

NORTH CAROLINA)
DAVIDSON COUNTY)
STATE OF NORTH CAROLINA)

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15 CRS 21, 22, 23, 24

2017 AUG 16 PM 4: 23

DAVIDSON COUNTY, C.S.C.

BY SR

v.)

MOTION FOR APPROPRIATE RELIEF

THOMAS MICHAEL MARTENS and)
MOLLY MARTENS CORBETT,)
Defendants.)

NOW COME the defendants, THOMAS MICHAEL MARTENS and MOLLY MARTENS CORBETT, by and through the undersigned counsel, pursuant to N.C. Gen. Stat. §§ 15A-1411, *et.seq.*, 15A-1420, 15A-1240 and Rule 606(b) of the N.C. Rules of Evidence, and hereby submit this Motion for Appropriate Relief. The defendants respectfully move the court for appropriate relief in the form of setting aside the verdict of the jury entered August 9, 2017, based upon juror misconduct and the additional grounds set forth herein, including the equal protection and due process clauses of the U.S. Constitution. The defendants specifically reserve the right to amend, supplement or file further pleadings on all grounds authorized under N.C. Gen. Stat. §§ 15A-1411, *et.seq.* In support of this Motion, the defendants state:

SUMMARY

1. The misconduct of particular jurors requires setting aside the verdict.
2. Post-trial, voluntary press interviews and social media posts of certain jurors portray juror misconduct throughout the proceeding that directly violates the Court's repeated jury admonitions, North Carolina law and the Constitutional protections afforded these and all defendants in a criminal trial.

3. The voluntary press interviews and social media posts of certain jurors reveal the following misconduct:
- a. "Private conversations" between jurors prior to closing arguments and during deliberations, both inside and outside the courthouse. (Exhibit 1 and Affidavit Exhibits to follow by supplemental pleadings).
 - b. Forming and expressing opinions regarding defendant Corbett's character and mental state outside the evidence presented at trial. (Exhibit 1).
 - c. Forming opinions regarding defendant Corbett's role as an "aggressor" outside the evidence presented at trial and in direct contradiction to the Court's findings of fact and law on the issue and the State's agreement of no evidence presented. (Exhibit 1).
 - d. Providing less than candid answers to the Court's inquiry regarding fitness to serve on the jury. (Exhibit 1).
 - e. Expression of opinions by jurors during the presentation of evidence (Affidavit Exhibits to follow by supplemental pleadings).
 - f. Additional juror comments indicating bias. (Exhibit 1 and Affidavit Exhibits to follow by supplemental pleadings).

STATEMENT OF THE CASE

On August 9, 2017, a Davidson County jury convicted the defendants of Second Degree Murder. Immediately following the trial, the Honorable David Lee sentenced each defendant to a presumptive sentence of 240 to 300 months imprisonment. The defendants entered notice of appeal in open court.

BACKGROUND

During jury selection in this matter, the Court referred four jurors to the District Attorney's office for possible prosecution. These jurors failed to follow the Court's instructions by providing false or misleading information to the Court on their jury questionnaires or in their answers to counsel during jury selection. These referrals for prosecution occurred to protect sanctity of the jury system. Juror misconduct goes to the heart and the integrity of the court system, directly challenging the rule of law. As Justice Kennedy stated on behalf of the U.S. Supreme Court in March 2017, "The jury is a central foundation of our justice system and our democracy ... Over the long course its judgments find acceptance in the community, an acceptance essential to respect the rule of law. The jury is the tangible implementation of the principle that the law comes from the people." Pena-Rodriguez v. Colorado, 137 S.Ct. 855; 197 L.Ed.2d 107; 2017 U.S. Lexis 1574 (2017).

JUROR MISCONDUCT

a. "Private Conversations"

In the present case, shortly after the verdict in this matter, the jury foreman voluntarily participated in an impromptu press conference outside the courthouse. While answering a question regarding the impact of the state's closing argument on the jury, the foreman stated that the closing argument did have an impact, but:

We felt which way we were going to go I believe individually before the closing arguments. We didn't discuss a verdict but in having private conversations everybody - we could read that everybody was going in the same direction, just the level of severity. Nobody voted not guilty. (Exhibit 1).

The foreman's repeated use of the pronoun "we" throughout the comment substantiates the "private conversations" of jurors prior to closing arguments, and clearly prior to instruction on the law by the Court and deliberation. These "private conversations" specifically and directly violate the court's recurrent instructions to the jury during the trial. For example, on Friday, August 4, 2017, the Court repeated the following instruction to the jury:

I so appreciate the manner in which all of you have conducted yourselves thus far. I ask that you scrupulously follow the rules that I have outlined here. Do not discuss the case with anyone. Do not allow anyone to discuss it with you, offer any opinions, suggestions, or anything else. You and you alone are to decide this case as we have said repeatedly.

