

transcribed from tape

Excerpt from interview of Robert Carrow following dismissal of jury.

Carrow [voice]: I talked to Mr. Jepson [sp?], the No. 2 juror, and he informed me that on Count 1, which charges kidnaping for purpose of extortion, the count was 12-0 that the state had not made its case on the aggravated kidnaping. The count was 11-1 for conviction of simple kidnaping, which is a lesser included offense of aggravated kidnaping.

On the second count, the murder charge, Mr. Jepson informed me that the count was 11-1 for acquittal on all charges, and by all charges I mean first degree murder, second degree murder, voluntary manslaughter and involuntary manslaughter.

It seems to me that the statement and the conclusion of the jury is loud and clear, that the state had not made its case, and I would be very surprised - very surprised - if the state chooses to go to the considerable cost and expense of re-trying.

Interviewer: I understand that Mr. Harris said he is going to re-try.

Carrow: Well, I don't know the source of your information, but when a jury finds 12-0 that the state has not made its case on its primary charge of aggravated kidnaping, and 11-1 that the state has not made its case on any murder or manslaughter charge, I find it difficult to reconcile a prosecution decision to re-try the case with the application of any rule of reason.