonna go  
19 through and I'm just gonna label it as Court's 1  
20 and so on.

21 DEFENDANT COURVELLE: So you have to label the  
22 habitual?

23 THE COURT: That's different than impeachment,  
24 but I'll let your attorney explain it.

25 DEFENDANT COURVELLE: Okay. I'm sorry.

1 MR. BECKHAM: No, you're fine.

2 DEFENDANT COURVELLE: Okay.

3 THE COURT: So if I go through and you have an  
4 objection, just stop me.

5 So AMCI 2d 101 will be 1.

6 AMCI 2d 103 will be 2.

7 AMCI 2d 104 will be 3.

8 AMCI 2d 106 will be 4.

9 AMCI 2d 107 will be 5.

10 AMCI 2d 108 will be 6.

11 AMCI 2d 109 will be 7.

12 AMCI 2d 110 will be 8.

13 Is she going to testify? Do we need to take  
14 this out?

15 MR. BECKHAM: I'm assuming she is testifying  
16 at this point, yes.

17 THE COURT: So we're gonna take out AMCI 2d  
18 111.

19 MS. BORNHOFT: Which one are we taking out?

20 THE COURT: She's going to testify.

21 DEFENDANT COURVELLE: What was that one?

22 MR. BECKHAM: You have a constitutional right  
23 not to testify.

24 DEFENDANT COURVELLE: Okay.

25 THE COURT: So AMCI 2d 5420 will be 9.

1 AMCI 2d 5420 will be 10.

2 AMCI 2d 5420 will be 11.

3 AMCI 2d 8101 will be 12.

4 AMCI 2d 8103 will be 13.

5 AMCI 2d 8104 will be 14.

6 And has everyone looked at the verdict forms?

7 Is everyone good with everything we've got?

8 MR. BECKHAM: We are.

9 MS. BORNHOFT: Yes.

10 THE COURT: Now how do you want to handle -  
11 we're gonna recall Captain Ware briefly and I'll  
12 assume you'll move for a directed verdict.

13 MR. BECKHAM: I can move for a directed  
14 verdict -

15 THE COURT: At that point.

16 MR. BECKHAM: - probably at the bench.

17 THE COURT: Okay. So we're ready to go back  
18 out then.

19 MR. BECKHAM: All right.

20 (WHEREUPON, THESE IN CHAMBERS PROCEEDINGS  
21 WERE CONCLUDED. ALL PARTIES RECONVENED IN OPEN  
22 COURT WHERE THE FOLLOWING PROCEEDINGS WERE HAD,  
23 TO-WIT:)

24 **OPEN COURT**

25 THE COURT: Bring the jury back in.

1 (THE JURY RETURNS TO THE JURY BOX AT THIS  
2 TIME)

3 THE COURT: The Defendant is present with  
4 counsel. All jurors are present.

5 Call your next witness.

6 MS. BORNHOFT: The State recalls Captain Joel  
7 Ware.

8 WHEREUPON,

9 **CAPTAIN JOEL WARE,**  
10 **HAVING PREVIOUSLY TESTIFIED IN THIS MATTER, WAS RECALLED TO**  
11 **THE WITNESS STAND AT THE INSTANCE OF THE STATE, AND**  
12 **TESTIFIED AS FOLLOWS, TO-WIT:**

13 **DIRECT EXAMINATION**

14 BY MS. BORNHOFT:

15 Q Captain Ware, no matter how many trials I have done and  
16 I do this in every single one of them - I'm gonna blame the  
17 pregnancy brain - I neglected to ask you one question.

18 A Okay.

19 Q The person that you arrested, Sherrel Courvelle, in  
20 February of 2024, do you see her in this courtroom today?

21 A I do.

22 Q Can you point her out by where she's seated and an  
23 article of clothing?

24 A (WITNESS POINTS TO DEFENDANT COURVELLE) Sitting next to  
25 Mr. Beckham in a black pantsuit, I guess is what'd you call

1 it.

2 Q And was that who you arrested at 8 Cevico in February  
3 of this year?

4 A Yes, ma'am.

5 MS. BORNHOFT: Nothing further.

6 THE COURT: Mr. Beckham?

7 MR. BECKHAM: No questions.

8 THE COURT: May this witness be excused?

9 MS. BORNHOFT: Can we approach real quick,  
10 Your Honor?

11 THE COURT: Yes.

12 (AT BENCH DISCUSSION)

13 MS. BORNHOFT: I meant to say this between  
14 Muldoon and Ware, but I just can't remember, but  
15 because he was not here this morning, did he get  
16 sworn in?

17 REPORTER: Yes, I swore him.

18 THE COURT: Yes.

19 MS. BORNHOFT: Okay. Okay.

20 (AT BENCH DISCUSSION CONCLUDED)

21 THE COURT: You may be excused.

22 (WHEREUPON, THIS WITNESS WAS EXCUSED)

23 THE COURT: Counsel approach.

24 (AT BENCH DISCUSSION)

25 MS. BORNHOFT: The State rests, Your Honor.

**(WHEREUPON, THE STATE RESTED ITS CASE)**

1  
2 MR. BECKHAM: Your Honor, we'll move for a  
3 directed verdict on all three counts. The State  
4 has failed to establish while she was on liberty  
5 on the condition that she reappear, I think we did  
6 establish that she did provide good cause for a  
7 reasonable excuse and the State has failed to  
8 rebut that.

9 THE COURT: State?

10 MS. BORNHOFT: I don't think there has been  
11 any evidence of reasonable cause. All we have is  
12 Defense Exhibit 1 which was something that was  
13 sent in prior to the Court date that she missed  
14 and that request for continuance was not granted  
15 by this court nor do I think it actually meets the  
16 reasonableness requirements under the law.  
17 There's not enough information contained in it and  
18 so I don't think that that's evidence of any  
19 reasonable excuse.

20 THE COURT: Viewing the evidence most  
21 favorable to the State as I'm required to do, the  
22 State has made a prima facie case and therefore  
23 your motion for directed verdict is denied.

24 MR. BECKHAM: Okay, thank you.

25 (AT BENCH DISCUSSION CONCLUDED)

1 THE COURT: Call your next witness.

2 MR. BECKHAM: We call Sherrel Courvelle, Your  
3 Honor.

4 THE COURT: Please come forward. If you'll  
5 just come right in front of the court reporter and  
6 raise your right hand please.

7 (DEFENDANT SHERREL COURVELLE WAS SWORN THAT  
8 THE TESTIMONY SHE WOULD GIVE IN THIS MATTER WOULD  
9 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE  
10 TRUTH, SO HELP YOU GOD)

11 THE COURT: Now have a seat and pull the  
12 microphone to you.

13 MR. BECKHAM: May I proceed, Your Honor?

14 THE COURT: You may.

15 MR. BECKHAM: Has she been sworn?

16 THE COURT: Just now.

17 MR. BECKHAM: Okay, thank you. I've got the  
18 pregnancy brain I guess.

19 WHEREUPON,

20 **SHERREL COURVELLE,**

21 **HAVING BEEN FIRST DULY SWORN, TOOK THE WITNESS STAND IN HER**  
22 **OWN BEHALF, AND TESTIFIED AS FOLLOWS, TO-WIT:**

23 **DIRECT EXAMINATION**

24 BY MR. BECKHAM:

25 Q Ms. Courvelle, can you state your name and spell your

1 first and last name for the court reporter.

2 A Sherrel Jean House of Courvelle. That's because I'm  
3 an American State National, that's the way I pronounce it.

4 Q How do you spell Courvelle?

5 A C - capital C - little O-U-R-V-E-L-L-E.

6 Q And how do you spell Sherrel?

7 A S-H-E-R-R-E-L. That's a capital S.

8 Q And Ms. Courvelle, you understand you're the Defendant  
9 in this case, correct?

10 A Yes, sir.

11 Q Without getting into the crux of it, do you acknowledge  
12 that you did have three cases pending before this court,  
13 correct?

14 A Oh, yes, sir.

15 Q Okay. You stated at the very beginning that you were  
16 an American National?

17 A I'm an American State National citizen.

18 Q Can you explain that to me and to the jury exactly what  
19 that is?

20 A I took back my birthright and it's a 1779 form and I  
21 filed my - we call it 928 forms and I recorded it in the  
22 courthouse here and I'm recorded all the way from here to  
23 D.C. I'm a foreign sovereign citizen. Under the Foreign  
24 Sovereign's Immunity Act I am an American State National  
25 Citizen which I'm an American and that's of the land and

1 soil jurisdiction. I'm owed the common law court system  
2 which we have up and running now in the State of Arkansas,  
3 which we have up and running in all fifty states now. As  
4 of August 27<sup>th</sup>, 2023, we have our courts up and running.  
5 And I challenged jurisdiction August 1<sup>st</sup>, 2023, made notice  
6 of *Ex parte Milligan*, and noticed the courts - I mean  
7 noticed, noticed, noticed. And it took them, got the jury  
8 verdict on record. I have everything on the court.

9 Q Let me slow you down for just a minute.

10 A Oh, I'm sorry.

11 Q No, no, you're fine. I know you're nervous.

12 A I'm sorry.

13 Q I was nervous too the first five years I was in court.  
14 You get used to it after a while. But let me ask you, you  
15 said the court system has been up and running. You have a  
16 number of people here, are they part of this government  
17 that you're talking about?

18 A Yes, they are.

19 Q Okay, and you said the courts were up and running. Is  
20 that the common law court that you were claiming you have  
21 been acquitted in?

22 A Yes, we had a - I had a jury trial with I think there  
23 was actually fourteen jurors.

24 Q Okay.

25 A Twelve with two alternates. And they heard all these

1 cases, especially the one we're hearing now. And there was  
2 a verdict of innocence on all of these cases, especially  
3 this one, and it's on record.

4 Q Okay.

5 A And now we have it in the Western District U.S. Court  
6 with a writ of habeas corpus trying to free me from here.

7 Q All right. Now Ms. Courvelle -

8 MR. BECKHAM: May I approach, Your Honor?

9 THE COURT: You may.

10 MR. BECKHAM CONTINUING:

11 Q - I'm going to show you a document. It's very lengthy,  
12 it's about fifty pages. Can you look over that real quick?

13 A Yes, sir.

14 Q Can you explain to me what that is?

15 A These are the letters that I started when I became an  
16 American State National citizen. Last July 3<sup>rd</sup>, 2023, is  
17 when I switched all my paperwork over and took my  
18 birthright back and became a citizen of the land and soil.  
19 I'm domiciled on Arkansas - on the land and soil. I'm not  
20 a citizen of the United States incorporated. I'm an  
21 American State National which is an American.

22 Q What specifically is that document - those fifty pages?

23 A Okay. This is a letter to the judges which is the  
24 *Ex parte Milligan* and it tells them that our government is  
25 up and running and this is where I challenged jurisdiction

1 to prove that I am actually in this jurisdiction. Which  
2 when we challenge jurisdiction from a common law court, we  
3 ask for it to be put on the record to prove that we are a  
4 citizen of the United States or that we are a resident of  
5 the State of Arkansas, which I am neither one, and it's all  
6 my documents which are called 928s. They are recorded in  
7 the courthouse all the way to D.C.

8 Q All right, now Ms. Courvelle, let's go over this  
9 document pretty thoroughly for me, okay, because I wanna  
10 make sure, have any of them been altered from the time that  
11 you filed them with the clerk? I think one of them might  
12 have a sticky note on it, but that doesn't really alter it  
13 too much. Are those documents essentially what you have  
14 filed with the court?

15 A Oh, yes, sir.

16 Q Okay.

17 MR. BECKHAM: Your Honor, we'd like to  
18 introduce as Defendant's 2, not for the purpose of  
19 legality, but for the purpose that they were  
20 filed.

21 THE COURT: Any objection?

22 MS. BORNHOFT: I'd like to see them.

23 A Yes, ma'am.

24 MR. BECKHAM: They were in Court Connect.

25 A Oh, yes, and the filing date is August 1<sup>st</sup>, 2023 when

1 I filed them challenging the jurisdiction of the court.

2 (DOCUMENTS ARE REVIEWED BY MS. BORNHOFT)

3 MS. BORNHOFT: Can we approach?

4 THE COURT: You may.

5 (AT BENCH DISCUSSION)

6 MS. BORNHOFT: Your Honor, the packet, I do  
7 think I have multiple bases for objections. There  
8 is law contained in here, there's hearsay  
9 contained in here. The reason I'm objecting to  
10 the law is because it's only the court's purview  
11 to provide this jury with the law, so to provide  
12 them with law that is not the law that you're  
13 gonna provide them is 403 because it's gonna very  
14 much confuse them. I don't even know that  
15 prejudice is the right word. It's just truly and  
16 simply gonna confuse them to have multiple  
17 different types of law that contradict.

18 And then there's hearsay contained in here.  
19 It's not relevant.

20 MR. BECKHAM: Well, I definitely think it goes  
21 to her state of mind which would make the  
22 relevance. I think we can give an instruction to  
23 the jury that the rules of law are strictly to the  
24 purview of the court and not the jury. So all  
25 this just simply goes to her state of mind.

1 THE COURT: Let me see it.

2 MR. BECKHAM: I just think it goes to her  
3 state of mind. I think we can instruct the jury  
4 that any issue of law would strictly be for the  
5 court to make a ruling on. They are not going to  
6 look at that document and make any kind of ruling  
7 on the law, but it does go to her state of mind,  
8 that she was trying to establish this as an issue  
9 prior to the fail to appear being alleged.

10 THE COURT: Well how do you get over the hear  
11 say?

12 MR. BECKHAM: It's not going for the truth.  
13 It's just going to her state of mind.

14 MS. BORNHOFT: As to state of mind, state of  
15 mind, state of mind is not relevant in this case  
16 because if the court actually looks at the jury  
17 instructions, the two prongs and elements that are  
18 contained in the statute that the State has to  
19 prove do not contain a mens rea. They don't  
20 contain a knowingly, purposely, recklessly,  
21 anything like that. Just that Sherrel Jean  
22 Courvelle was lawfully set at liberty on a  
23 condition that she appear at a specified time and  
24 place in court and that she failed to appear  
25 without a reasonable excuse.

1           Now I understand Mr. Beckham's argument as to  
2 what is reasonable and what is not, but as far as  
3 some kind of requirement of knowing or something  
4 like that, there's no actual state of mind element  
5 in here and I still do think that 403 outweighs,  
6 that this is gonna serve to just so severely  
7 confuse this jury on whether what the court is  
8 telling them is what's accurate or what is  
9 contained in this packet is accurate.

10           MR. BECKHAM: Your Honor, I would probably  
11 agree that there's not a state of mind according  
12 to the statute, but the State opened the door by  
13 introducing the efforts that they had made to  
14 extract her from the home. That she was  
15 consciously avoiding apprehension. That goes to  
16 her state of mind even then. Because if she was  
17 alleging that there was no jurisdiction in July of  
18 2023, she can still make that assertion when she  
19 was not willing to accept apprehension. I think  
20 they kinda opened that door by going into it with  
21 Mr. Muldoon and Captain Ware. Because if strictly  
22 she did not show up, then there's not a state of  
23 mind, I agree. But they kinda opened that door.

24           MS. BORNHOFT: I do think as to all of her  
25 personal beliefs about this - she's been

1           testifying about it, I think she can testify about  
2           it, but to submit this packet as some kind of  
3           evidence for them when it's full of legal  
4           inaccuracies and quite frankly just lies is just  
5           going to really confuse them on what they're told  
6           to consider here. They can certainly consider her  
7           testimony about these beliefs that she holds.

8           MR. BECKHAM: Well I mean maybe we could cover  
9           the illegal ground here instead of introducing the  
10          entire document itself, at least the front page.  
11          That establishes what the number is for and the  
12          file-mark date.

13          THE COURT: Okay. Do you have an objection to  
14          just the first page - because I'm not gonna allow  
15          the packet.

16          MR. BECKHAM: Right.

17          MS. BORNHOFT: Just for the sake of when she  
18          file-marked it?

19          MR. BECKHAM: Correct.

20          MS. BORNHOFT: No, that's fine.

21          THE COURT: You can introduce the first page  
22          and the rest will be removed. That'll be  
23          Defendant's 2.

24          MR. BECKHAM: Yes.

25                       (AT BENCH DISCUSSION CONCLUDED)

1 MR. BECKHAM CONTINUING:

2 Q Ms. Courvelle, I'm gonna explain what we just did  
3 there. We're introducing a portion of this -

4 A I understand.

5 Q - packet, okay?

6 A Yes, sir.

7 Q There's some legal assertions -

8 A I understand.

9 Q - legal assertions that you're making that whether or  
10 not the court agrees with them or not, any rule of law, any  
11 decision about the law, is up to the court to decide, not  
12 for the jury. They hear the issue on the facts. But what  
13 we did introduce is a file-mark showing when it was first  
14 filed and it was first filed to your knowledge when? Was  
15 it the 1<sup>st</sup> of August of 2023?

