

**PLAYING
GOD
IN CHAIR
TWELVE**

**A JUROR'S
FAITH-CHANGING
JOURNEY**

CARL DUBLER

Playing God in Chair Twelve: A Juror's Faith-Changing Journey

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To people of courage, especially my wife.



PROLOGUE

You are reading this book because of a court order. In 2018, the five-lawyer appeals team for a convicted double-murderer discovered, by accident, that I had written this book after serving on the jury that convicted their client.

At that time, the book had yet to be published, so they had no idea what was in it. Naturally, they wanted to see if anything in the book might help their appeal. Amazingly, the appellate court agreed they should see it, and I was forced to hand it over and spend a day answering questions in court. This was as stressful as it was rare. I'm not sure anything like this had ever happened before—calling a juror nearly a decade after trial to testify, based on his unpublished book, in the appeals case of the man he voted to convict.

I wrote the book as a way of processing the ten-week trial, the subsequent verdicts, and how it all changed my life. I was trying to

redeem the experience and make something good of it. Over the years, what started as a messy draft of recollections took shape into a book. Sometimes I would write feverishly for several days. A year could go by too when I wouldn't even touch it. At times I loved what I wrote, but I often hated confronting the feelings it raised in me. Sometimes I truly believed the world should hear my story, and other times I wanted to throw the whole thing away and forget any of it ever happened.

Nine years later, my manuscript remained unpublished. As I sat on the witness stand answering questions in front of the man I had judged, I had a clarifying moment: if bits and pieces of my story—the parts the appeals team deemed beneficial—was going to be forced into the open anyway, I might as well publish it. All of it.

This book depicts actual events as truthfully as I can recall or verify by research. Occasionally, I've supplemented dialogue for clarity or to help explain a scene but kept it consistent with the character or nature of the person speaking. Everyone in my story is an actual person; there are no composite characters. I've changed the name of some individuals to respect their privacy. It is also important to remember that I am writing about my experience looking back after many years and often summarize events to simplify confusing timelines.

Until I faced the reality of murder head-on as a juror, I didn't understand how deeply a single murder, not to mention multiple murders, affected the lives of hundreds of people. As a juror and now witness, I have been called a racist and a religious bigot by those who disagreed with my decisions. Others have called me courageous, engaging, and inspirational. Some have said that I reflect an ugly ignorance. Yet at the same time, others have lauded me for bettering humanity.

I'll leave it to you to decide which of these things is true, if any at all. What I know for sure is this: I'm not the same man I was before.



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THE JUDGMENT SEAT

For the first time, I allowed myself a good, long look at the man I was to judge. Most people called him *the defendant*. His trial had entered its tenth week. The action in the courtroom that day was beset with delays, with the lawyers constantly stopping to argue procedural issues with the judge. They huddled tip-toe at the judge's bench, whispering their arguments, the judge covering the microphone with his hand because the jurors weren't supposed to hear them. Over the past two months, I'd learned the more the lawyers strained to stay in a whisper during those bench conferences, the more likely we'd be escorted out, so the lawyers could properly yell at each other before the judge. During this particular delay, the whispering reached about thirty percent of maximum—hardly notable. I watched the defendant instead.

I was sitting in what we jurors called the courtside seats. The jury box in courtroom 201 in the Arapahoe County Justice Center in Colorado

was not big enough for a jury of twenty (there were eight alternates), so we took turns sitting in black leather chairs set outside the jury box on the main floor of the courtroom. They were more comfortable than the worn, blue fabric chairs inside the box, but nobody liked those courtside seats where we sat exposed without a bannister, railing, or anything to hide behind. Outside the protection of the jury box, I sat directly at eye-level with the defendant, close enough to see he was drawing on scrap paper.

It looked like he was drawing a series of shapes: rectangles, triangles, and circles. He bit his lower lip in concentration as he drew. Did he care that I would soon decide his fate? Did he realize I was watching him? The defendant didn't seem particularly interested in me, despite the power I had over him. The few fleeting times we made eye contact, we both looked away, like two reluctant acquaintances pretending not to notice each other at a party. I sat in the middle of a crowded, windowless courtroom bathed in fluorescent light and pondered condemning him to death. He sat before me scribbling on paper.