I will try to keep my voice up. Do not form any opinions. You have not necessarily heard all of the evidence nor have you heard my instructions as to the law that you are to apply in the case. You are not to have any contact with the news media. Don't view or read or hear anything about this case. Do not have any contact with any of the news media. Do not make any independent investigation or inquiry or visit any location that may have been mentioned. Do not Google or try to educate yourself outside of this courtroom as I have said repeatedly. (Exhibit 2).

Throughout the trial, before each break or recess, the Court took caution to admonish the jurors, pursuant to N.C. Gen. Stat. § 15A-1236, not to talk among themselves about the case; not to talk to anyone else or allow anyone else to talk with them or in their presence about the case and to report to the judge immediately the attempt of anyone to communicate with them about the case; not to form an opinion about the guilt or innocence of the defendant(s), or express any opinion about the case until they begin their deliberations; to avoid reading, watching, or listening to accounts of the trial; and not to speak with parties, witnesses or counsel during the trial.

The Court further specifically instructed the jury during deliberations at the end of the day on Tuesday, August 8, as follows:

And we will be recessing, ladies and gentlemen, until 9:30 in the morning. You remember how important it is, especially at this juncture, with you now having begun your deliberations in this case, that you not in any way discuss this case with anyone during the course of the evening before your return here in the morning at 9:30. Do not have any discussion or allow anyone to discuss any of these matters with you. Do not have any contact with any news media. Do not further deliberate on the matter. Do not make any independent investigation or inquiry about anything touching upon this case. Just understand that you are being asked to resume your sworn duties to deliberate in this case at 9:30 in the morning as you have done throughout. If you will put your notepads in your seats, those will be secured in this room until 9:30 in the morning. As to the 12 of you who are presently deliberating in this case, I bid you a good evening. (Exhibit 2).

Despite the Court's above instruction during deliberations, the foreman and another juror immediately after court met privately in a Nissan vehicle with a Carolina Panther license plate on the front. According to a witness, the meeting lasted about 10 to 15 minutes. (Affidavit Exhibit to follow by supplemental pleading). In light of the foreman's comments regarding "private conversations" among the jurors, the private meeting between the foreman and another juror during deliberations raises serious concerns, necessitating an evidentiary hearing regarding the substance of that conversation and all other "private conversations" that occurred. (Exhibit 1).

b. Forming opinions outside the evidence presented

During a later televised interview, the foreman and two other jurors stated that they observed defendant Molly Corbett closely during the trial. Despite the fact that the defendant did not take the witness stand, which is her constitutionally protected right, and did not put her character into evidence, the foreman stated, "I believe she can control her personalities, whether it's bipolar or whatever." Juror Perez stated, "I think Molly is a person that has not been ever held accountable for any actions whatsoever. I think Molly was Daddy's princess, just like every girl is in Daddy's eyes. I feel like Molly was very manipulative." (Exhibit 1). Additionally, press reports indicate that "jurors watched her closely throughout the trial and developed theories

about her mental health.” Jurors “Figuroa and Perez also said they stared at Molly and made notes about what triggered Molly’s emotions – and what didn’t.”

Neither the state nor the defendant presented any evidence regarding Ms. Corbett’s character or mental state. No evidence from the witness stand supported any conclusion that she suffered from bipolar disorder, was manipulative or could control her “personalities,” or from which the jury could reasonably infer those conclusions. As such, the jurors’ opinions could only be based on matters not in evidence, as described in N.C. Gen. Stat. § 15A-1240, in direct violation of the Court’s admonitions to the jury under N.C. Gen. Stat. § 15A-1236, and in violation of each defendant’s Sixth Amendment confrontation clause rights.

The jurors’ speculation about Molly Corbett’s mental status or manipulative personality also violated the defendant’s Fifth Amendment right not to testify, as well as the defendant’s Due Process and Equal Protection clause protections. As in Pena-Rodriguez v. Colorado, 137 S.Ct. 855 (2017), where the Supreme Court found error in jury conclusions based upon observing the race of the defendant, error also occurs in this case where jurors conclude from observing the defendant’s gender and appearance in court (not on the witness stand) that she has controllable personalities and is manipulative.

c. Forming opinions regarding defendant Corbett’s role as an “aggressor”