16 A August 1<sup>st</sup>, 2023, is when I challenged jurisdiction.

17 Q Okay.

18 THE COURT: I will officially admit it in case  
19 I haven't.

20 MR. BECKHAM: I'm sorry, I move for the  
21 admission.

22 THE COURT: Thank you.

23 **(DEFENDANT'S EXHIBIT 2 INTRODUCED AND**  
24 **ADMITTED INTO EVIDENCE AFTER REDACTION WITHOUT**  
25 **OBJECTION)**

1 MR. BECKHAM: Sorry about that, Judge. Your  
2 Honor, may I approach again?

3 THE COURT: You may.

4 MR. BECKHAM CONTINUING:

5 Q I'm showing you another not as lengthy document. Can  
6 you look over that very quickly and explain that to the  
7 jury for me please? I'm sorry, Ms. Courvelle, there's  
8 actually another page.

9 A Okay.

10 Q Can you describe that to me?

11 A This is letting everyone know in the State of Arkansas  
12 and all the way to D.C. - I mean everybody that you can  
13 think of that our courts are up and running. The Arkansas  
14 State common law courts are up and running here in  
15 Arkansas.

16 Q Was it basically a notice for some of those in the  
17 legal community, certain Judges, Prosecutors?

18 A Yes, every - all the Judges, all the Prosecutors, the  
19 Governor, Secretary of State, every official, the  
20 Department of Defense, Secretary of State, Anthony  
21 Blenkins, Biden, everybody you can think of. This went out  
22 to everybody in the entire United States that Arkansas was  
23 up and running.

24 Q Now was it not just that Arkansas was up and running as  
25 far as having these common law courts, but is it not on

1 notice for them to appear?

2 A Also, yes, that's the back pages -

3 Q Hang on.

4 A I'm sorry.

5 Q To your knowledge, did any of those people that you  
6 gave notice to, did any of them appear for that?

7 A No, we had our common law court hearing, the jury trial  
8 for all these cases, and all these Judges and the  
9 Prosecutors and everybody were noticed to show up. Nobody  
10 showed up. Nobody answered anything. Kinda like an FTA.

11 Q All right.

12 A They didn't show up, didn't answer, nothing.

13 Q Does it appear that any of those documents have been  
14 altered since when you filed them with the court?

15 A No, sir.

16 Q If you look at the front on the first page is there a  
17 date on that one?

18 A No, sir, they're all in a packet.

19 Q Okay.

20 A This is actually *Ex parte Milligan* - pertaining to *Ex*  
21 *parte Milligan*. I think that's Packet 1. Oh, that was  
22 when we gave the officials notice about the common law  
23 case.

24 Q Now let me ask you, when was this trial held?

25 A February 22<sup>nd</sup>, is when the verdict came out.

1 Q Of 2024, I'm assuming?

2 A Yes. That's when the Judge and the jury, the jury  
3 foreman signed everything.

4 Q Okay. Look at all this and make sure there's not gonna  
5 be a similar issue. Ms. Courvelle, when you are reviewing  
6 these, to the best of your knowledge have these been  
7 altered in any way from the day you filed them?

8 A No, sir.

9 MR. BECKHAM: Your Honor, we'd like to move  
10 for Defendant's 3. And if we can approach,  
11 because I don't think the issue is the same.

12 THE COURT: Okay. Any objection?

13 MS. BORNHOFT: One moment, Your Honor.

14 (DOCUMENTS ARE REVIEWED BY MS. BORNHOFT)

15 MS. BORNHOFT: So I guess I'm not  
16 understanding what she just authenticated because  
17 my understanding is she's saying that there was a  
18 trial held on -

19 THE COURT: In February.

20 MS. BORNHOFT: - her crimes and then they were  
21 resolved. The crimes that she committed that led  
22 to her Circuit Court cases here, that they were  
23 resolved in common law court.

24 These discuss crimes and wrongs, not that  
25 she's alleged to have committed, but that Joe

1 Graham, Meredith Switzer, Kara Petro, Darryl  
2 Mahoney, and Michelle Lawrence are accused of  
3 committing. So whatever she just said these were  
4 is not what they appear to be because these appear  
5 to be allegations of crimes committed by various  
6 third parties.

7 THE COURT: Then there's not proper  
8 authentication. That's your objection?

9 MS. BORNHOFT: To start with, and you know I  
10 mean I might have more, but that's where I'll  
11 start.

12 MR. BECKHAM: We don't have a time limit on  
13 how long your objections could be.

14 MS. BORNHOFT: Okay.

15 MR. BECKHAM: Your Honor, it's twofold. There  
16 is I guess a tortious action that she may have  
17 filed against a number of agents here, but they  
18 also tried the - one of the documents lists the  
19 Circuit numbers and the District Court case  
20 numbers that they also tried.

21 MS. BORNHOFT: Which one?

22 MR. BECKHAM: Well, I may be mis-speaking.  
23 Yeah, this is the wrong set. The wrong stack.  
24 I'll move on.

25 THE COURT: All right.

1 (AT BENCH DISCUSSION CONCLUDED)

2 MR. BECKHAM CONTINUING:

3 Q All right, Ms. Courvelle, you can tell it's a little -  
4 not our norm.

5 A I know, I know, it's a little different, I'm sorry.

6 Q No, you're fine. You're fine. But based on your  
7 challenges that you were asserting back in -

8 (A DISTURBANCE OCCURS IN THE GALLERY OF THE  
9 COURTROOM)

10 THE COURT: One moment, Mr. Beckham.

11 MR. BECKHAM: I'm sorry.

12 THE COURT: Bailiff, you need to get order in  
13 the courtroom. Everyone is to be quiet so we can  
14 hear testimony. You may inquire.

15 MR. BECKHAM CONTINUING:

16 Q Based on your assertions, they were initiated about  
17 what time? Do you remember what time of last year? Was it  
18 July or August of last year?

19 A I'm sorry, what -

20 Q Your challenge of jurisdiction began around August?

21 A Oh, I'm sorry. I'm sorry, I was worried about my  
22 daughter.

23 Q She's fine.

24 A August 1<sup>st</sup>, 2023, I challenged jurisdiction and when  
25 you challenge jurisdiction it has to be put on the record

1 by common law. You have to prove that person is a citizen  
2 of the United States incorporated or a resident of the  
3 State of Arkansas, which I am neither.

4 Q Okay.

5 A And it's to this day I'm still challenging juris-  
6 diction. That's why I filed a writ of habeas corpus in  
7 Federal Court, Western District Federal Court, which I'm  
8 waiting on. That's two days away. I'm still waiting on an  
9 answer for the jail to answer on that - on double jeopardy  
10 for going to trial twice on the same case.

11 Q All right, well let me ask you this: Was part of that  
12 trial, was it also about a like civil action against some  
13 agency or elected officials here in the county?

14 A Oh, yes.

15 Q Okay. So it incorporated not only your criminal  
16 charges but also some civil litigation as well?

17 A Wait, what do you mean?

18 Q Well, you said you were acquitted in this trial and -

19 A I was found innocent in all of it and they turned  
20 around and awarded me money -

21 Q Okay.

22 A - against several people. Officials.

23 Q Elected officials here.

24 A For malicious prosecution and stuff.

25 Q So it was a combination -

1 A I'd rather not say their names.

2 Q - so it was a combination of a criminal against you  
3 that you were acquitted of, but -

4 A Right, I was found innocent on all the charges and  
5 in turn they turned around and filed malicious prosecution  
6 and color of law and several other charges against the  
7 officials and awarded me like two point eight million  
8 dollars against them.

9 Q Okay, and that's who I was going with. Is it the  
10 Arkansas Assembly, is that how it's referred to?

11 A It's the Arkansas State Common Law Courts.

12 Q Okay. But is it the Arkansas Assembly that you -

13 A I'm an Arkansas State National citizen.

14 Q Okay. Who - I'm familiar that there is a fee scale  
15 that's been established.

16 A There is a fee state -

17 Q Is that done through the Arkansas Assembly?

18 A No, that's through all American State Nationals.

19 Q Okay. Can you kind of explain to me and to them  
20 exactly what that fee scale is about?

21 A Well, when you become an American State National there  
22 is a fee schedule that like if somebody does an injustice  
23 to you, there's a fee schedule that you have to go by. And  
24 like if somebody trespasses on your property we have a  
25 military - it's called a NARLO sign that we have placed on

1 our property that you have to have a military article, I  
2 think it's a 3 warrant to come on our property to even talk  
3 to us and it's a ten thousand dollar fine. And it says on  
4 the sign. It's a big twenty-five by forty-eight sign that  
5 says you have to have a military warrant to come on our  
6 property. And it tells you basically this is an American  
7 State National citizen.

8 On my driver's license - or on my credential card it  
9 says do not detain. On my paperwork right here where the  
10 Foreign Sovereign's Immunity Act, it says I'm owed the law  
11 of the peace. That's common law. The Department of Army  
12 pamphlet 2716-1, this is filed in our courthouse here all  
13 the way to D.C.

14 Q Well let me ask you, I want to go back to this fee  
15 scale thing.

16 A Okay.

17 Q Because you said you were awarded two point eight  
18 million dollars.

19 A It's around two point eight million. It's divided  
20 between five judges and a prosecutor here in town.

21 Q All right, but what I'm getting at here is, for  
22 example, if someone encroached on your property, there is -

23 A Like my neighbors.

24 Q - a civil lawsuit against generally that says you're  
25 entitled to "X" number of dollars, right?

1 A Well you have to have them indicted, which I did. You  
2 have to have them indicted and it has to go in front of a  
3 grand jury.

4 Q Okay.

5 A And if they find there's enough to indict them, they  
6 will indict them. Then you have to take them to trial.

7 Q Right.

8 A And -

9 Q But the amount of the judgment, if you are successful,  
10 is already established through the fee scale, correct?

11 A Right. Well, no, no, no, no. That fee scale is put  
12 on there to put a lien on them and you can put a lien on  
13 them through a UCC through Colorado to - it's like to hold  
14 it. Now when you get your judgment against them, that kind  
15 of like - because you don't get that - the fee scale is  
16 like astronomical, but when you get your - because your  
17 judgment will never be the amount of the fee scale because  
18 the fee scale is quite high.

19 Q Right.

20 A But when you get your - if you get a judgment against  
21 somebody, that's to go against that and then the lien will  
22 drop off.

23 Q Okay.

24 A You get what - you get what you're owed and it's  
25 dropped off.

1 Q Okay.

2 A If that makes any sense.

3 Q I think so. To an extent.

4 A Okay. You don't keep the lien and that.

5 Q Okay.

6 A It's either or. You keep the lien there until you get  
7 your judgment money and then it's dropped off.

8 Q All right. Well let me ask you, you are aware that  
9 you were ordered to appear in court August 22<sup>nd</sup> of last  
10 year, correct?

11 A Oh, yes. Yes.

12 Q What was happening on August 21<sup>st</sup>?

13 A My son - my son Tyler, he's an Army vet. He's got a  
14 two year old that I helped him get custody of. He's a  
15 single dad and he moved out to Durango with his daddy and  
16 he had a bad wreck in his truck. And he's got custody of  
17 his little two year old and he had a bad wreck and he was  
18 in the hospital and he had nobody to go get Rosie and I put  
19 a continuance - I called the courthouse. It's on record.  
20 They advised me to put it in writing so I think I faxed it.  
21 I wrote it down, I faxed it what was going. I think  
22 there's a copy of it somewhere.

23 Q You saw the letter that you had filed, correct?

24 A Yes, I did.

25 Q That's the one that you sent to the court?

1 A Yes, I sent it to the courts asking for a continuance.  
2 I told them that Tyler had had a wreck - I don't think I  
3 put his name in there - and I had to go pick up my  
4 granddaughter. There was nobody else. DHS was gonna get  
5 her and we had just got her from a drug addict mother and I  
6 was not gonna let her go to DHS in Texas. And I went. And  
7 I did call Rhonda Craven, the bonds lady, and told her I  
8 had to go to Texas and get my grandbaby and I told her I  
9 put in a continuance and I get back and find out there's  
10 FTA warrants on me and I think I'm on the docket sheet  
11 arguing why do I have FTAs when I put in for a continuance  
12 because my son had a bad car wreck and he was in the  
13 hospital.

14 Q Okay. Well let me ask you this: Once you get back to  
15 Arkansas and you get back in Garland County and you're  
16 aware there's a bench warrant, why did you not honor the  
17 bench warrant and turn yourself in?

18 A Because I was challenging jurisdiction and everything  
19 was supposed to stop. I mean nothing else was to go  
20 forward when you challenge jurisdiction.

21 Q What - go ahead, I'm sorry.

22 A I'm sorry.

23 Q No, I interrupted, go ahead.

24 A That's the way it was supposed to go. And there was  
25 two cease - and I think they're in there - hold on - the

1 grand jury sent two cease and desist orders on November 5<sup>th</sup>,  
2 2023, to stop all actions against me after they found out  
3 those failure to appears were out and they just kept on  
4 doing stuff. Kept on filing stuff.

5 Q And obviously I'm representing you today and I've been  
6 assigned to you as a Public Defender for quite some time -

7 A Yes, and I fired you a few times and they've hired you  
8 a few times. We've went back and forth.

9 Q - and you tried to represent yourself. That's the  
10 reason I'm asking, is that why you sent notice to the clerk  
11 directly as opposed to notifying me?

12 A Yes.

13 Q Okay.

14 A Yes, I sent notice directly to the court because I  
15 started filing pro se.

16 Q Right. And that's just - what we're talking about  
17 today just some of the things that have been filed,  
18 correct?

19 A Well, when we filed last July for Judge Petro to recuse  
20 because she was on my cases and when I walked out and said  
21 I'm done, I started filing pro se.

22 Q Okay. I just -

23 A You know, I mean you and I have been back and forth  
24 and -

25 Q Uh-hum.

1 A - finally I think we're at a happy medium.

2 Q Right.

3 A You know, thank God. Thank God.

4 Q All right. I think I've established everything. Is  
5 there anything I'm necessarily missing that you want to  
6 address with the jury as far as the FTA? The fail to  
7 appear.

8 A I would've never - you know I've been - I've dealt with  
9 Rhonda Craven and them for, you know, years. I would never  
10 just leave. You know, he had a bad - you know, he totaled  
11 his truck.

12 Q Uh-hum.

13 A My granddaughter, you know. We got her out of horrific  
14 with a drug addict mother and the other children were being  
15 molested. I was not gonna let DHS get ahold of her in  
16 Texas. And I had to go and I put in a continuance. And I  
17 mean it's on the record me calling, fussing with them. You  
18 know, you put an FTA out on me when you didn't show up for  
19 court? How am I gonna show up for court when I'm going to  
20 get my grandbaby and take care of my son? I have seven  
21 children. Those are my last two, the one they just  
22 escorted out of court, and I've got to get home and take  
23 care of my babies.

24 Q You mentioned that you've had a lot of dealings with  
25 Ms. Cravens who's a bondsman for Mr. Muldoon. Let's go

1 back. You actually do have a felony conviction, do you  
2 not?

3 A Uh-hum, yes.

4 Q I think it's from 2010, a Forgery charge?

5 A Yes.

6 Q You received probation in that case?

7 A Yes.

8 Q Okay. I just wanted to address that and I didn't  
9 wanna hide it from them.

10 A No. No. Look, I was so messed up on Xanax and when I  
11 had those last two, I changed my life around. I just - you  
12 know, I'm not - nobody's a perfect parent, but those two, I  
13 don't ever want to see a kid ever go where I've been  
14 sitting for the last two hundred and eight days, not being  
15 able to get out and handle my children. I've been sitting  
16 in the Garland County Detention Center with no way to get  
17 out.

18 Q All right, Ms. Courvelle, I don't have any questions,  
19 but I'm sure Ms. Bornhoft will have some. Have seat, stay  
20 right there.