I glanced down at my official juror notebook. I, too, scribbled during the frequent delays in the trial. There in the margins I drew a series of three-dimensional shapes—cubes, pyramids, cylinders—trying to occupy my mind during breaks in the action.

A question began to nag me: is it possible that my mind worked the same way as the defendant's? I didn't want this to be true. The defendant was a drug dealer who had been sentenced to over eighty years of prison time for other crimes and now sat before me as a convicted murderer. He used his considerable intellect for criminal enterprise, while I used mine to build a successful career in computer software. He grew up in the urban jungle of Chicago's South Side, learning from his older brothers how to cut and bundle marijuana for sale. I came from a small town at the foot of Colorado's Rocky Mountains, singing in the church choir and getting straight-As.

We were not at all alike—except that we both scribbled to give

shape to our wandering thoughts. We both liked to keep things clean and organized on our desks (he would frequently line up pens and pencils neatly in front of him). We also both had a cool and dispassionate demeanor. I never once saw him react emotionally to anything, even in the face of damning testimony from his former friends. He never flinched even when autopsy photos of the dead were shown, their naked bodies cold and stiff on a stainless-steel table. If our minds did operate in the same way, what then was the real difference between us? If I had been raised in his circumstances and he in mine, would we be in different seats in this courtroom?

This is exactly how the defense attorneys wanted me to think. That were it not for the random circumstances of birth, any of us could become a criminal. They said I should choose mercy because of this. Then I looked at the other side of the courtroom, to the prosecutors and the families of the victims. These people suffered more than the loss of a child, sibling, or friend. They had waited more than four years for justice and wanted me to uphold the standards of the community. The defendant was a murderer, and—they emphasized—not everyone who grows up in a bad neighborhood ends up with that title. My mind wavered between the hopelessly conflicted ideals of justice and mercy. Maybe I was not prepared to handle the task of being an actual judge, even with my years of preparation in the evangelical church.



I didn't intend to become the type of Christian many people complain about—arrogant, self-righteous, judgmental. It happened gradually over many years, building on layer after layer of sermons on sin. I dutifully protected myself against sin, wearing a bulky suit of spiritual armor to keep the arrows of temptation from piercing me. As I grew to adulthood, I became proud of how tough my armor was. I had the strength to avoid the snares of the devil, whether it be drinking,

premarital sex, or any other earthly delights. When others struggled with the consequences of sin, my automatic, subconscious reaction was not to help or sympathize. I did not respond with an act of grace. Instead, I wondered aloud why they hadn't the good sense to armor themselves in the first place, steeling themselves against sin. Like I did. Then, shortly after my thirty-eighth birthday, I was thrust into the ordeal of jury service that suddenly revealed to me the type of Christian I had become.

The case before me was a notorious double murder that badly shook the community. The trial had two parts. First, the guilt phase, where those of us on the jury needed to determine if the defendant was guilty of the murders. If guilty, the sentencing phase came next to determine his punishment. The entire process took ten weeks of my life in 2009.

The district attorney was seeking the death penalty. Under Colorado law, death can only be imposed by the same jury that found the defendant guilty of the murder. The law places this life-or-death decision in the hands of criminal justice amateurs.

Initially, I thought that I would be very anxious to get this ordeal over and done. But as the weeks wore on, I actually came to dread the end of the trial and facing the ultimate decision, whether to sentence the defendant to life in prison or death row. How could I ever be ready to make such a choice?

The courtroom, though, was packed with people waiting for my decision and directly affected by it. There were the family members of the murder victims. They sat in the front row of the courtroom every day, turning their pained faces away when detectives showed pictures of the bloody crime scene, or when attorneys held up sealed plastic evidence bags with items taken off the bodies of their loved ones—a torn and blood-stained shirt, a wallet, eyeglasses. There was an endless parade of police officers and detectives who invested their careers in the case. They testified wearily, sighing, explaining yet again some

tiny detail they pored over many times before. There were the attorneys, who wheeled-in luggage carts stacked with three-ring binders containing thousands of pages of case notes. There was a phalanx of reporters anxious for anything newsworthy to report, especially a verdict. They came to the courtroom each day unsure of whether to sit on the defendant's or prosecution's side of the room. And, of course, there was the defendant himself, whose life depended upon what I decided. All these people looked at me expectantly every time I arrived in the courtroom and stood whenever I entered or exited.

