

NOTE: This article is exactly as written for the South Florida Sun-Sentinel; however, it's presentation has been modified to fit this particular arrangement.



FACING POTENTIAL JURORS: Defense attorney Jeremy Kroll introduces his client, Brian Hooks, to prospective jurors during jury selection for Hooks' trial in the beating death of a homeless man. Staff photos/Mike Stocker

BIAS SLOWS JURY SELECTION

Homeless beating video made up minds of some questioned

BY TONYA ALANEZ
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A graphic video of two baseball-bat-wielding teens attacking a homeless man as he scrambles on the ground to ward off the blows is making it a challenge to find unbiased jurors in the sensational case against the pair accused of the attack.

A January 2006 predawn spree of attacks in Fort Lauderdale left Norris Gaynor, 45, dead and two other homeless men critically injured.

Forty percent of prospective jurors who said Friday that they had seen news accounts of the case said they would

have difficulty putting aside what they had seen to serve as fair and impartial jurors deciding the fates of Brian Hooks, 20, and Thomas Daugherty, 19.

"Every time I saw it on TV, my stomach turned," one man said of the video recording.

Hooks and Daugherty have each pleaded not guilty to one count of first-degree murder and two counts of attempted murder.

Prior to the attack on Gaynor, prosecutors say, Hooks and Daugherty beat Jacques Pierre in a downtown Fort Lauderdale attack recorded by surveillance cameras and later aired on local and national



OTHER DEFENDANT: Thomas Daugherty appears in court during jury selection for his trial in the beating death of a homeless man in Fort Lauderdale.

newscasts. Pierre, then 58, survived the beating outside a Florida Atlantic University

building on Las Olas Boulevard, but the video has provided graphic evidence of the viciousness of the attacks.

Prosecutors say Hooks and Daugherty are the attackers in the video. If convicted, they face life in prison.

Defense attorneys have requested a change of venue, saying extensive pretrial publicity has tainted the local jury pool. Broward Circuit Judge Cynthia Imperato has said she will not grant such a change until efforts to seat an impartial local jury have been exhausted.

Another prospective juror said Friday that he cried when he saw the "violent" footage of Pierre's attack on a recent newscast.

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SEE MORE: Browse photos of the teens' appearance in court at Sun-Sentinel.com/homeless

Jury pool for beating trial narrowed to 125

■ HOMELESS

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"Honestly, I was disgusted by it," another said. "In my heart, they're guilty."

One woman cried in court after hearing the judge read the indictment.

More than two dozen with such reactions were excused from returning to Imperato's courtroom Aug. 25 for the next level of jury selection.

A total of 125, whittled down from a pool of 325 over two days, said they could sit for the six-week trial and had no knowledge of the case or could disregard what they have read or seen.

Of the 179 prospective ju-

rors questioned Friday, nearly 45 percent were excused because they would be unable to serve for such a lengthy trial.

More than 60 of Friday's prospects said they had read about the case or viewed the video. Of those 60, several said they might be able to put aside what they had seen and the rest were nearly evenly split between those who said they could and those who could not disregard the detailed news accounts to render a verdict.

"When you read it, you make up your own opinion," one man said.

But it is the lasting impression of the images on the video that many said they could not shake.

Of the 179 prospective jurors questioned Friday, nearly 45 percent were excused because they would be unable to serve for such a lengthy trial, expected to last six weeks.

When the judge asked one woman whether she could serve as a fair and impartial juror, she said she could not ignore the disturbing images.

Another man said: "I've seen the video clips. I believe we're all entitled to a second chance... but not at the cost of a life."

Daugherty's defense attorney, Michael Gottlieb, plans to

argue at a July hearing to bar the FAU video from trial.

Imperato dropped her Thursday order prohibiting publication of any comments made by prospective jurors.

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