21 MS. BORNHOFT: Can we approach?

22 THE COURT: Yes.

23 (AT BENCH DISCUSSION)

24 MS. BORNHOFT: This crossed my mind earlier,  
25 but I couldn't raise it until I heard her testify,

1 I do think if it's been her now defense that she's  
2 put on the record that her reasonable excuse is  
3 that she does not believe that this court holds  
4 jurisdiction over her and all of the things she  
5 believes about the laws, I do think it's relevant  
6 to - again, to steal Mr. Beckham's words, to her  
7 state of mind about how reasonable this is or is  
8 not. In fact she has been prosecuted over and  
9 over in Arkansas before. It's just been testified  
10 to that she has a prior felony conviction. But  
11 she knows this process because she has numerous  
12 prior felony convictions, one of which actually  
13 went to jury trial and I actually think that all  
14 of that goes to directly contradict what she's now  
15 asserting she thinks is reasonable to have not  
16 come to court and not abide by the laws when she  
17 has a vast amount of experience with the court  
18 system in Arkansas and with a jury trial so she  
19 knows. You know, she's talking about the jury  
20 trial she had in the common law system, I should  
21 be able to cross-examine her on the fact that she  
22 knows that's not an Arkansas State law jury trial  
23 because she's actually had one of those too. So I  
24 think her criminal history is actually relevant at  
25 this point not to use as character evidence, not

1 to say because she committed a felony once, she  
2 committed it again, but to directly attack her  
3 assertion that she thinks that all this that she  
4 just testified about is reasonable.

5 MR. BECKHAM: That is not her reasonable  
6 excuse. Her reasonable excuse is that she sent  
7 notice to the court that there was a  
8 hospitalization of a child or a member of her  
9 family. That's her reasonable excuse. All this -  
10 not nonsense - all these other arguments that went  
11 to her state of mind as far as not honoring the  
12 bench warrant and not turning herself in. Her  
13 reasonable excuse is gonna be that she had a  
14 medical emergency.

15 MS. BORNHOFT: I would I guess at least, if  
16 the court's not inclined to grant me full leeway  
17 to at least be able to ask her about the fact that  
18 she has been tried by a jury previously without  
19 using - I don't even have to ask her whether it  
20 was a felony or a misdemeanor, but to directly  
21 attack fact that she is trying to say that this  
22 was all resolved by some common law jury trial. I  
23 think that's directly probative.

24 MR. BECKHAM: Her testimony was that she has  
25 adopted this philosophy in July of 2023. She's

1 acknowledged she has a prior felony conviction.  
2 That in and of itself acknowledges that she  
3 accepted jurisdiction of the court. I don't think  
4 the State can get into it.

5 THE COURT: I don't think you can get into  
6 it, Ms. Bornhoft.

7 MS. BORNHOFT: Okay, all right.

8 (AT BENCH DISCUSSION CONCLUDED)

9 **CROSS EXAMINATION**

10 BY MS. BORNHOFT:

11 Q All right, Ms. Courvelle, my name is Caitlin Bornhoft.  
12 I'm the Prosecutor for the State of Arkansas and for  
13 Garland County, okay? I have a few questions that I want  
14 to ask you.

15 You testified that you started challenging this court's  
16 jurisdiction on August 1<sup>st</sup> of 2023, right?

17 A Yes, ma'am.

18 Q And that was the same time we saw that paperwork get  
19 filed that was introduced as Defense Exhibit 2?

20 A Yes, ma'am.

21 Q Okay. You said that once you filed that document and  
22 were challenging the court's jurisdiction you said  
23 everything was supposed to stop, right?

24 A When you challenge jurisdiction, jurisdiction must be  
25 proved. Yes, ma'am.

1 Q So that was your opinion as of August 1<sup>st</sup> of 2023 is  
2 that everything in those Circuit Court cases should've  
3 stopped at that point?

4 A Yes, ma'am.

5 Q And you said that's the way that it's supposed to be,  
6 but they just kept on filing stuff. So after you  
7 challenged jurisdiction on August 1<sup>st</sup> and you believed  
8 everything was supposed to stop, you acknowledged that it  
9 did not stop, right?

10 A No, I knew I had to go to court. I didn't plan on my  
11 son having a car wreck in his truck.

12 Q But what I'm saying is so your opinion was that after  
13 you filed that document, those cases were supposed to halt,  
14 am I right?

15 A No, ma'am. No, ma'am. They're supposed to stop until  
16 jurisdiction is proven -

17 Q Right.

18 A - on the record.

19 Q Right. And that's not what happened once you filed  
20 that document on August 1<sup>st</sup>, though, right?

21 A No, we kept - I put in default - default and dishonor,  
22 everything I've filed, nothing's been answered.

23 Q Okay. And so between August 1<sup>st</sup> when you filed that  
24 saying everything needs to stop, the court doesn't have  
25 jurisdiction, on August 21<sup>st</sup> you hadn't gotten what you

1 wanted, right, in those twenty days?

2 A Well, I'm still filing for jurisdiction.

3 Q But specifically, Ms. Courvelle, between August 1<sup>st</sup> of  
4 2023, and August 21<sup>st</sup> of 2023, the court's three Circuit  
5 Court cases that it had pending against you did not halt,  
6 despite the fact that you had challenged jurisdiction,  
7 right?

8 A My son had a wreck.

9 Q I know, but that's not the question that I'm asking  
10 you. The question that I'm asking you is in those twenty  
11 days, the court's jurisdiction did not stop, correct?

12 A Well usually it takes about thirty to sixty days for  
13 something to change so I wasn't expecting anything anytime  
14 soon.

15 Q Okay. But in those twenty days it did not have the  
16 outcome that you were hoping, at least at that point,  
17 right?

18 A I hadn't heard anything yet, no ma'am.

19 Q And so then conveniently after those twenty days where  
20 you said hey, you don't have jurisdiction over me anymore  
21 and it wasn't having the outcome that you desired, the day  
22 before you're set to come to court you filed something  
23 saying my son had a car accident, right?

24 A Oh, no, that did happen.

25 Q Well, you say that that happened the day before you

1 were supposed to come to court, but Ms. Courvelle, do you  
2 understand that what you're telling the jury is basically  
3 on August 1<sup>st</sup> I told them they don't have any control over  
4 me and then that didn't work, so the day before I have to  
5 come to court that's actually when you filed something  
6 saying that you had this other reason?

7 A No, ma'am.

8 Q Does that make sense to you?

9 A That is absolutely not true what you're saying.

10 Q Okay. So you didn't just file that because your other  
11 motions had not had the desired outcome?

12 A No, ma'am.

13 Q All right.

14 A No, ma'am.

15 Q Now you said that you called Rhonda Craven at H&H  
16 Bail Bonds and told her that you were not going to be  
17 appearing in court and Rhonda Craven would have told you  
18 that you needed to appear in court, wouldn't she have?

19 A I left her a message telling her that I had to leave  
20 town because Tyler had a wreck -

21 Q So you didn't actually speak to her?

22 A - and I had to go pick up - no. That I had to go  
23 pick up my granddaughter because DHS was going to pick her  
24 up.

25 Q Now you said that you were pretty familiar with Rhonda

1 and H&H Bail Bonds so you know that had you gotten on the  
2 phone with her she would've told you you needed to be in  
3 court the next day?

4 A I told her I filed a continuance and stuff.

5 Q But she would have told you to go to court, right? You  
6 know her pretty well and you're pretty familiar at this  
7 point, she would've told you that you needed to go to court  
8 on the 22<sup>nd</sup>?

9 A Well, I don't know what she would've told me.

10 Q Okay.

11 A But I know my child was in danger and my granddaughter  
12 was in danger.

13 Q And your child you believed was in danger and your  
14 granddaughter was in danger and also you believed that this  
15 court did not have control over you and did not have  
16 jurisdiction over you, right? All three of -

17 A That's not - no.

18 Q - those things at once.

19 A No, that was not proved yet.

20 Q Okay. Now you say that you went to Texas to deal with  
21 this family matter, but when you came back to Arkansas you  
22 didn't reappear before the court to take up these issues,  
23 did you?

24 A No, I kept filing stuff.

25 Q You were aware that you had a bench warrant out for

1 your arrest for failing to appear?

2 A Yes, it's on the docket that I called.

3 Q And yet you never availed yourself of this court to  
4 actually address all these matters that you say you wanted  
5 to address so badly?

6 A No, I did not because, look, I'm sitting in here two  
7 hundred and eight days and I've had no bond. I've been  
8 sitting here two hundred and eight days.

9 Q Well you're aware that the reason you have no bond is  
10 because you failed to appear before this court for so many  
11 months, correct? You're aware of that.

12 A (NO VERBAL RESPONSE GIVEN)

13 Q Are you not aware of that?

14 A No, I'm not.

15 Q You're not aware that the reason that you do not have  
16 a bond is because the court could not ensure your  
17 appearance?

18 A No.

19 Q Do you feel that the court, after having failed to be  
20 here for seven, eight months, do you feel that you can  
21 understand why the bondsman couldn't assure your appearance  
22 any longer?

23 A I know that we - our government took it to court and I  
24 got my jury verdict.

25 Q So let's talk about what you mean when you say our

1 government.

2 A Yes, ma'am.

3 Q What location was this jury trial held in?

4 A We do everything by Zoom. On - oh, I can't think what  
5 it's called. We have like a Zoom call.

6 Q So where were you when you were on jury trial for the  
7 three felony cases that you were brought before Circuit  
8 Court in Garland County for?

9 A Excuse me?

10 Q Where were you at when you faced trial in that common  
11 law courtroom?

12 A We took all thirteen, including the District Court  
13 cases. I think it was thirteen.

14 Q I'm asking you - you said it was on Zoom, I'm asking  
15 where you physically were when you sat on trial in that  
16 common law court?

17 A We - I was out in Jessieville.

18 Q Who was the judge?

19 A It was in front of a jury trial.

20 Q Who was the judge that presided over that jury trial?

21 A It was a William Harrison.

22 Q Was he a judge?

23 A Yes, he's on the - he has signed the back of that.

24 Q Is he a judge?

25 A Yes, he is over common law courts.

1 Q Does he have a law degree?

2 A No, he does not.

3 Q Okay.

4 A Do you have a bar card?

5 Q Ms. Courvelle, you are the witness. You've chosen to  
6 testify so I'm asking the questions.

7 A Yes, ma'am. Yes, ma'am.

8 Q Who was the prosecutor in that case?

9 A We don't have prosecutors and stuff. We do not use  
10 attorneys.

11 Q Okay. So you don't use attorneys, but you're saying  
12 that - now let's be clear here - you're saying that this  
13 common law jury trial that was held -

14 A You have to -

15 Q - on Zoom was in order to -

16 A We are self-governed.

17 Q - Ms. Courvelle -

18 A Yes, ma'am.

19 Q - let me ask the questions.

20 A I'm sorry.

21 Q You're saying that this Zoom jury trial held in common  
22 law court was to adjudicate case number 26CR-19-84?

23 A Uh-hum.

24 Q And 26CR-21-123?

25 A Uh-hum.

1 Q And 26CR-21-531?

2 A And 712.

3 Q Okay, I'm asking about those three cases right now.  
4 This trial you're saying was to resolve those three  
5 matters?

6 A Yes, ma'am.

7 Q And in each of those three matters you're charged with  
8 some kind of felony offense, correct?

9 A Yes, ma'am.

10 Q And your testimony just now was that there was no  
11 prosecutor?

12 A No, because she failed to show up.

13 Q Your testimony was that there are no attorneys?

14 A No. Everyone was summonsed to be there, subpoenaed  
15 to be there, and none of them showed up. They failed to  
16 appear.

17 Q Well, so let's talk about that because you alluded to  
18 that on direct examination that you actually noticed a  
19 whole bunch of people. You said you noticed I think you  
20 said literally everyone from the Governor to the Secretary  
21 of State, Biden, everyone - the judges, the prosecutor, you  
22 noticed -

23 A Let me -

24 Q - everyone to be there.

25 A Let me correct that.

1 Q Okay.

2 A That was to let them know that the government was up  
3 and running.

4 Q Okay.

5 A That was not about the jury trial.

6 Q Okay, so -

7 A The jury trial was to let the people that were involved  
8 in this - and I'm not gonna name their names - to come to  
9 defend themselves.

10 Q Okay, and so what you said on direct examination,  
11 though, I think was that this was some kind of notice to  
12 appear given to those people, correct?

13 A Right. Right. And I think the green cards and stuff  
14 are in that packet that we just turned in.

15 Q Okay. And you testified that nobody appeared, right?

16 A Ma'am?

17 Q You testified that nobody of these people appeared.

18 A Right.

19 Q And you compared that to a failure to appear, right?

20 A Well, yes ma'am, Lawrence, Petro -

21 Q Okay.

22 A - none of them showed up or answered any of it.

23 Q Okay. So let me ask you, because I just wanna make  
24 sure that we're on the same page about some of this stuff.  
25 You understand that when there is an allegation that you've

1 committed a crime -

2 A Uh-hum.

3 Q - then you are ordered to appear in the courtroom as a  
4 result of the allegation of a crime, right?

5 A Okay.

6 Q Do you understand that?

7 A I understand Article II, Section XIV on the 1836  
8 Arkansas Constitution that no man shall be put to answer  
9 any criminal charge by presentment or indictment by a grand  
10 jury. I never received anything from a grand jury.

11 Q Okay. I'm not trying to get that complicated with it,  
12 I think I'm asking a more simple question.

13 A Okay.

14 Q You understand that if there's an allegation that you  
15 commit a crime it's that allegation that leads to an  
16 arrest, right?

17 A Okay, but where is my grand jury indictment?

18 Q I'm not asking about you here, I'm just talking  
19 generally here.

20 A Okay.

21 Q Just try to -

22 A Okay.

23 Q - go with me, it doesn't have to be about you.

24 A Okay.

25 Q So there's an allegation that you commit crime, right?

1 A Uh-hum.

2 Q Or let's say somebody. Then somebody gets arrested,  
3 right?

4 A Uh-hum.

5 Q They get out on a bond, right?

6 A Okay.

7 Q And then that's when they have the obligation to go  
8 to court and can be given a failure to appear if they don't  
9 go. Does that make sense?

10 A Right.

11 Q So you comparing all these other people that you  
12 wanted to go to court in this common law Zoom court to have  
13 a failure to appear, do you understand that those people  
14 weren't alleged to have committed a crime?

15 A They were indicted to go to court.

16 Q By who?

17 A By the Arkansas common law courts.

18 Q And so you believe that that's the same situation as  
19 somebody who's arrested and makes bond, you believe that  
20 those people should face the same responsibility of going  
21 to court or getting a failure to appear, even though they  
22 were never arrested, they were never charged with a crime?

23 A Well, I was never indicted by a grand jury and I had to  
24 show up.

25 Q All right.

1 A I mean where is my grand jury indictment to ever show  
2 up for any of this? I mean by Article II, Section XIV of  
3 the 1836 Arkansas Constitution it says I have to have a  
4 grand jury indictment for any criminal charge and I've  
5 never been handed a grand jury indictment for anything.

6 Q Where did you go to law school, Ms. Courvelle?

7 A I didn't, but it's in our Constitution.

8 Q And so let's talk about the timing of some of this  
9 because we've talked at great length about how you  
10 challenged jurisdiction August 1<sup>st</sup> of 2023, right?

11 A Yes, ma'am.

12 Q And you're aware that case 19-84 is a felony offense  
13 that you were alleged to have committed in 2019, right?

14 A Right.

15 Q You're aware that in -

16 A 2018.

17 Q 2018, okay.

18 A Yes, ma'am.

19 Q So even before. 2021-123 and 2021-531 were  
20 felonies that you were alleged to have committed around  
21 2021, correct?

22 A Uh-hum, yes, ma'am.

23 Q And so let me ask you this, Ms. Courvelle: If -  
24 because you understand that I'm a prosecutor here in  
25 Garland County, right?

1 A Yes, ma'am.

2 Q So I handle homicide cases, rape cases, aggravated  
3 robbery cases, right?

4 A Uh-hum, yes, ma'am.

5 Q You think that if I go out and I commit a crime today -

6 A Yes, ma'am.

7 Q - and I shoot somebody and kill them, that if I  
8 challenge this court's jurisdiction three years later, that  
9 just means that they need to leave me alone and leave me to  
10 the common law court system because I said so?

11 A No, ma'am, but you have the right to challenge  
12 jurisdiction at any time. And when I switched over to be  
13 an American State National, I had that right because I went  
14 back to my birthright.

15 Q And so you think that somebody who goes out and commits  
16 an armed robbery here in Garland County should be able to  
17 assert that same right?

18 A Who did I hurt?

19 Q No, ma'am.

20 A Who have I - what crime have I committed? If there's  
21 no grand jury indictment, who have I hurt? Who have I -  
22 you know?

23 Q Are you asserting that you don't know what crimes you  
24 were charged with in those cases, Ms. Courvelle?

25 A I mean where - I mean where is my accusers?

1 Q Ms. Courvelle, are you asserting that you do not know  
2 what crimes you were charged with and -

3 A I know what crimes I'm charged with.

4 Q You do know what crimes you were charged with?

5 A Yes, ma'am.

6 Q Okay. I just wanted to clear that up. So you were  
7 aware of what the allegations were against you?

8 A Yes, ma'am.

9 Q All right.

10 A But they're allegations.

11 Q Exactly. But according to your law and government  
12 belief, somebody who goes out and commits an armed robbery  
13 or shoots somebody should be able to challenge the  
14 jurisdiction of this state and this county and these here  
15 officials and be able to do what you're doing?