During their voluntary interviews with the press, the foreman and the other two jurors describe their theory that Molly was the aggressor striking her husband first with the paving stone while he was asleep in bed. (Exhibit 1). The jurors’ theory again directly violates the finding of the Court as a matter of law that Mrs. Corbett was not the aggressor, as agreed by the State, that the evidence presented at trial did not support a finding that Mrs. Corbett was the aggressor at any time in the case. Although the Court denied defense counsel’s request for a

direct instruction on that issue, the Court accepted the State's proposal to remove the word "aggressor" from the instructions relating to Mrs. Corbett. The jury was not free to disregard the Court's ruling as a matter of fact and law. As the Court held, no evidence presented at trial supported a conclusion or a jury instruction that Mrs. Corbett was the aggressor at any time.

d. Providing less than candid answers to the Court's inquiry regarding fitness to serve on the jury

Early in the trial, juror Perez became visibly ill and left the courtroom upon viewing one of the autopsy photos offered by the State. The defense previously objected to the photo as prejudicial and duplicative of the injuries portrayed. The Court overruled the objection. Upon the return of juror Perez to the courtroom, defense counsel moved to remove Ms. Perez for cause in favor of an alternate juror. Upon her voir dire examination, juror Perez indicated to the Court that she had become sick due to her failure to eat breakfast that morning and would have no difficulty continuing her service. (Exhibit 1). Juror Perez specifically stated:

THE COURT: As difficult I know all of this is, do you believe you will be able to continue to view photographs and go forward?

JUROR PEREZ: Yes, sir.

THE COURT: I want you to know and appreciate if at any time you need to take another break, you don't have to ask, raise your hand, I will see it and you are out the door. Okay?

JUROR PEREZ: I think it was a combination of not eating breakfast – I am good now.

THE COURT: You don't need to make any apologies or any explanations. These are difficult matters. I want you to know if at any time you or any other juror, I say this to all of them, need to take a break, we will certainly do that. Are you okay?

JUROR PEREZ: Yes, sir.

However, upon her subsequent press interviews, juror Perez has made inconsistent statements indicating that she had become ill due to the graphic nature of the particular autopsy photograph in question. (Exhibit 1).

Q: Those images of Jason Corbett's skull were so graphic, Nancy you actually threw up?

Juror Perez: Yes, ma'am. I don't think there's anything or any experience in life that can prepare you to look at those pictures.

The inconsistent explanations by juror Perez call into question her candor with the Court during voir dire on the issue.

e. Expression of opinions by jurors during the presentation of evidence

(Affidavits and facts to follow by supplemental pleading.)

f. Additional juror comments indicating bias

On August 10, 2017, at approximately 8:24 p.m., juror Perez stated the following on social media:

No.laura ..let the interview go on...i spoke on how delusional she is, how daddy and sharon enabled this non human person.how.everything that comes.from.her mouth is a lie..how so many lies were.told the martens.dont know what the truth is..how Sharon sat in court and did crossword puzzles for the last 3 weeks, how this family is utter disgust.. how tom is an arrogant piece of bleep.. that.was OUat ... that was outwitted by the people of ireland and davidson county (Exhibit 1).

Additionally, in response to a question during a subsequent press interview, juror Perez stated:

I believe not once in his mind did he think oh Davidson County, po-dunk town, would even question his 40 years of FBI experience. I feel like he thought he could outwit Davidson County, and Davidson County outwit the Martens. (Exhibit 1).

During jury selection, the State specifically asked jurors whether Mr. Martens' service in the FBI would make it difficult to be impartial. No juror expressed any bias

toward Mr. Martens service in the FBI. Again, these statements made by juror Perez call into question her candor with the Court during voir dire.

ARGUMENT

Sixth Amendment Right to Trial by Fair and Impartial Jury and to Confront Witnesses

In the present case, the misconduct of the jurors violates the Court's instructions, North Carolina law and the defendants' Constitutional protections under the Sixth Amendment rights to trial by a fair and impartial jury, and to confront witnesses.

In March 2017, the U.S. Supreme Court addressed juror misconduct in Pena-Rodriguez v. Colorado, 137 S.Ct. 855; 197 L.Ed.2d 107; 2017 U.S. Lexis 1574 (2017). The Court wrote:

The jury is a central foundation of our justice system and our democracy. Whatever its imperfections in a particular case, the jury is a necessary check on governmental power. The jury, over the centuries, has been an inspired, trusted, and effective instrument for resolving factual disputes and determining ultimate questions of guilt or innocence in criminal cases. Over the long course its judgments find acceptance in the community, an acceptance essential to respect for the rule of law. The jury is a tangible implementation of the principle that the law comes from the people.
Id. at 859-860.