I was new to this experience. The pressure of a life-altering decision. The responsibility of seeing that justice was done. People standing whenever I entered or exited a room. The judge said that they stood as a sign of respect for the authority that we citizen-jurors were granted. I didn't think of it that way. When everyone in the courtroom stood, I saw it as a signal they weren't going to sit around forever. They wanted something—a decision from me in their favor. And they were tired of waiting for it. I wondered if they stood in anticipation, not respect.

I reacted to all that pressure and authority in unusual ways. After one particularly troubling day, I hurried to my car as quickly as I could and drove away with a twitchy foot on the gas pedal and a ball of tension rising from my gut. I am normally a quiet and reserved person, not prone to emotional outbursts of any kind. My friends and family, even my own wife, need to ask me if I am feeling excited, worried, or sad about something because they cannot tell simply by looking at me. I would make a great poker player if it weren't such a sin to gamble.

It startled me as the tension squeezed up into my throat and burst out into a half yell, half scream. I braced my arms against the steering wheel as I took in a quick breath and the sound came out again. No words, just a loud, primal yell as though I were about to charge down a hill and into battle. This happened again on a few other days as I drove home. I wanted to yell. I needed to yell. But first, a quick look

around to see if any other drivers would see or even hear me yelling. It might make me feel better for a few minutes, but this new and bizarre behavior scared me.

I dealt with stressful situations before with incredible calm, a trait that earned me the nickname “Iceman” from some of my college friends. I remember being a student pilot at age nineteen, flying a small airplane solo for the first time and looking down a thousand feet at the runway. I felt a twinge of alarm when the reality set in that I was the only person who could land the plane. Then I simply reassured myself that I knew what I was doing and landed the plane. In high school and college, I competed in public speaking and debate contests, something that terrifies most people. I won a collegiate regional championship in a style of debate where the topic, and what side I was to argue, were announced only five minutes beforehand. I even once stared down a snarling Rottweiler dog that charged at me, my wife, and baby daughter as we were out for a walk. I distracted the dog away from my little family while I looked for a rock or anything to use as a weapon. In those five or ten seconds as the dog approached, spittle flying from its jaws, I was calm enough to determine that I should sacrifice my feet before my hands, since I needed my hands more for work. Fortunately, at that moment, a car drove by slowly and the dog lunged at the driver’s open window, biting the rear-view mirror on the door before running off.

Never in my life had I shown nerves, much less yelled. I didn’t panic in the airplane or at the podium. I didn’t even yell at the Rottweiler. But now, what was I becoming? Why was this trial so difficult? For my entire life, I’d been so certain of everything. This explained my calmness. It was easy to be calm when I knew the right answer to anything.

Right and wrong behavior? Got it.

Good versus evil? No problem.

The will of God? I could tell you what it is.

That day, my new reaction to the stress of the trial made me wonder if I really did have any answers.



We were nearing the end of the trial on the day when I watched the defendant drawing at his desk. I lowered my tall frame into the car with a heaviness that made my knees creak and just sat in quiet for a minute. What did it matter what I chose to do? I could choose mercy and offend everyone who clamored for the full extent of justice. Or I could choose the death penalty and offend everyone who said that there had already been enough tears, suffering, and death. Either way, I was going to anger a large group of people and bring even more grief and misery into their lives. Justice. Mercy. Kill him. Spare him.

I let out a long breath and started my car. As I drove home, the people in my suburban world around me attended to the mundane details of life—preparing a family meal, helping children with schoolwork, watching television. I imagined there were many dinnertime conversations starting with, “How was your day?” I, however, could tell no one my thoughts, prohibited by the judge from discussing any aspect of the trial with anyone—even my wife. The world around me continued with its busywork, oblivious to my life-or-death decision.

The uncharacteristic yelling I had experienced gave way to a quiet loneliness, the outbursts of stress yielding to a depressed resignation. The time for final judgment had come. It had been ten weeks since the trial began, four years since the defendant was arrested, and five years since the tragedy that would eventually bring us all together ripped apart the tranquility of a mild summer evening.