16 A No, ma'am, we don't do that.

17 Q You don't think that that person would be able to do  
18 the same thing you're doing and -

19 A No.

20 Q - have the same rights as you think you have?

21 A Because I have not harmed anybody.

22 Q So you're saying that your -

23 A I have not harmed anybody.

24 Q - law - the law that controls you only applies to  
25 nonviolent crimes, is that what you're saying?

1 A No. I'm saying I have not harmed anybody. I have not  
2 injured anybody. Where is the injured person?

3 Q So if somebody goes out and commits a violent crime  
4 and then asserts the same rights that you're here today in  
5 this courtroom asserting, you think that that would be  
6 appropriate of them, right?

7 A No, it's not.

8 Q So you're saying that the laws that you abide by don't  
9 control homicide, armed robbery, rape, things like that?

10 A No, because we are the law of the peace. We are  
11 peaceful people. We cannot do that.

12 Q So they only deal in peaceful crimes?

13 A Well they do that too, but it's by hanging if you do  
14 something like that.

15 Q Okay, so they only deal in peaceful crimes but if you  
16 commit one of those other crimes I just listed you could be  
17 hung?

18 A Well, yeah. I mean -

19 Q Okay. And so you think that if somebody committed one  
20 of those kind of crimes and they were being prosecuted here  
21 in Circuit Court in Garland County -

22 A We don't use your courts.

23 Q - that they could - that they could challenge the  
24 same thing that you're challenging and face that separate  
25 consequence?

1 A If they were in our courts, if they were one of us and  
2 they did that, the penalties would be far severer than what  
3 you would do to them.

4 Q And so you think that they would have the right to,  
5 again like what you're saying should happen here, to skirt  
6 this court's jurisdiction and have their penalty in that  
7 other court?

8 A No. I don't think that.

9 Q You don't think that that person should be able to do  
10 that?

11 A Well, if they're one of us, they're gonna have to  
12 adhere to what our laws - you know. They have to adhere to  
13 what our laws say and our laws - I mean -

14 Q You said if they're one of us.

15 A Right. If they're an Arkansas State National citizen -

16 Q What if they're one of the people of the community of  
17 Garland County? What if they're not one of you, but they  
18 live in this community?

19 A Then they're one of your jurisdictions.

20 Q So they're mine, but they're not yours?

21 A Yes, maritime.

22 Q And so in this belief system and this legal system  
23 that you have, there are the people of Garland County and  
24 that's them -

25 A No.

1 Q - and then there are your people?

2 A No, it's law - land, air and water. Land jurisdiction,  
3 air jurisdiction, water jurisdiction. You're water  
4 jurisdiction, I'm land and soil jurisdiction.

5 Q Ms. Courvelle, you've previously been convicted of a  
6 felony offense of forgery, correct?

7 A Yes, ma'am, years ago.

8 Q So you're actually well aware of how the Circuit Court  
9 system works - the felony court system?

10 A Yes, ma'am.

11 Q You're aware of it because you went through it  
12 previously?

13 A Yes, ma'am.

14 Q But today you sit here and you look at this jury and  
15 you tell them that you now follow a different set of laws  
16 than the ones that they all have to follow, is that fair?

17 A Yes, ma'am. After a lot of Xanaxes and two kids later,  
18 yes, ma'am, I have changed my life around.

19 Q And you are now immune from the laws that bind every-  
20 body else in this courtroom - the jurors, the judge, myself  
21 - you are immune from those laws because you abide by a  
22 different set, is that right?

23 A I am an American State National citizen and I abide  
24 by the common law courts and you cannot overturn a common  
25 law verdict. That's double jeopardy.

1 Q And so the laws that I'm bound to are not the same ones  
2 that you are, right?

3 A Unless you're an American State National citizen.

4 Q Okay.

5 MS. BORNHOFT: Nothing further.

6 THE COURT: Redirect?

7 **REDIRECT EXAMINATION**

8 BY MR. BECKHAM:

9 Q How bad was your son injured in that car wreck?

10 A He stayed in the hospital a couple of days. I had to  
11 go out and get Rose.

12 Q What was his injury?

13 A He had injured his collar bone or cracked his collar  
14 bone, totaled his truck.

15 Q When you say cracked, cracking a collar bone to me  
16 sounds like a breaking a collar bone.

17 A Well, broke collar bone.

18 Q Okay, so he was in a sling for a while?

19 A Yeah, he was in a sling for a while.

20 Q How long did you stay in Texas?

21 A About a week and a half.

22 Q Okay. And there's been nothing to refute that  
23 accident report - or your claim of the accident, correct?

24 A No, I just - I'm a mom. I just took off and went,  
25 you know.

1 MR. BECKHAM: Okay, thank you.

2 THE COURT: Cross?

3 MS. BORNHOFT: Nothing further.

4 THE COURT: You may step down.

5 (WHEREUPON, THE DEFENDANT WAS EXCUSED FROM THE STAND)

6 THE COURT: Call your next witness.

7 MR. BECKHAM: That's all we have.

8 **(WHEREUPON, THE DEFENSE RESTED ITS CASE)**

9 THE COURT: All right.

10 MR. BECKHAM: Your Honor, may we approach?

11 THE COURT: You may.

12 (AT BENCH DISCUSSION)

13 MR. BECKHAM: Your Honor, I again renew my  
14 directed verdict motion. Same grounds.

15 THE COURT: That's denied. Do you have any  
16 rebuttal?

17 MS. BORNHOFT: No.

18 THE COURT: I guess we'll go ahead and go over  
19 instructions with them and then argue.

20 MS. BORNHOFT: Will I be able to use the  
21 bathroom before closing?

22 THE COURT: I'll take a five minute break.

23 MS. BORNHOFT: Literally five minutes.

24 (AT BENCH DISCUSSION CONCLUDED)

25 THE COURT: Ladies and Gentlemen, we're gonna

1 take a five minute recess. You might want to use  
2 the restroom before we come back. All right,  
3 we'll be in recess.

4 (WHEREUPON, A RECESS WAS TAKEN AT THIS TIME.  
5 THEREAFTER, ALL PARTIES RECONVENED IN OPEN COURT  
6 WHERE THE FOLLOWING PROCEEDINGS WERE HAD, TO-WIT:)

7 **OPEN COURT**

8 THE COURT: Bring the jury in.

9 (THE JURY RETURNS TO THE COURTROOM AT THIS  
10 TIME)

11 (REPORTER'S NOTE: THE DEFENDANT IS PRESENT IN  
12 THE COURTROOM WITH COUNSEL, ALL THE JURORS ARE IN  
13 THE JURY BOX)

14 THE COURT: The faithful performance of your  
15 duties as jurors is essential to the admini-  
16 stration of justice. It is my duty as Judge to  
17 inform you of the law applicable to this case by  
18 instructions. It is your duty to accept and follow  
19 them as a whole, not singling out one instruction  
20 to the exclusion of others. You should not  
21 consider any rule of law with which you may be  
22 familiar unless it is included in my instructions.

23 It is your duty to determine the facts from  
24 the evidence produced in this trial. You are to  
25 apply the law as contained in these instructions

1 to the facts and render your verdict upon the  
2 evidence and the law. You should not permit  
3 sympathy, prejudice, or like or dislike of any  
4 party to this action or of any attorney to  
5 influence your findings in this case.

6 In deciding the issues you should consider  
7 the testimony of the witnesses and the exhibits  
8 received in evidence. The introduction of  
9 evidence in Court is governed by law. You should  
10 accept without question my rulings as to the  
11 admissibility or rejection of evidence, drawing no  
12 inferences that by these rulings I have in any  
13 manner indicated my views on the merits of this  
14 case.

15 Closing arguments of the attorneys are not  
16 evidence, but are made only to help you in under-  
17 standing the evidence and the applicable law. Any  
18 argument, statements or remarks of attorneys  
19 having no basis in the evidence should be  
20 disregarded by you.

21 I have not intended by anything I've said or  
22 done or by any questions that I may have asked to  
23 intimate or suggest what you should find to be the  
24 facts or that I believe or disbelieve any witness  
25 who testified. If anything that I have done or

1 said has seemed to so indicate, you will disregard  
2 it.

3 In considering the evidence in this case you  
4 are not required to set aside your common  
5 knowledge, but you have a right to consider all  
6 the evidence in the light of your own observations  
7 and experiences in the affairs of life.

8 You are the sole judges of the weight of the  
9 evidence and the credibility of the witnesses. In  
10 determining the credibility of any witness and the  
11 weight to be given their testimony, you must take  
12 into consideration his demeanor while on the  
13 witness stand, any prejudice for or against any  
14 party, his means of acquiring knowledge concerning  
15 any matter to which he testified, any interest he  
16 may have in the outcome of the case, the  
17 consistency or inconsistency of his testimony, its  
18 reasonableness or unreasonableness, and any other  
19 fact or circumstance tending to shed light upon  
20 the truth or falsity of his testimony.

21 A fact in dispute may be proved by  
22 circumstantial evidence as well as by direct  
23 evidence. A fact is established by direct  
24 evidence when, for example, it is proved by  
25 witnesses who testified to what they saw, heard or

1 experienced. A fact is established by  
2 circumstantial evidence when its existence can be  
3 reasonably inferred from other facts proved in the  
4 case. However, circumstantial evidence must be  
5 consistent with the guilt of the Defendant and  
6 inconsistent with any other reasonable conclusion.

7 The State must prove beyond a reasonable  
8 doubt each element of the offense charged. On the  
9 other hand, the Defendant is not required to prove  
10 her innocence.

11 The filing of an Indictment or Information is  
12 merely the means by which a person is brought to  
13 trial. It is not evidence and is not to be  
14 considered by you in determining the guilt or  
15 innocence of Sherrel Jean Courvelle.

16 There is a presumption of the Defendant's  
17 innocence in a criminal prosecution. In this case  
18 Sherrel Jean Courvelle is presumed to be innocent.  
19 That presumption of innocence attends and protects  
20 her throughout the trial and should continue and  
21 prevail in your minds until you are convinced of  
22 her guilt beyond a reasonable doubt.

23 Reasonable doubt is not a mere possible or  
24 imaginary doubt. It is a doubt that arises from  
25 your consideration of the evidence and one that

1 would cause a careful person to pause and hesitate  
2 in the graver transactions of life. A juror is  
3 satisfied beyond a reasonable doubt, if, after an  
4 impartial consideration of all the evidence, he  
5 has an abiding conviction of the truth of the  
6 charge.

7 Sherrel Jean Courvelle is charged with the  
8 offense of Failure to Appear. To sustain this  
9 charge the State must prove the following things  
10 beyond a reasonable doubt in Count I:

11 First, that Sherrel Jean Courvelle was  
12 lawfully set at liberty upon condition that she  
13 appear at a specified time, place, and court; and  
14 that,

15 Second, she failed to appear without a  
16 reasonable excuse.

17 Count II

18 Sherrel Jean Courvelle is charged with the  
19 offense of Failure to Appear. To sustain this  
20 charge the State must prove the following things  
21 beyond a reasonable doubt:

22 First, that Sherrel Jean Courvelle was  
23 lawfully set at liberty upon condition that she  
24 appear at a specified time, place, and court; and,

25 Second, that she failed to appear without a

1 reasonable excuse.

2 Count III

3 Sherrel Jean Courvelle is charged with the  
4 offense of Failure to Appear. To sustain this  
5 charge the court (sic) must prove the following  
6 things beyond a reasonable doubt in Count I:

7 First, that Sherrel Jean Courvelle was  
8 lawfully set at liberty upon condition that she  
9 appear at a specified time, place, and court; and  
10 that,

11 Second, she failed to appear without a  
12 reasonable excuse.

13 If you find Sherrel Jean Courvelle guilty of  
14 an offense, you will so indicate on a verdict form  
15 to be given to you. If you find Sherrel Jean  
16 Courvelle not guilty, you will so indicate on the  
17 appropriate verdict form.

18 In your deliberations the subject of  
19 punishment is not to be discussed or considered by  
20 you. If you return a verdict of guilty, the  
21 matter of punishment will be submitted to you  
22 separately.

23 Members of the Jury, when you reach the jury  
24 room, you will elect one of your members as  
25 foreperson. You will consider and complete one of

1 the following verdict forms. The verdict forms  
2 will be in the back in the folder and they are  
3 right here and they say:

4 "We, the Jury, find beyond a reasonable doubt  
5 that Sherrel Jean Courvelle is guilty of Failure  
6 to Appear," and there's a place for the foreperson  
7 to sign.

8 Below that says, "We, the Jury, find Sherrel  
9 Jean Courvelle not guilty," and there's a place  
10 for the verdict - or for the foreperson to sign on  
11 the verdict form.

12 And the same for Count II, it reads the same,  
13 "We, the Jury find beyond a reasonable doubt that  
14 Sherrel Jean Courvelle is guilty of Failure to  
15 Appear," and a place for the foreperson to sign.

16 And then, "We, the Jury, find Sherrel Jean  
17 Courvelle not guilty," and a place for the  
18 foreperson to sign.

19 And the same for Count III which is going to  
20 say, "We, the Jury, find beyond a reasonable doubt  
21 that Sherrel Jean Courvell is guilty of Failure to  
22 Appear," and there's a place for the foreperson to  
23 sign.

24 "We, the Jury, find Sherrel Jean Courvelle  
25 not guilty," and a place for the foreperson to

1 sign.

2 So all three of these verdict forms will be  
3 in the back of the binder that I send back with  
4 you.

5 All twelve of you must agree on the verdict,  
6 but only the foreperson need sign the verdict  
7 form.

8 All right, the State may close.

9 **CLOSING ARGUMENT OF THE STATE**

10 BY MS. BORNHOFT: All right, Members of the  
11 Jury, I want to thank you all for being with us  
12 today, paying such close attention, taking the  
13 notes that you've been taking, and listening to  
14 the evidence. We couldn't do our jobs without  
15 your participation and you being a part of this  
16 process, so I know the court, myself, all the  
17 staff, Mr. Beckham, we thank you for being here  
18 and for taking this seriously.

19 The first instruction that the court read you  
20 - and like she said, you'll have those to go back  
21 with you so you don't have to memorize them or  
22 anything like that - the very first one that the  
23 court read you has a sentence in it that says you  
24 should not consider any rule of law which you may  
25 be familiar with unless it is included in my

1 instructions. That is a jury instruction that  
2 goes back with a jury in every single case, no  
3 matter whether it's a failure to appear case, a  
4 speeding ticket case, a murder case, every juror  
5 gets that same instruction.

6 But I think that sentence is especially  
7 relevant here because the court is instructing you  
8 that unless it's the law that she provides you and  
9 the law that she tells you applies, even if it's  
10 something that you're familiar with maybe from  
11 living in another state, maybe from living in  
12 another country, maybe you have family or friends  
13 who are law enforcement officers or lawyers or  
14 something like that who have discussed different  
15 concepts with you, unless it is the law in  
16 Arkansas, unless it is the law in Garland County,  
17 and unless it is the law in this courtroom, you're  
18 asked to not consider it. And the Defendant in  
19 this case does not follow that same rule that you  
20 are asked to follow.

21 This is a pretty simple matter. Did Ms.  
22 Courvelle get set at liberty - meaning released on  
23 bond, released from the Garland County Detention  
24 Center with the understanding that she's obligated  
25 to return at a certain date and time and did she

1 fail to do so and not have a reasonable excuse.  
2 You've heard evidence about each and every one of  
3 those elements throughout this trial.

4 There's an instruction in here that I think  
5 is - it's relevant in every case, it's relevant in  
6 every trial, but it's especially relevant in this  
7 one and it's the credibility instruction. And  
8 it's the third instruction that you're given. And  
9 it says that you are the sole judges of the  
10 witness's credibility and what that means is you  
11 can choose to believe ever single word of  
12 testimony that they provided. Somebody comes in  
13 and all they say is the sky is blue right now, you  
14 can believe all of that testimony and find them to  
15 have been a hundred percent credible. You can  
16 believe some of what a witness says, so you can  
17 take it in parts if you find that one thing they  
18 said is credible but another thing they maybe  
19 don't have a good memory about or they just  
20 weren't the best witness to talk about that topic.  
21 You can believe some of what they say and  
22 disregard other parts of what they say. Or you  
23 can believe that a witness is not credible at all  
24 and disregard everything that they testified to.  
25 To not find any of it to be truthful. And how

1 much you weigh their testimony depends on your  
2 individual determination of their credibility.

