



HOME: US: WIRE STORY

Jury flips coin to decide murder over manslaughter

6.05 a.m. ET (1015 GMT) April 25, 2000

LOUISVILLE, Ky. (AP) — Jurors who couldn't decide whether to convict a man of murder or manslaughter in the shooting death of his girlfriend flipped a coin and found him guilty of murder. However, the judge declared a mistrial after finding out about the coin toss.

Phillip J. Givens II, 28, would have faced life in prison if convicted of murder in the death of Monica Briggs, 29, last May. A new trial was scheduled for Sept. 12.

The jury of five men and seven women deliberated about nine hours over two days last week before issuing the verdict Friday.

Jury foreman David Melton told The Courier-Journal for today's editions the jurors decided to flip a silver dollar to avoid a hung jury. Because all agreed on the coin toss, they thought it was legal, he said.

"Realistically, I didn't think we had anything to lose," Melton said. "We were going to be hung without it."

But when the jurors returned to court Monday to recommend a sentence, Jefferson Circuit Judge Kenneth Conliffe ordered a new trial after telling Melton he had heard about the coin toss, and Melton confirmed that it happened.

Brian Butler, one of the prosecutors in the case, said one of the jurors apparently told someone about the coin toss, and that person told a Jefferson County court employee. The court employee told a judge, who brought it to Conliffe's attention, Butler said.

Three of the jurors declined to comment to the newspaper. The others could not be reached by the newspaper.

Conliffe also declined to be interviewed.

Givens' lawyer, Mark Chandler, said it's "scary" to think that 12 people would decide to flip a coin to reach a verdict, especially in a murder case.

"It kind of blows your mind," he said. "I think they had a lapse in judgment, and I'd like to think it doesn't go on very often."