3 So let's talk about Ms. Courvelle's  
4 credibility because I think the evidence was  
5 pretty straightforward today about the failure to  
6 appear, about the notice that was provided, about  
7 the fact that she was not in court. But let's  
8 talk about Ms. Courvelle's credibility because she  
9 sat on that witness stand to try to tell you what  
10 her reasonable excuse was for not coming to this  
11 court and failing to appear on the three separate  
12 felony charges that she had pending last year.

13 First of all, Ms. Courvelle has a prior  
14 felony conviction for forgery. The reason that  
15 they came into evidence is because you are allowed  
16 to use the fact that she's previously been  
17 convicted of a felony to assist you in judging her  
18 credibility, in assisting you in deciding whether  
19 you think she's truthful or not. However that  
20 impacts your opinion of her credibility is up to  
21 you. If the fact that she's previously been  
22 convicted of that felony doesn't affect your  
23 assessment of her credibility at all, then it  
24 doesn't have to affect it. If it affects it a  
25 little bit, then you may take that and give it a

1 little bit of weight. If you find that that makes  
2 her totally not credible, that's fair too. It's  
3 up to you to determine how that conviction makes  
4 you look at her testimony and whether she was  
5 truthful or not.

6 But more than that, Ms. Courvelle had an  
7 excuse, a long, drawn out explanation, confusing  
8 ones if that, for every single question she was  
9 asked. She couldn't just say yes or no about  
10 almost anything unless she was asked three, four  
11 times. Eventually if I asked her over and over  
12 and over the same question I finally got a  
13 straightforward yes or no. But she had a spin to  
14 put on every single question that was asked of  
15 her. Why is that? Why did she have to spin every  
16 answer? Why did she have to create an excuse? We  
17 talked about excuses in jury selection. One of  
18 the jurors brought up well you might not come to  
19 court because you just don't want to, that's not  
20 really an excuse. Why did she have an excuse for  
21 every single question?

22 I would assert to you, Members of the Jury,  
23 that you are well within your right and well  
24 within what these jury instructions say to find  
25 that Ms. Courvelle had no credibility when she

1 testified. And the reason that I bring up the  
2 timing of Defense Exhibit 1, which is that note  
3 that she sent the court on August 21<sup>st</sup>, the day  
4 before her court day, the reason I bring up the  
5 suspicious timing of that is because I think that  
6 goes to her credibility.

7 She got up there and the first thing she  
8 talked about when she took the stand today was how  
9 on August 1<sup>st</sup>, 2023, she began challenging  
10 jurisdiction. She began challenging the  
11 jurisdiction of this court, the jurisdiction of  
12 this state, the jurisdiction of the laws that bind  
13 us all on August 1<sup>st</sup> of 2023. That was the very  
14 first thing she testified about. It was very  
15 important to her. And she said at that point  
16 everything was supposed to have stopped. Even  
17 though the felony offenses that she was supposed  
18 to be appearing in court for had happened many  
19 years prior, it was still her position that at  
20 that point in time the court proceedings should  
21 essentially halt until that matter was resolved.

22 And then she kept on talking about it when I  
23 asked her on cross. She said she filed default  
24 judgments. She kept on filing stuff. Kept on  
25 filing stuff. Kept on filing stuff. And still

1 that court date of August 22<sup>nd</sup>, 2023, the one that  
2 she had been given notice to appear for in July,  
3 that court date remained. That court date didn't  
4 get vacated. It didn't get pushed back. It  
5 didn't get erased from the court's calender. And  
6 so between August 1<sup>st</sup>, when she asserts that these  
7 laws don't apply to her and this courtroom doesn't  
8 have any power over her and the laws of our  
9 community don't abide to her, till August 21<sup>st</sup>  
10 she's filing things. She's getting angrier  
11 because it's not having the effect that she wants  
12 it to have. That court date on the 22<sup>nd</sup> remains,  
13 1:30 p.m. right here in this room. They still  
14 expect her to be there. What makes sense, Members  
15 of the Jury, is that she's getting angrier and  
16 angrier. She's filing more documents. And none  
17 of it is having the results intended.

18 And so on the day before court, less than  
19 twenty-four hours before she's supposed to be here  
20 in this room for court and after she said you  
21 don't have the power over me, you don't have  
22 jurisdiction over me, you can't control me, she  
23 files this what her testimony is this reasonable  
24 excuse about this car accident.

25 You didn't hear any testimony from her son.

1 You didn't see any medical records. Members of  
2 the Jury, I can't tell you for certain whether  
3 there was a car accident in Texas, whether there  
4 was a broken collar bone. But what is reasonable  
5 is to look at that time line and look at how she  
6 testified, the fact that what her primary concern  
7 when testifying was that this court did not have  
8 jurisdiction as of August 1<sup>st</sup>. And on the day  
9 before she was supposed to appear in court when  
10 none of that has worked, she finally files that  
11 letter to the court about a car accident.

12 Now if you look at the letter in a vacuum, if  
13 we were here on nothing but a failure to appear  
14 with that letter, I would say it's up to you  
15 whether you think that's reasonable or not. She  
16 wasn't in the car accident. So she has an  
17 obligation because she's got three felony pending  
18 cases that she's gotta answer for. She's got an  
19 obligation to H&H Bail Bonds. She's got an  
20 obligation to Mr. Muldoon who is representing her  
21 on ten thousand-plus dollars worth of bond that if  
22 she doesn't appear for he's responsible for. With  
23 all of those things, the obligations that she has  
24 to be in court, the obligations she has to the  
25 bonding company, you may think that if it were

1 just a matter of her son being in a car accident  
2 the next day that it may be reasonable for her to  
3 not have come.

4 But what's not reasonable, Members of the  
5 Jury? Well she said she was in Texas for about a  
6 week. Well nobody every saw her again until  
7 February of this year. February of 2024. She was  
8 in hiding, Members of the Jury. She was a  
9 fugitive. She did not want to be found. She did  
10 not want to come back before this court. And it  
11 all goes back to, not that car accident that she  
12 claims to have happened, it goes back to that  
13 August 1<sup>st</sup> filing saying you don't have say over  
14 me. You, Circuit of Garland County, you, State of  
15 Arkansas, you, the laws that the Police Department  
16 follow, the Sheriff's Department follow, you don't  
17 have control over me. That's why she didn't come  
18 back to court. Whether she went to Texas or not,  
19 whether there was a car accident or not, that is  
20 why she missed court and that is why she did not  
21 come back to court for months. She was at an  
22 address that she had not provided her bondsman.  
23 She was in that home, but nobody ever actually,  
24 law enforcement-wise, surveillance-wise, saw her  
25 coming or going despite the fact that they were

1 surveilling it pretty frequently. They didn't  
2 ever actually lay eyes directly on her, but they  
3 were able to get intel and leads that led them to  
4 believe that she was in there. Why did they never  
5 see her? Why did she never come back to court?  
6 Why did she not call her bondsman? Why did she  
7 change addresses? Because Ms. Courvelle thinks  
8 that she is immune and above - make no mistake  
9 about it - she thinks she is above the laws that  
10 you all follow in this community. She thinks that  
11 they do not apply to her. She knew she was due in  
12 court, but she also did not think that she needed  
13 to answer in this court for the crimes alleged  
14 against her as anyone else would have to do. And  
15 as you want anyone else in this community to have  
16 to have to do.

17 So she didn't come and she did not come back.  
18 And it was not until she had to have a search  
19 warrant executed on that residence by members of  
20 the investigations department of the Sheriff's  
21 Office - and if you think that sounds dramatic,  
22 Members of the Jury, that the investigations  
23 department who has to investigate homicides and  
24 all kinds of other heinous crimes that go on in  
25 this community, and they had to go in there and

1 breach the door - if you think that sounds  
2 dramatic, I agree. But that's what happens when  
3 somebody in this community thinks that the law  
4 does not apply to them. When they don't have to  
5 abide by the law that the rest of us follow, like  
6 Captain Ware said he has to follow.

7 She was gone for about eight months before  
8 she was located. That's not your average I had to  
9 mow a lawn, I was sick with the flu, my child  
10 needed to be picked up from daycare. If it were,  
11 we wouldn't be here, Members of the Jury. We just  
12 wouldn't. This is a person who thinks still, when  
13 she testified on the stand today, that she didn't  
14 need to appear in court, that she doesn't need to  
15 appear in court. She sat there talking to you  
16 about how she's been in custody for two hundred  
17 and eight days. Well that's because the purpose  
18 of a bond is to secure your appearance and if the  
19 court does not think that they can secure your  
20 appearance, then they have reason to not grant you  
21 a bond. And she still does not think that the  
22 laws apply to her in this courtroom or in this  
23 community and so there is nothing reasonable about  
24 what you heard her testify to. There's nothing  
25 reasonable about why she failed to appear.

1           And so I'm asking you to simply find her  
2 guilty of three counts of failure to appear  
3 because what the State has to prove is that she  
4 was lawfully set at liberty for each count and in  
5 this she was lawfully set at liberty three  
6 separate times. You heard Mr. Muldoon talk about  
7 the different bond amounts - twenty-five hundred,  
8 thirty-five hundred, and five thousand. Those are  
9 three separate times that she was arrested on  
10 suspicion of a crime and that she was lawfully set  
11 at liberty on a bond amount. And in each of those  
12 three times she was noticed to come back. But  
13 each of those cases represent a different time  
14 where there was an arrest, a contract with the  
15 bonding company, and a notice to appear in court  
16 and that she did not do so. And so I'm asking you  
17 to find her guilty of three counts of failure to  
18 appear.

19           THE COURT: The Defense may close.

20           **CLOSING ARGUMENT OF THE DEFENSE**

21           BY MR. BECKHAM: May it please the Court,  
22 Ladies and Gentlemen of the Jury, opposing  
23 counsel, and Ms. Courvelle. We are at a very  
24 strange period in America, I would say, and have  
25 been for like the last ten years, it's probably

1           been the last twenty years. Probably social media  
2           or whatever it is is probably gonna be the decline  
3           of Western civilization.

4           But be that as it may, everybody's come up  
5           with these sometimes oddball ideas. Things like  
6           9-11 was an inside job. Sandy Hook was  
7           fabricated. Even in our politics - and I don't  
8           want to get into politics, but it's either the  
9           election was stolen or the election wasn't stolen.  
10          And you can have best friends arguing the exact  
11          opposite points. And they're adamant. They're  
12          adamant. One of them is wrong. We don't know  
13          which one, but one of them is wrong. Does that  
14          person necessarily mean they're a bad person  
15          because they believe that? No. They might just  
16          be misinformed, but does it mean that they honor  
17          that belief, they hold it, they have an abiding  
18          conviction of that belief? Whether it's true or  
19          not, sometimes they don't care but they get that  
20          belief or they get that conviction.

21          We've spent a lot of time talking about Ms.  
22          Courvelle being a state national. I'm an officer  
23          of the court. I cannot, with a straight face,  
24          give you any kind of legitimacy as to their case  
25          in the republic. I can't do that. I swore to

1 uphold the State and the U.S. Constitution, I'm an  
2 officer of the court, I would never even make that  
3 argument. But it goes to her state of mind, not  
4 at the time that she failed to appear. It goes to  
5 her state of mind later.

6 We talked about a reasonable cause, a  
7 reasonable excuse. You heard one of the jury  
8 panelists say well, yeah, if there's a  
9 hospitalization, I think that's pretty reasonable.  
10 But he put it with a caveat. He even said as long  
11 as they also notify the court of what's going on.  
12 That's what she did. Ms. Bornhoft wants to take  
13 issue and is like, well, it's really convenient  
14 that it happened to be the day before court.  
15 Well, damn. I don't get to pick when I have a car  
16 wreck and neither does Ms. Courvelle or her son.  
17 And I can tell you I've been in this court for  
18 twenty-two years and I have court every Monday and  
19 every Tuesday and I probably see a hundred and  
20 twenty people every week and at least one or two  
21 people will have a car wreck or somebody in the  
22 hospital and they get a continuance. So they  
23 can't even allege it's just a coincidence, because  
24 it's very, very common.

25 Now we want to focus on the filing of

1 documents. I think Ms. Bornhoft was like she was  
2 angry, she kept filing things, she kept filing  
3 things. She filed one thing on August 1<sup>st</sup>. Then  
4 she honored her court notice and sent a request  
5 for a continuance on the day before court. All  
6 these other filings are well after the fact. And  
7 let me ask you, if you are of her opinion, if you  
8 are of her belief that she is a state national and  
9 she has an independent verdict acquitting her,  
10 would you go to court? Would you go to jail? I'm  
11 sorry, would you go to jail knowing there was  
12 gonna be a zero bond because they didn't honor her  
13 request for a continuance? I can tell you - I  
14 can't tell you for a hundred percent, but if I had  
15 filed it on behalf of a client, it probably  
16 would've been granted. But she was filing it pro  
17 se because she had attempted to represent herself  
18 repeatedly in this case.

19 It's not about reasonable doubt - well I  
20 should say it's about reasonable doubt, but it's  
21 also about benefit of the doubt. What's wrong  
22 with giving her the benefit of the doubt? You've  
23 made all your other court appearances. Maybe your  
24 kid did have a wreck. If it was you, if it was  
25 you, would you want to get another court date

1 because your kid was in the hospital? I betcha  
2 you'd hope and pray that the judge gave it to you.  
3 But she wasn't gonna be able to wait. She was  
4 worried about her kid. She was worried about her  
5 grandson. She wasn't gonna be able to take the  
6 time, she didn't know how bad that injury was  
7 gonna be, so she left. She took it upon herself  
8 the night before of notifying the clerk and she  
9 even said she notified the bondsman. Is that  
10 reasonable? I feel it is.

11 THE COURT: The State may second close.

12 **REBUTTAL ARGUMENT OF THE STATE**

13 BY MS. BORNHOFT: I will tell you that the  
14 reason that the State gets the last word and the  
15 second closing is because we do bear the burden of  
16 proving this case to you.

17 So just a very few things that Mr. Beckham  
18 said - he said that she notified the court and she  
19 did what was reasonable by notifying the court.  
20 But again, you don't look at that one notice  
21 regarding the accident in a vacuum. You look at  
22 it about what else had she been notifying the  
23 court of, right? What else.

24 He said that people every week have a car  
25 accident or something go wrong and as much as Mr.

1 Beckham is in court, so am I, and we sit here at  
2 these tables everything that the bailiff described  
3 to you as kind of standard practice, the roll  
4 call, the calling of the hallway, we both have  
5 seen that happen over and over and over. And  
6 we've both seen it happen where somebody has a car  
7 accident or their car breaks down, but in those  
8 cases they come back either the next day, the next  
9 week. Typically as soon as they possibly can they  
10 come back to right the wrong that was done by not  
11 coming and to try to get back on track, right?  
12 And that's what we see happen in almost every case  
13 like that.

14 It's the continued failure to show up, the  
15 moving locations, the not answering the call when  
16 your bondsman calls. It's the hiding out from law  
17 enforcement so that you're not really detectable  
18 in a location that nobody knows that you're in for  
19 eight months. It's all of that that goes beyond  
20 just what we see on a regular basis where people  
21 have life things come up that affect their being  
22 here. And we understand that to a degree.

23 Mr. Beckham said if you had an independent  
24 verdict acquitting you or if she had an  
25 independent verdict acquitting her, why on earth

1 would she come to court. She testified that she  
2 got that verdict acquitting her of the felony  
3 charges that she was facing in February of this  
4 year. That's what she testified to. In August of  
5 last year when she failed to appear, she didn't  
6 have her common law verdict. Even if she did, I  
7 would assert to you that that's not relevant  
8 because that's not the law that we all abide by.  
9 But nonetheless, she didn't even have that then.  
10 She didn't get that until this February in her  
11 common law Zoom court. In August she didn't have  
12 that. She just did not believe that she needed to  
13 be here.

14 When talking about the benefit of the doubt,  
15 I want you to think about the resources that the  
16 Sheriff's Department and investigators expended on  
17 finding Ms. Courvelle. The manpower that it took.  
18 The multiple agencies. You heard about Hot  
19 Springs Village Police Department having to get  
20 involved and help surveil and locate her and go  
21 out on the search warrant that was executed  
22 because this was sort of multi-jurisdictional.  
23 Regardless of what Ms. Courvelle might think, this  
24 happened in the Village and it happened in Garland  
25 County so all of those agencies had to be involved

1 and expend resources.

2 What if this were anyone but Ms. Courvelle?  
3 Any other person charged with committing some kind  
4 of felony offense in Garland County. Whatever you  
5 can imagine that may be - shoplifting, homicide,  
6 anything in the middle, would you give them the  
7 benefit of the doubt if they refused to come to  
8 court, refused to be part of this process that we  
9 all sign up to be part of, sort of a social  
10 contract if you will. We have rights, we get to  
11 drive on the roads here, we get to go out and have  
12 the protections of our law enforcement, if  
13 something happens to us we get to call 911 and  
14 they will come and help us, they'll take a police  
15 report. All of the benefits that we have of this  
16 social contract, you don't just then get to shirk  
17 responsibilities that you don't want to have to  
18 abide by. And I don't think, Members of the Jury,  
19 you would give everyone the benefit of the doubt.  
20 You shouldn't give it to Ms. Courvelle. Hold her  
21 to the same standard you would hold anyone else  
22 to, that she abide by the law. Thank you.

23 THE COURT: The jury will now retire to the  
24 jury room to deliberate. The alternates will need  
25 to stay in the courtroom.

1                                   **(THE JURY RETIRED FOR DELIBERATIONS AT 4:21**  
2                                   **P.M.)**

3       THE COURT: Do you want to do phase two in chambers?

4       MS. BORNHOFT: Sure.

5       MR. BECKHAM: That's fine.

6                                   (THEREAFTER, WHILE THE JURY WAS IN  
7       DELIBERATIONS, THE COURT, COUNSEL, AND DEFENDANT  
8       COURVELLE RECONVENED IN CHAMBERS WHERE THE  
9       FOLLOWING PROCEEDINGS WERE HAD, TO-WIT:)

10                                   **IN CHAMBERS**

11                                   THE COURT: Has everyone reviewed these  
12       sentencing instructions?

13                                   MS. BORNHOFT: Yes.

14                                   MR. BECKHAM: I have.

15                                   THE COURT: I'm gonna go through and mark that  
16       S-1, S-2, and so on and so forth. Stop me if I  
17       need to stop. We changed that other one out.  
18       Everything else good?

19                                   MR. BECKHAM: I think so.

20                                   DEFENDANT COURVELLE: What is that?

21                                   MR. BECKHAM: If they find you guilty of  
22       anything, these are a second set of jury  
23       instructions.

24                                   MS. BORNHOFT: Do you want me to have priors  
25       in here for you to review now for?

1 MR. BECKHAM: Yes.

2 MS. BORNHOFT: Let me go get them.

3 THE COURT: Have you reviewed the priors?

4 MR. BECKHAM: Yes.

5 THE COURT: We'll go ahead and do that.

6 MS. BORNHOFT: I have stickies for my own  
7 purposes on here.

8 THE COURT: Mr. Beckham, having reviewed  
9 these, did you find any issue with the priors?

10 MR. BECKHAM: I did not.

11 THE COURT: Then I'm gonna go ahead.

12 MS. BORNHOFT: I don't know if you want them  
13 to just be court's exhibits or if you want me to  
14 actually introduce them, but the one where two of  
15 them were reversed -

16 MR. BECKHAM: Right.

17 MS. BORNHOFT: - obviously those are not  
18 convictions so I'm happy to just read the  
19 convictions aloud and then not publish them for  
20 the jury I guess so that they don't get  
21 information that they shouldn't have. Mr.  
22 Beckham, do you concur?

23 MR. BECKHAM: I'm fine with that.

24 MS. BORNHOFT: Okay, so I'll just read them.

25 THE COURT: Well then we'll do it that way and

1 if you have objection I'm gonna go ahead and find  
2 that she's a habitual offender.

3 MS. BORNHOFT: With more than four priors.

4 THE COURT: With more than four prior felony  
5 convictions.

6 DEFENDANT COURVELLE: What does the habitual  
7 do?

8 MR. BECKHAM: It increases your maximum.

9 DEFENDANT COURVELLE: To what?

10 MR. BECKHAM: Each count - well she's already  
11 found it - but if you're found guilty each count  
12 has a penalty range of up to thirty years. Three  
13 to thirty.

14 MS. BORNHOFT: Looking at S-1, the last  
15 sentence, it says advice. I think it's supposed  
16 to say you are advised.

17 THE COURT: Okay. You can tell Ms. Hunt to  
18 fix that.

19 (CORRECTED JURY INSTRUCTION IS RETURNED TO  
20 THE COURT)

21 THE COURT: AMCI 2d 9001 will be S1.

22 AMCI 2d 9112 will be S2.

23 AMCI 2d 9202, S3.

24 AMCI 2d 9202, S4.

25 AMCI 2d 9202, S5.

1 AMCI 2d 9401, S6.

2 AMCI 2d 9111, S7.

3 And then we've got the verdict forms.

4 And we've got the last verdict form being the  
5 consecutive versus concurrent instruction.

6 MS. BORNHOFT: Mr. Beckham, that was the one  
7 that you and I had discussed.

8 MR. BECKHAM: Yes. I don't guess it's really  
9 anything, but the verdict forms, after a fine of  
10 not more than ten thousand dollars, it has a  
11 semicolon and or, but there's nothing after or.  
12 That could just be because it's habitual and  
13 there's no fine only.

14 THE COURT: There isn't a fine only, yeah.

15 MS. BORNHOFT: Do we just need to delete the  
16 or?

17 THE COURT: Yeah, you just need to delete the  
18 or on the verdict forms.

19 TRIAL COURT ADMINISTRATOR: On all the verdict  
20 forms?

21 MR. BECKHAM: Right.

22 MS. BORNHOFT: And so do you want me to  
23 introduce each one and then just read them rather  
24 than them go back with them?

25 THE COURT: Yes. But then you can't send them

1 back.

2 REPORTER: Right.

3 MR. BECKHAM: These are your priors. But on  
4 the judgment and conviction - or sentencing order,  
5 it's got two other felonies and those are the ones  
6 that are still part of the same document, so  
7 instead of giving them that to look at and get  
8 confused, she's just gonna read the ones that you  
9 were convicted of out loud, okay? That way they  
10 won't get confused and think you've had two more  
11 priors than you have.

12 DEFENDANT COURVELLE: So I've already been  
13 found guilty?

14 THE COURT: No, this is just if you are so we  
15 can go straight into sentencing. If not, we'll  
16 just completely disregard it.

17 MR. BECKHAM: He said they had a verdict or  
18 they had a question?

19 MS. BORNHOFT: Verdict.

20 THE COURT: Verdict.

21 MR. BECKHAM: When you were in the bathroom  
22 the bailiff came in and said they were ready.

23 (CORRECTED VERDICT FORMS ARE RETURNED TO THE  
24 COURT)

25 THE COURT: Everybody good?

1 MS. BORNHOFT: Yes.

2 MR. BECKHAM: We are.

3 THE COURT: All right, we'll go back out.

4 (WHEREUPON, THESE IN CHAMBERS PROCEEDINGS  
5 WERE ADJOURNED)

6 (THEREAFTER, AT 4:41 P.M., THE COURT WAS  
7 NOTIFIED BY THE BAILIFF THAT THE JURY HAD REACHED  
8 A VERDICT. ALL PARTIES RECONVENED IN OPEN COURT  
9 WHERE THE FOLLOWING PROCEEDINGS WERE HAD, TO-WIT:)

10 **OPEN COURT**

11 THE COURT: You may bring in the jury.

12 (THE JURY RETURNS TO THE COURTROOM AT THIS  
13 TIME)

14 (REPORTER'S NOTE: DEFENDANT COURVELLE AND  
15 COUNSEL, THE PROSECUTION, AND ALL JURORS ARE  
16 PRESENT IN THE COURTROOM)

17 THE COURT: Would the foreperson please stand?

18 BETHANY HALE: (STANDS)

19 THE COURT: Has the jury reached a decision?

20 BETHANY HALE: We have.

21 THE COURT: Is it unanimous?

22 BETHANY HALE: It is.

23 THE COURT: Please hand the binder to the  
24 bailiff.

25 (THE INSTRUCTION BINDER AND VERDICT FORMS ARE

1 HANDED TO THE BAILIFF, THEN TO THE COURT)

2 THE COURT: It says, "Count I, We, the Jury  
3 find beyond a reasonable doubt that Sherrel Jean  
4 Courvelle is guilty of Failure to Appear," and  
5 it's signed by the foreperson.

6 In Count II it says, "We, the Jury, find  
7 beyond a reasonable doubt that Sherrel Jean  
8 Courvelle is guilty of Failure to Appear," signed  
9 by the foreperson.

10 In Count III, "We, the Jury, find beyond a  
11 reasonable doubt that Sherrel Jean Courvelle is  
12 guilty of Failure to Appear," and it's signed by  
13 the foreperson.

14 Counsel approach.

15 (AT BENCH DISCUSSION)

16 THE COURT: I'm showing you the verdict forms.  
17 Does either side require polling of the jury?

18 MS. BORNHOFT: No, Your Honor.

19 MR. BECKHAM: If they had taken twelve minutes  
20 I would have said yes, but not at ten.

21 (AT BENCH DISCUSSION CONCLUDED)

22 THE COURT: The alternates may now be excused.

23 (THE ALTERNATE JURORS ARE EXCUSED AT THIS  
24 TIME)

25 THE COURT: You have found Sherrel Jean

1 Courvelle guilty of an offense. The law provides  
2 that after a jury returns a verdict of guilt, but  
3 before it sentences, the State and the Defendant  
4 may present additional evidence to be considered  
5 by the jury in its deliberations on sentencing. In  
6 your deliberations on the sentence to be imposed  
7 you may consider both the evidence presented in  
8 the first stage of this trial where you rendered a  
9 verdict on guilt and the evidence presented in  
10 this part of the trial. And now you will hear  
11 evidence that you may consider in arriving at an  
12 appropriate sentence.

13 The State may present evidence.

14 MS. BORNHOFT: The State moves to admit  
15 State's Exhibit 2 which is a felony conviction out  
16 of the Fifth District Court, Bowie County, Texas,  
17 for Forgery where the Defendant, Sherrel  
18 Courvelle, in case number CR-93-521 received a  
19 sentence of ten years of probation for the felony  
20 offense of Forgery.

21 THE COURT: Any objection?

22 MR. BECKHAM: No.

23 THE COURT: It'll be admitted.

24 **(STATE'S EXHIBIT 2 INTRODUCED AND ADMITTED INTO**  
25 **EVIDENCE WITHOUT OBJECTION)**

1 MS. BORNHOFT: The State moves to admit  
2 State's Exhibit 3 which is a prior felony  
3 conviction for Fraudulent Insurance Act, case  
4 number CR-99-14 out of Pike County, Arkansas for  
5 Sherrel Jean Courvelle in which she received  
6 forty-eight months of probation for the commission  
7 of Fraudulent Insurance Act, a felony.

8 THE COURT: Any objection?

9 MR. BECKHAM: No, Your Honor.

10 THE COURT: It'll be admitted.

11 **(STATE'S EXHIBIT 3 INTRODUCED AND ADMITTED INTO**  
12 **EVIDENCE WITHOUT OBJECTION)**

13 MS. BORNHOFT: The State moves to admit State's  
14 Exhibit 4 out of that same case number which was 99-  
15 14 out of Pike County, Arkansas. It is a revocation  
16 of probation where the Defendant's probation was  
17 revoked and she was sentenced to seventy-two months  
18 in the Arkansas Department of Corrections and that's  
19 pertaining to Sherrel Jean Courvelle.

20 THE COURT: Any objection?

21 MR. BECKHAM: No objection.

22 THE COURT: It'll be admitted.

23 **(STATE'S EXHIBIT 4 INTRODUCED AND ADMITTED INTO**  
24 **EVIDENCE WITHOUT OBJECTION)**

25 MS. BORNHOFT: The State moves to admit

1 State's Exhibit 5 which is a felony conviction for  
2 Sherrel Jean Courvelle out of Pike County, Arkansas,  
3 case number CR-2001-3, where she was convicted of  
4 the felony offense of Possession of Firearm by  
5 Certain Person and sentenced to thirty-six months in  
6 the Arkansas Department of Corrections.

7 THE COURT: Any objection?

8 MR. BECKHAM: No, Your Honor.

9 THE COURT: It'll be admitted.

10 **(STATE'S EXHIBIT 5 INTRODUCED AND ADMITTED INTO**  
11 **EVIDENCE WITHOUT OBJECTION)**

12 MS. BORNHOFT: The State moves to admit  
13 State's Exhibit 6 which contains three previous  
14 felony convictions out of Arkansas County, Arkansas  
15 pertaining to Sherrel Jean Courvelle or any of her  
16 a/k/a's and it is for docket 2007-00060 where she  
17 was convicted of Count I, Forgery and sentenced to  
18 thirty-six months in the Arkansas Department of  
19 Corrections; where she was convicted of Count II,  
20 Forgery, and sentenced to sixty months of supervised  
21 probation after her release from prison; and where  
22 she was convicted of Count III, Forgery, and  
23 sentenced to thirty-six months in the Arkansas  
24 Department of Corrections.

25 THE COURT: Any objection?

1 MR. BECKHAM: No, Your Honor.

2 THE COURT: It'll be admitted.

3 **(STATE'S EXHIBIT 6 INTRODUCED AND ADMITTED INTO**  
4 **EVIDENCE WITHOUT OBJECTION)**

5 MS. BORNHOFT: The State has no further  
6 evidence.

7 THE COURT: All right. The Defense may present  
8 evidence.

9 MR. BECKHAM: We have no evidence, Your Honor.

10 THE COURT: Okay. The State may close. Hold  
11 on.

12 All right, you have convicted Sherrel Jean  
13 Courvelle of more than one offense and you may  
14 sentence Sherrel Jean Courvelle to a term of  
15 imprisonment on each offense. If you sentence  
16 Sherrel Jean Courvelle to more than one term of  
17 imprisonment, you may also make a recommendation  
18 that any two or more terms of imprisonment be  
19 consecutive. A sentence to consecutive terms of  
20 imprisonment means that the terms of imprisonment  
21 will be added together to determine the total term  
22 of imprisonment.

23 You are advised that a recommendation by you  
24 that terms of imprisonment be consecutive will not  
25 be binding on the court.

1 Count I.

2 You have found Sherrel Jean Courvelle guilty of  
3 the offense of Failure to Appear. The State has  
4 also alleged that Sherrel Jean Courvelle is subject  
5 to an extended term of imprisonment as a habitual  
6 offender.

7 It is my duty to instruct you that Sherrel Jean  
8 Courvelle has previously been convicted of four or  
9 more prior felonies and is classified as a habitual  
10 offender.

11 (1) January 19<sup>th</sup>, 1994, Bowie County, Texas  
12 Forgery/Possession, Case Number D-202-CR-93-521;

13 (2) May 22<sup>nd</sup>, '01, Pike County, Arkansas,  
14 Fraudulent Insurance Act, Case Number 1999-14;

15 (3) May 25<sup>th</sup>, 2001, Pike County, Arkansas,  
16 Possession of Firearm by Certain Persons, Case  
17 Number 2001-3, Count I;

18 (4) July 20<sup>th</sup>, 2010, Arkansas County,  
19 Arkansas, Forgery Second Degree, Case Number 2007-  
20 60, Count I;

21 (5) July 20<sup>th</sup>, 2010, Arkansas County,  
22 Arkansas, Forgery Second Degree, Case Number 2007-  
23 60, Count II;

24 (6) July 20<sup>th</sup>, 2010, Arkansas County,  
25 Arkansas, Forgery in the Second Degree, Case Number

1 2007-60, Count III.

2 The offense of Failure to Appear when committed  
3 by a habitual offender is punishable by imprisonment  
4 in the Arkansas Department of Corrections for a term  
5 of not less than three years nor more than thirty  
6 years and a fine not exceeding ten thousand.

7 Count II.

8 You have found Sherrel Jean Courvelle guilty of  
9 the offense of Failure to Appear. The State has  
10 also alleged that Sherrel Jean Courvelle is subject  
11 to an extended term of imprisonment as a habitual  
12 offender.

13 It is my duty to instruct you that Sherrel Jean  
14 Courvelle has previously been convicted of four or  
15 more prior felonies and is classified as a habitual  
16 offender. And that is the same felonies that I  
17 previously listed.

18 The offense of Failure to Appear when committed  
19 by a habitual offender is punishable by imprisonment  
20 in the Arkansas Department of Corrections for a term

21 of not less than three years nor more than thirty  
22 years and a fine not exceeding ten thousand.

23 Count III.

24 You have found Sherrel Jean Courvelle guilty of  
25 the offense of Failure to Appear. The State has

1 also alleged that Sherrel Jean Courvelle is subject  
2 to an extended term of imprisonment as a habitual  
3 offender.

4 It is my duty to instruct you that Sherrel Jean  
5 Courvelle has previously been convicted of four or  
6 more prior felonies and is classified as a habitual  
7 offender. And those are the same previous felonies  
8 I previously listed.

9 The offense of Failure to Appear when committed  
10 by a habitual offender is punishable by imprisonment  
11 in the Arkansas Department of Corrections for a term  
12 of not less than three years nor more than thirty  
13 years and a fine not exceeding ten thousand.

14 In your deliberations on the sentence to be  
15 imposed you may consider the possibility of the  
16 transfer of Sherrel Jean Courvelle from the  
17 Department of Corrections to the Department of  
18 Community Punishment after she serves a third of any  
19 term of imprisonment to which you may sentence her.  
20 She will be eligible for transfer from the  
21 Department of Corrections to the Department of  
22 Community Punishment. If transfer is granted, she  
23 will be released from prison and placed under post-  
24 prison supervision. The term of imprisonment may be  
25 reduced further to a sixth of any period you may

1 impose if she earns the maximum amount of  
2 meritorious good time during her imprisonment.

3 Meritorious good time is time credit awarded  
4 for good behavior or for certain achievements while  
5 an inmate is confined in a department of corrections  
6 or community punishment facility or in a jail while  
7 awaiting transfer to one of those facilities. It is  
8 awarded an inmate on a monthly basis so that she  
9 receives one day for every day served not to exceed  
10 thirty days per month. Accrual of meritorious good  
11 time does not reduce the length of a sentence, but  
12 does decrease the time the Defendant is required to  
13 be in prison before she becomes eligible for  
14 transfer to the community supervision under which  
15 the remainder of her sentence will be served.

16 After hearing arguments of counsel you will  
17 again retire to consider and complete the following  
18 verdict forms:

19 So we have Count I, "We, the Jury, having found  
20 Sherrel Jean Courvelle guilty of Failure to Appear,  
21 fix her sentence at:"

22 (A) A term of - and it says not less than three  
23 years, not more than thirty years and there's a  
24 blank - in the Arkansas Department of Corrections;  
25 and,

1 (B) A fine of - and it's not more than ten  
2 thousand dollars and there's a blank for you to fill  
3 out and there's a place for the foreperson to sign.

4 In Count II, the verdict form says, "We, the  
5 Jury, having found Sherrel Jean Courvelle guilty of  
6 Failure to Appear, fix her sentence at:

7 (A) A term of - then there's a space for you to  
8 put not less than three years, not more than thirty  
9 years - in the Arkansas Department of Corrections;  
10 and,

11 (B) A fine of not more than ten thousand  
12 dollars," and there's a place for the foreperson to  
13 sign.

14 In Count III it says, "We, the Jury, having  
15 found Sherrel Jean Courvelle guilty of Failure to  
16 Appear, fix her sentence at:

17 (A) A term of" - and then there's a space for  
18 you to put not less than three years or not more  
19 than thirty years - "in the Arkansas Department of  
20 Corrections and a fine of not more than ten thousand  
21 dollars," and a place for the foreperson to sign.

22 And then finally the last verdict form. If you  
23 sentence Sherrel Jean Courvelle to two or more terms  
24 of imprisonment, you may make one of the following  
25 recommendations - and there's a checkmark blank for

1 these options:

2 "We, the Jury, recommend that all of the terms  
3 of imprisonment be consecutive;"

4 "We, the Jury, recommend that none of the terms  
5 of imprisonment be consecutive;"

6 "We, the Jury, recommend the terms of  
7 imprisonment for the following offenses be  
8 consecutive - Failure to Appear, Count I; Failure to  
9 Appear, Count II; Failure to Appear, Count III," and  
10 there's a place for the foreperson to sign.

11 And like last time, these will be in the back  
12 of the binder that I send back with you.

13 All twelve of you must agree on the verdict,  
14 but only the foreperson need sign the verdict.

15 The State may close.

16 **CLOSING ARGUMENT OF THE STATE IN THE SENTENCING PHASE**

17 BY MS. BORNHOFT: Okay, so now that you have  
18 found your initial verdict, the matter is  
19 resubmitted to you for the matter and the question  
20 of sentencing. So in Arkansas - we didn't really  
21 talk about this in jury selection, but in Arkansas  
22 it's not like a lot of other states. A lot of other  
23 states, a jury determines guilt and then the judge  
24 determines sentencing and that's the case in the  
25 majority of states, actually. But in Arkansas, the

1 jury gets to do both of those jobs. They get to  
2 determine guilt and punishment. So that is what  
3 this phase is here for and that's why you heard a  
4 little bit of additional evidence about Ms.  
5 Courvelle's prior history with previous felony  
6 convictions. So you're to now take everything from  
7 the first phase of trial, everything you already  
8 heard today from the previous witnesses, the facts  
9 surrounding the Failure to Appear, and the  
10 additional evidence about her criminal history that  
11 you heard in sentencing and you can take all that  
12 combined into your deliberations on sentencing. So  
13 you don't have to set aside the evidence you heard  
14 previously today about the actual failure to appear  
15 and the circumstances surrounding it.

16 So I want to start off by talking about the  
17 three concepts behind punishment in the criminal  
18 justice system and I want to talk about some of  
19 those instructions that the judge read. When you go  
20 to law school and you take a criminal law class they  
21 sort of teach you about punishment in these three  
22 categories and I think it's still, even now, a  
23 helpful way to think about these things so hopefully  
24 it is for you as well.

25 The first purpose of punishment being

1 rehabilitation and that's something that you would  
2 commonly think of for a first-time offender.  
3 Somebody who's never been in trouble before,  
4 somebody who maybe has an addiction issue with  
5 alcohol or drugs or something like that. Maybe they  
6 went through something that led them to be in the  
7 circumstance they are where they committed a crime  
8 for the first time and you think about wanting to  
9 dole out some kind of punishment that may actually  
10 help them get back on track and ensure that they  
11 don't do anything like that again and maybe get them  
12 some resources through probation, things like that.  
13 And you actually heard about Ms. Courvelle in her  
14 prior convictions having received probation a number  
15 of times and that could be something that was given  
16 to her in hopes that it would rehabilitate her,  
17 There's various purposes for putting somebody on  
18 probation, but that's what we think of with  
19 rehabilitation is really first-time offenders and  
20 that type of thing.

21 Retribution is another one which is the concept  
22 of sort of like an eye for an eye. You did  
23 something bad to somebody and so now to get even the  
24 State of Arkansas is going to essentially exact some  
25 kind of punishment against you as the closest way to

1 have sort of that eye for an eye in modern day in  
2 the criminal justice system. But that doesn't  
3 really apply here because, you know, this is an FTA,  
4 it's a failure to appear. Nobody was hurt. There  
5 was not any violence committed against somebody here  
6 and so we don't think of this type of crime as the  
7 type of crime where you want retribution in a  
8 typical sense.

9 And then there's deterrence. And there's two  
10 kinds of deterrence that are important in this case.  
11 One is individual deterrence. You heard about Ms.  
12 Courvelle's prior history and you heard and you'll  
13 get the instruction that lists them out that she's  
14 been convicted of six previous felonies, both in the  
15 State of Texas, the majority here in the State of  
16 Arkansas, over the years. And a number of those are  
17 older. In fact, I think the most recent prior  
18 conviction was three counts of forgery, all of them  
19 being felonies, in 2010. So that's a number of  
20 years ago.

21 But what did you hear throughout those  
22 convictions? There were a few times where she was  
23 put on probation and then there was a time where her  
24 probation was revoked for some kind of violation and  
25 she was ultimately sentenced to the Department of

1 Corrections. That was the first time she was ever  
2 sent to the Department of Corrections when she  
3 violated the terms of her probation. And then she  
4 was actually sentenced to the Arkansas Department of  
5 Corrections in total three times for those various  
6 offenses. Three separate times she went to prison  
7 here in Arkansas for the commission of those crimes.

8 And the most recent one you heard that she was  
9 sentenced to a term of months in the Arkansas  
10 Department of Corrections as well as an additional  
11 probationary sentence. So in that most recent 2010  
12 conviction she got to go to prison for some period  
13 of time and then when she got out she was on  
14 probation, so she would've had those same  
15 probationary resources - a probation officer,  
16 supervision, things like that to continue once she  
17 was actually released.

18 So she's had all sort of variety of sentences  
19 and the one out of Texas you heard she got ten years  
20 worth of probation, and yet, what continues  
21 happening. The crimes are of a similar nature. Her  
22 very first conviction was a forgery. Her most  
23 recent conviction was for three counts of forgery.  
24 So sort of bookending her history are the same  
25 crimes. In the middle you have fraudulent insurance

1 act and then you have possession of firearm by a  
2 certain person. Owning a gun when you're a  
3 convicted felon is against the law in the State of  
4 Arkansas.,

5 So it kind of runs the gamut, but what it tells  
6 you is that between her first conviction in Texas  
7 for forgery and her most recent here in Arkansas for  
8 forgery and everything in between Ms. Courvelle was  
9 not deterred. She, as an individual, has not thus  
10 far been deterred from committing crimes. From  
11 committing felonies.

12 So an individual is hopefully deterred by the  
13 punishment they receive, but if they're not you can  
14 assure that an individual - that in this particular  
15 case, Ms. Courvelle - you can assure that she  
16 herself will be deterred from committing any more  
17 crimes for the length of time that she is in the  
18 Department of Corrections. And we'll talk about  
19 some of those numbers and how long she can be  
20 sentenced and things like that. But that's what the  
21 individual deterrence is. As long as she is in the  
22 Department of Corrections, you as a juror, can  
23 pretty well know that for that amount of time at  
24 least she won't be able to commit another crime.  
25 Once she gets out, you can't really say what the

1 impact is going to be on individual deterrence for  
2 her other than that her sentences in the past have  
3 not sufficiently deterred her thus far. Because  
4 here we are.

5 There's also community deterrence. What  
6 happens in our court systems here in this courtroom  
7 and in the Circuit Courtroom across the hall that I  
8 said we have, what happens in these courtrooms is  
9 not in secret. It's not something that you're not  
10 allowed to talk about when you leave here today.  
11 Many of you are probably gonna go home and tell your  
12 spouse or your kids or your parents or whoever about  
13 the jury duty that you served on and this even goes  
14 for the people who work at the Public Defender's  
15 Office, the Prosecutor's Office, the people who are  
16 in the jail. People talk about these things. They  
17 talk about what somebody was charged with. They  
18 talk about what sentence they receive. Oftentimes,  
19 if any of you subscribe to the Sentinel Record or  
20 anything like that you'll see it written up in the  
21 paper. So and so got this sentence for such and  
22 such crime. It's written up on a pretty regular  
23 basis.

24 And so there's also something to be said for  
25 deterring those in the community from committing

1 future crimes by sentencing Ms. Courvelle to  
2 something that you think would be impactful in  
3 deterring others who are in Garland County and Hot  
4 Springs who may be thinking about committing a  
5 certain similar type of crime. And so it's also  
6 about the community at large being deterred from  
7 taking similar action.

8 So what does all this amount to? You heard  
9 from the judge some sort of complicated sounding  
10 instructions with a whole bunch of numbers. I'm  
11 gonna try to simplify this as best I can. Hopefully  
12 I'm able to do that. So because she's a habitual  
13 offender with those six prior felony convictions,  
14 the options for sentencing are a minimum of three  
15 years in the Arkansas Department of Corrections -  
16 thirty-six months. And you heard actually I think a  
17 prior conviction where she received exactly that,  
18 thirty-six months, so that's a sentence that she's  
19 received before. And a maximum of thirty years for  
20 each count. So three to thirty. It's a really wide  
21 range.

22 And we've talked about the different types of  
23 FTAs, right? The type of FTAs that we can all sort  
24 of understand or see ourselves in those shoes. The  
25 types of FTAs that you all gave examples of. And I

1 think one of the reasons for such a wide range of  
2 punishment, a minimum of three to a maximum of  
3 thirty, is that the legislature was probably trying  
4 to compensate for all the different types of  
5 failures to appear that somebody can commit, right?  
6 This is just not a one size fits all crime. And so  
7 you have that wide range that in order to decide  
8 where to land in that range you want to look at the  
9 facts of this particular failure to appear. How  
10 long she failed to appear, why she failed to appear,  
11 what it took to bring her back before the court, and  
12 the fact that, I would submit, she failed to appear  
13 not only in one case where she had a pending felony,  
14 but she failed to appear on three separate matters  
15 where she had made three separate bonds on felony  
16 matters in this courtroom. And so you can take all  
17 that into consideration.

18 But what the court read to you was an  
19 instruction called truth in sentencing and she  
20 talked about transfer to community corrections.  
21 Transfer to community corrections means parole.  
22 It's a fancy phrase, but it means parole. So when  
23 somebody goes to the Arkansas Department of  
24 Corrections, at some point in time they will receive  
25 parole. They will then be transferred to the

1 Department of Community Corrections, but it's what  
2 you all think of. They're released from ADC.  
3 They're released from prison. They go out. They go  
4 back to wherever it is that they were living or want  
5 to live and they receive a parole officer assigned  
6 to them and they check in with their parole officer  
7 however frequently they're required to. But it's  
8 not some different housing unit that they go to.  
9 It's not some different facility that they go to  
10 when it sounds like - you know, community  
11 corrections sounds like it might be some kind of  
12 facility. It's not, it's parole.

13 So for this charge of failure to appear Ms.  
14 Courvelle will, under the law, become parole  
15 eligible after she serves a third of her sentence.  
16 One-third. The law says that for this type of crime  
17 that is when you become parole eligible. That  
18 eligibility could come even sooner after she serves  
19 only one-sixth of her sentence if she receives good  
20 time credit for good behavior while she's in the  
21 Department of Corrections. Nobody here in this  
22 courtroom can tell you whether Ms. Courvelle's gonna  
23 go to the Department of Corrections and receive good  
24 time credit because we don't know if she's gonna  
25 behave while she's there. That is totally up to

1 her. How she behaves, whether she follows the  
2 rules, whether she doesn't follow the rules, that's  
3 on nobody but Ms. Courvelle. But if she does follow  
4 the rules, then she could be eligible for parole  
5 after serving just one-sixth of the sentence that  
6 she receives. And then she - even if she does not  
7 receive any good time credit, if she goes down to  
8 the Department of Corrections and she breaks the  
9 rules, isn't following what she's supposed to follow  
10 there, and she doesn't get any good time credit at  
11 all, no good behavior, she will still be eligible  
12 for parole after a third of her sentence.

13 So two examples, if you guys want to write  
14 these down maybe they'll be helpful, but I just do  
15 it because they're kind of easy, round numbers. If  
16 you sentence her to the maximum of thirty years on  
17 any of the counts - Count I, II, III - she will be  
18 eligible for parole after a third, which is ten  
19 years. And if she receives good time credit, she  
20 could be eligible for parole after five years  
21 because that's one-sixth. So on a thirty year  
22 sentence she could be parole eligible after five  
23 years and she will be parole eligible after ten.

24 Another example that kind of just works because  
25 the math is easy is fifteen years. If you sentence

1 Ms. Courvelle to fifteen years in the Department of  
2 Corrections, one-third of that is five. So she will  
3 be eligible for parole after she serves five years  
4 and she could be eligible, if she gets good time  
5 credit, in as soon as two and a half years because  
6 that's one-sixth. So a fifteen year sentence in  
7 that case could be as low as two and a half years.

8 So what should you do? There's three counts.  
9 She could face up to thirty years on each count and  
10 a fine. There's an option for a fine on there. The  
11 fine you could leave at zero. The fine you could  
12 leave at the maximum, ten thousand dollars or  
13 anything in between. That's completely up to you.  
14 But you can put zero there or you can put ten  
15 thousand. And in this case it may be kind of  
16 obvious because we don't have what you would  
17 consider a true victim in a sense, but even if there  
18 were, the money that you write on that fine line  
19 doesn't go toward a victim or anything like that.  
20 It goes to the county.

21 So Ms. Courvelle has received previously a  
22 sentence of seventy-two months in the Department of  
23 Corrections. I can't remember which conviction that  
24 was for, but at one point she received seventy-two  
25 months in the Arkansas Department of Corrections.

1 That's six years. So on a six year sentence  
2 previously, it's possible that she got out after  
3 just a year or two, something like that, depending  
4 on the parole. But what did you hear in court today  
5 from Ms. Courvelle that would help you determine how  
6 long she should be incarcerated? Because it's an  
7 FTA, I get it. It's a failure to appear in court,  
8 simple as that.

9 What you heard from her is the same thing I  
10 told you in the other closing argument. To this day  
11 she still does not believe that she has to abide by  
12 the same laws that each of you do. The laws that we  
13 all sitting in this room have to abide by. I can't  
14 totally tell whether she doesn't respect those laws,  
15 doesn't respect the officers and the law enforcement  
16 who enforce them, or she truly just thinks that she  
17 is above them. You could tell from her testimony  
18 that she does not believe these things apply to her.  
19 She doesn't believe this process applies to her.  
20 She doesn't believe that she should have to do the  
21 same thing that would be expected of all of us were  
22 we in those circumstances, to come to court, to have  
23 your day in court, and to answer whether guilty or  
24 not of the crimes that you're suspected of, but to  
25 answer the questions about those. She thinks that

1 she was found innocent of the charges that were  
2 brought on her, even though she never came to court  
3 on them. She thinks she's been found innocent of  
4 them. Regardless of what the people involved in  
5 those cases may think, she believes that she's been  
6 found innocent. And she sort of said, well, I don't  
7 think that these laws really should have to apply to  
8 people who commit violent crimes - and when I say  
9 these laws, I mean her laws, her American National  
10 laws - well, I don't really know if those should  
11 apply to people who are violent and things like  
12 that. But the truth is if you have it Ms.  
13 Courvelle's way, then anybody can walk into this  
14 courtroom, no matter what they've been accused of,  
15 no matter what they've done, and say, I'm not  
16 answering for this. I was found innocent in a Zoom  
17 court with no judge and no attorneys and that's  
18 that. And that's not a good way to operate in  
19 society. It's not a good way to have a social  
20 contract with each other as citizens, as members of  
21 this community.

22 And so since Ms. Courvelle still maintains that  
23 these laws do not apply to her, maybe even I don't  
24 know maybe even your verdict doesn't apply to her.  
25 Based on how she testified, I don't know how she

1 feels about that. What is it going to take for her  
2 to start following the laws? What is it going to  
3 take for her to come to court, answer for whatever  
4 it is she has to answer for and abide by the same  
5 rules that we all follow?

6 So when you sentence her, what we typically say  
7 is think about how long you want her to spend in the  
8 Arkansas Department of Corrections and then figure  
9 out the math that you would have to do once you know  
10 how long you actually want her to spend there, what  
11 the math you would have to do on how long the  
12 sentence would need to be. Because if you want her  
13 to spend five years there, you would have to  
14 sentence her to thirty and so on and so forth  
15 because we don't know when she'll be granted parole.

16 The last instruction says that you can run all  
17 of these offenses concurrently or consecutively or  
18 any mixture. I don't recommend doing a mixture.  
19 There are three counts here, I recommend you either  
20 do them all concurrently or all consecutively. If  
21 you do a mixture, it just sounds like it would get  
22 confusing. So concurrently means that they all run  
23 at the same time. So if you sentence her to thirty  
24 years on each count, all of them start running today  
25 and all of them will end at the same time. And so

1 it's sort of like she's getting credit for each of  
2 them at once while she's serving that sentence.

3 If you run them consecutively, it's sort of  
4 like thinking about there's one punishment for each  
5 of the offenses that you convicted her of. She  
6 failed to appear in three separate matters where she  
7 was out on bond on three separate cases so if you  
8 want her to have to serve a sentence for each of  
9 those crimes individually, then you would run them  
10 consecutive to say now she's gonna serve her  
11 sentence for Count I, then she's gonna serve her  
12 sentence for Count II, and then she's gonna serve  
13 her sentence for Count III, whatever you set those  
14 sentences at.

15 But I want you to keep in mind that deterrence,  
16 the individual deterrence, the community deterrence,  
17 and I want you to keep in mind Ms. Courvelle's  
18 criminal history and everything she told you today  
19 about what her beliefs are about our criminal  
20 justice system.

21 THE COURT: Defense may close.

22 **CLOSING ARGUMENT OF THE DEFENSE IN THE SENTENCING PHASE**

23 BY MR. BECKHAM: May it please the court,  
24 opposing counsel, and Ladies and Gentlemen of the  
25 Jury, Ms. Courvelle. I'm not gonna take thirty

1 minutes on this sentencing close Ladies and  
2 Gentlemen. I'm gonna get to the point.

3 The easiest number the way to calculate this,  
4 she gets four months for every year you give her.  
5 You give her six years, times that by four, that's  
6 twenty-four months. That's how many months she  
7 would have to do.

8 I think the biggest point Ms. Bornhoft was  
9 trying to make is that she still is of the opinion  
10 that Ms. Courvelle just thinks she's above the law.  
11 She's not arguing above the law, she just thinks  
12 she's under a different law. All these people over  
13 here do. And I can't tell them that they're right,  
14 because I don't believe that they are, but they all  
15 are of that opinion, okay?

16 She wants to argue that you should punish her  
17 more for show and make her believe. I think she  
18 believes right now. You've convicted her of three  
19 felonies already. That's gonna be enough for her to  
20 believe. Then you'll have to decide what's gonna be  
21 an appropriate verdict for her.

22 Ms. Bornhoft mentioned the fact that you have  
23 this wide range between three and thirty years  
24 because of the individual cases that you're gonna  
25 see. Yeah, let's look at the cases that she has.

1 The reason why it's thirty years is because she's  
2 got multiple priors. She's got six priors. All of  
3 those priors are nonviolent. No violence whatsoever  
4 ever been alleged. No drug use has been alleged.  
5 And the youngest one is fourteen years old. And you  
6 heard her testify today when she got out and she had  
7 her babies, changed her life around.

8 So what are we punishing? Are we punishing  
9 ourselves? Ms. Bornhoft talks about specific  
10 deterrence. That would be strictly for Ms.  
11 Courvelle. But this general idea of general  
12 deterrence or let's make a statement for the people  
13 of this county that know don't fail to appear, I'm  
14 gonna tell you they're not gonna give a damn what  
15 happens in this courtroom. They're not gonna read  
16 the paper. No one is gonna read it and go, you know  
17 what, I'm gonna show up for court every time. No  
18 one cares. So you've gotta decide what's gonna be  
19 good for her.

20 And you're gonna have to sentence her to the  
21 Department of Corrections. You can't put her on  
22 probation. You can't give her a suspended sentence.  
23 Now what you can take into consideration the fact  
24 that she testified today she's been in jail for over  
25 two hundred and forty days. She gets jail credit

1 for all that, okay? Basically it's seven months -  
2 eight months, okay, so if you were to give her six  
3 years, that'd be twelve months. I'm sorry, that  
4 would be two years. She would get credit for that  
5 time, okay?

6 Ms. Bornhoft is correct, they do encourage good  
7 behavior there. So there is an opportunity for her  
8 to actually get that time cut down to two months per  
9 year. But my question is if she still is of the  
10 opinion that she's under a different authority,  
11 whether or not she abides by the rules of prison, I  
12 don't know. So I would ask that you consider four  
13 months for every year you give her, okay?

14 Now also take into account not just her prior  
15 criminal history, but also she's got family. You  
16 saw her - she's got two kids here. There was a very  
17 smart lawyer a long time ago that told me the only  
18 cases that mattered were cases involving people.  
19 Drug cases, eh, maybe, maybe not. But if it's a  
20 rape, it's a murder, you always have to consider the  
21 victim in the case and you always have to consider  
22 the Defendant and the Defendant's family in that  
23 case. Consider them. Consider those kids. They've  
24 already had their mother away from them like that  
25 for seven, almost eight months. How long are you

1 gonna keep her away? And what does that do to those  
2 two children? That's something to be considering.

3 THE COURT: State?

4 **REBUTTAL ARGUMENT OF THE STATE IN THE SENTENCING PHASE**

5 BY MS. BORNHOFT: I think, again, Mr. Beckham  
6 is good at phrasing it which is how many months will  
7 she have to serve for every year you give her. The  
8 four is if she does a third. It could be as low as  
9 two months that she actually serves for every year  
10 you give her if she gets the lower parole.

11 Nobody has asked this, and I don't think  
12 anybody could answer it, but I'll pose it to you:  
13 What if Mr. Muldoon lost his ten thousand dollars -  
14 I think ten thousand five hundred dollars maybe - he  
15 never got Ms. Courvelle back in the time period he  
16 was given by the court. He lost it. He never  
17 contacted the Sheriff's Department to help him find  
18 her and he just said, you know what, that's part of  
19 the job. That's one of the risks I run being a  
20 bondsman, I'm gonna lose some bonds. And they  
21 didn't go knock her door down that day looking for  
22 her after eight months. Would she have ever stepped  
23 back into this courthouse to address the three  
24 felony cases that she had pending before her? Would  
25 she have ever answered?

1           Mr. Beckham says he doesn't think there's  
2 really much to the community deterrence - the  
3 general deterrence factor, but he pointed out at the  
4 same time the people sitting in this courtroom. I  
5 would put it to you that Ms. Courvelle is not the  
6 only person - certainly not the only person in  
7 Arkansas - not the only person in Garland County  
8 either who purports or claims to hold the beliefs  
9 that she says she holds about the legal system.  
10 She's not the only one who came up with all those  
11 documents that you saw her flipping through, all  
12 that law that you heard her talking about. She  
13 didn't come up with that on her own. There are  
14 others who claim to have the same beliefs as her in  
15 this community who do not think that they have to  
16 follow our laws. So I think that it does go farther  
17 than just Ms. Courvelle. I think it does go to  
18 others who may feel the way that she feels and don't  
19 think that these laws apply to them.

20           She's been through the legal process enough  
21 times to know better. That's the point of her  
22 criminal history. She's been through it enough  
23 times to know better and her behavior never changes  
24 and now she's just come up with a better excuse. A  
25 more at least in depth excuse, if you will. All

1 those other times before she wound up being  
2 convicted of crimes, she kept on acting out. Well  
3 this time she was trying something new which is this  
4 entire common law jurisdiction thing you saw.  
5 Granted, it didn't work, but she's given it a shot  
6 each time. Something different, something new.  
7 When are the excuses gonna be enough?

8 I thank you so much for your service.

9 THE COURT: The jury will now retire to the jury  
10 room to deliberate.

11 **(THE JURY RETIRED FOR DELIBERATIONS IN THE**  
12 **SENTENCING PHASE AT 5:23 P.M.)**

13 (THEREAFTER, AT 5:47 P.M., THE COURT WAS  
14 NOTIFIED BY THE BAILIFF THAT THE JURY HAD REACHED A  
15 VERDICT. ALL PARTIES RECONVENED IN OPEN COURT WHERE  
16 THE FOLLOWING PROCEEDINGS WERE HAD, TO-WIT:)

17 **OPEN COURT**

18 THE COURT: Bring the jury back in.

19 (THE JURY RETURNS TO THE COURTROOM AT THIS  
20 TIME)

21 (REPORTER'S NOTE: THE COURT, COUNSEL, DEFENDANT  
22 COURVELLE AND ALL JURORS ARE PRESENT)

23 THE COURT: Will the foreperson please stand.

24 BETHANY HALE: (STANDS)

25 THE COURT: Has the jury reached a decision?

1 BETHANY HALE: We have.

2 THE COURT: It the verdict unanimous?

3 BETHANY HALE: It is.

4 THE COURT: Please hand the binder to the  
5 bailiff.

6 (INSTRUCTION FOLDER AND VERDICT ARE HANDED TO  
7 THE BAILIFF, THEN TO THE COURT)

8 THE COURT: It says on Count I, "We, the Jury,  
9 having found Sherrel Jean Courvelle guilty of  
10 failure to appear, fix her sentence at a term of  
11 fifteen years in the Arkansas Department of  
12 Corrections and a fine of one thousand dollars," and  
13 that's signed by the foreperson.

14 In Count II it says, "We, the Jury, having  
15 found Sherrel Jean Courvelle guilty of failure to  
16 appear, fix her sentence at a term of fifteen years  
17 in the Arkansas Department of Corrections and a fine  
18 of one thousand dollars."

19 In Count III it says, "We, the Jury, having  
20 found Sherrel Jean Courvelle guilty of failure to  
21 appear, fix her sentence at a term of fifteen years  
22 in the Arkansas Department of Corrections and a fine  
23 of one thousand dollars," and it's signed by the  
24 foreperson.

25 This part is the consecutive sentence

1 recommendation. It says, "If you sentence Sherrel  
2 Jean Courvelle to two or more terms of imprisonment  
3 you may make one of the following recommendations,"  
4 and it says, "We, the Jury, recommend that all the  
5 terms of imprisonment be consecutive."

6 Counsel approach.

7 (AT BENCH DISCUSSION)

8 THE COURT: I'm showing you a copy of all the  
9 verdict forms. I'll let you both look at them.

10 (VERDICT FORMS ARE REVIEWED BY COUNSEL)

11 THE COURT: Does either side require polling of  
12 the jury?

13 MR. BECKHAM: No.

14 MS. BORNHOFT: No, Your Honor.

15 THE COURT: Is there any reason this jury cannot  
16 be released?

17 MS. BORNHOFT: No, Your Honor.

18 (AT BENCH DISCUSSION CONCLUDED)

19 THE COURT: All right. We appreciate your  
20 service. Thank you and we really appreciate you  
21 staying late. Have a great night. Thank you. We  
22 need you to call back, though, September 25<sup>th</sup> after  
23 6:00 p.m. please.

24 (THE JURY WAS EXCUSED FOR THE DAY)

25 THE COURT: If you'll please go to the podium.

1 (MR. BECKHAM AND DEFENDANT COURVELLE APPROACH  
2 THE PODIUM)

3 THE COURT: Does either Defense counsel or  
4 Prosecution have anything you'd like to say to the  
5 court before I impose sentence?

6 MS. BORNHOFT: We would ask that the court  
7 follow the jury's recommendation.

8 MR. BECKHAM: Due to the nature of the charges  
9 and the amount of time and it's not binding on the  
10 court, we'd ask that the court make the sentences  
11 concurrent.

12 THE COURT: Sherrel Jean Courvelle, on Count I,  
13 for the charge of failure to appear, you're  
14 sentenced to fifteen years in the Arkansas  
15 Department of Corrections and a thousand dollar  
16 fine.

17 In Count II, you're sentenced to fifteen years  
18 in the Arkansas Department of Corrections and a  
19 thousand dollar fine.

20 In Count III, you're sentenced to fifteen years  
21 in the Arkansas Department of Corrections and a  
22 thousand dollar fine.

23 Each of these sentences are to begin today and  
24 to run consecutively with each other per the jury's  
25 recommendation.

1 I'm going to waive the DNA fee and any court  
2 costs. You'll have to pay the three thousand in  
3 fines. You'll have to set up a payment plan for  
4 that. I'm fine with you doing a hundred dollars per  
5 month a hundred and twenty days after your release,  
6 whenever that may be, at the Garland County  
7 Sheriff's Office.

8 You are advised that you have an absolute right  
9 to appeal the verdict of the jury in this case both  
10 as to guilt and as to punishment. You are advised  
11 that under Arkansas Code Annotated 16-91-101 and the  
12 Arkansas Rules of Criminal Procedure Rule 36 you are  
13 entitled to appeal the judgment just pronounced by  
14 filing your notice of appeal to a higher court.  
15 Your attorney can advise you on how to perfect this  
16 appeal. This procedure must be accomplished within  
17 thirty days from the date of the judgment or your  
18 right to appeal is lost.

19 You are remanded to the custody of the Sheriff  
20 to be delivered by him to the custody of the  
21 Department of Corrections for execution of this  
22 sentence. The Sheriff shall personally deliver a  
23 certified copy of the Judgment and Commitment to  
24 you, and in addition, a certified copy of the  
25 Judgment and Commitment to the Department of

1 Corrections and make a return thereon to the clerk  
2 of the court.

3 You may be excused. Good luck.

4 (WHEREUPON, THESE PROCEEDINGS WERE CONCLUDED)

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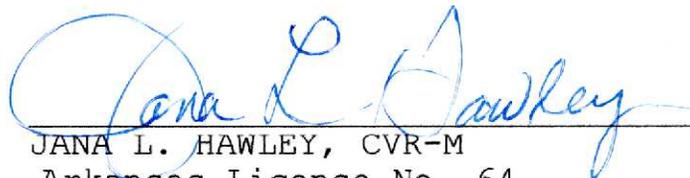
CERTIFICATE

I, JANA L. HAWLEY, CVR-M, Official Court Reporter for the Circuit Court, Division IV, Eighteenth Judicial Circuit East of Arkansas, (NOW RETIRED) do hereby certify that all proceedings held in this matter on the 23rd day of September, 2024, were recorded by me by Stenomask recording in the cases of:

**STATE OF ARKANSAS versus SHERREL COURVELLE**  
**Garland Circuit 26CR-2019-84-IV, 26CR-2021-123-IV,**  
**26C-2021-531-IV, and 26CR-2023-712-IV**

before the Honorable Kara A. Petro, Circuit Judge, Division IV, Garland County, Arkansas, at Hot Springs, Arkansas; that said recording has been reduced to a transcription by me, and the foregoing 276 pages constitute a true and correct transcript of the proceedings to the best of my ability.

WITNESS MY HAND AND SEAL as such Court Reporter on this 16<sup>th</sup> day of September, 2025.



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(S E A L)