In the Pena-Rodriguez case, the Supreme Court held that the Sixth Amendment to the U.S. Constitution required that the so-called "no-impeachment rule" does not preclude a trial court from considering evidence of a juror's statement and any resulting denial of the jury trial guarantee in cases where a juror made a clear statement which indicated that he or she relied on racial stereotypes or animus to convict a defendant. Id. at 870-871. The case interpreted Colorado Rule of Evidence 606(b) which, like North Carolina Rule 606(b), sets aside the "no-impeachment rule" when "extraneous prejudicial information" is improperly brought to the jury's attention or when an "outside influence is improperly brought to bear upon any juror."

The N.C. Rules of Evidence contain an exception to the general rule regarding impeachment of a verdict when “extraneous prejudicial information” is improperly brought to the jury’s attention or when an outside influence is improperly brought to bear upon any juror. N.C. Gen. Stat. § 8C-1, N.C. R. Evid. 606(b) (2003).

In Robinson v. Polk, 438 F.3d 350, 359 (2006), the Fourth Circuit interpreted N.C. Rule of Evidence 606(b) where a juror read a biblical passage during the jury deliberation. While the Fourth Circuit found no prejudice from the reading, the Court offered insight into the constitutional underpinnings of N.C. Rule 606(b), which is identical to the federal rule. The Court explains the Sixth Amendment guarantees of trial by an impartial jury and to confront witnesses against the defendant:

The Sixth Amendment provides, in relevant part, that “the accused shall enjoy the right to a ... trial by an impartial jury ... [and to] be confronted with the witnesses against him.” (*emphasis added*) U.S. Const. amend VI.

The right to a trial by an impartial jury “guarantees ... a fair trial by a panel of impartial, indifferent jurors.” Irvin v. Dowd, 366 U.S. 717, 722, 81 S. Ct. 1639, 6 L. Ed. 2d 751 (1961).

This right prohibits “any private communication, contact, or tampering directly or indirectly, with a juror during trial about the matter pending before the jury.” (*emphasis added*). Remmer v. United States, 347 U.S. 227, 229, 74 S. Ct. 450, 98 L. Ed. 654, 1954-1 C.B. 146 (1954). Robinson, 438 F.3d at 359.

The Fourth Circuit further writes:


Under clearly established Supreme Court case law, an influence is not an internal one if it (1) is extraneous prejudicial information; i.e. information that was not admitted into evidence but nevertheless bears on a fact at issue in the case. (*emphasis added*) *see Parker*, 385 U.S. at 364, *Turner*, 379 U.S. at 473, or

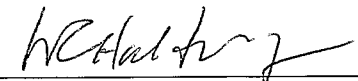
(2) is an outside influence upon the partiality of the jury, such as “private communication, contact or tampering ... with a juror.” (*emphasis added*) *Id.* at 361, *Remmer*, 347 U.S. at 229.”

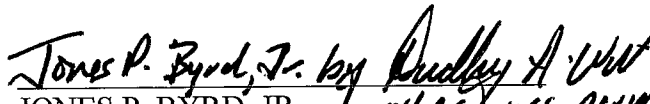
Under the facts at issue in the present case, the jurors' public comments clearly indicate a violation of the constitutional protection for a fair and impartial jury by "private conversations" among certain jurors prior to closing arguments. The conversations appeared to have occurred prior to and during deliberations both inside and outside the jury room. Further, the jurors' opinions regarding Mrs. Corbett's role as an "aggressor," her manipulative character and "personalities" clearly derived from facts not in evidence and resulted from "extraneous prejudicial information, i.e. information that was not admitted into evidence but nevertheless bears on a fact at issue in the case." These opinions directly violate the Court's instructions and the defendants' Constitutional protections under the Confrontation Clause.

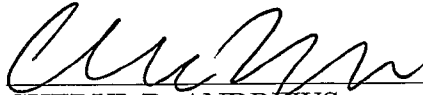
WHEREFORE, the defendants respectfully request that the Court set an evidentiary hearing, set aside the jury's verdict and grant the defendants a new trial.

Respectfully submitted, this the 16th day of August, 2017.


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**ADDITIONAL AFFIDAVITS AND
EXHIBITS TO FOLLOW**

CERTIFICATE OF SERVICE

This is to certify that I have this day served the parties involved in this matter with a copy of the foregoing MOTION FOR APPROPRIATE RELIEF by hand-delivery to the following individual(s):

Greg Brown, ADA
District Attorney's Office
Davidson County
PO Box 1854
Lexington, NC 27293

This the 16th day of August, 2017.



WALTER C. HOLTON, JR.
Attorney for Defendant Corbett
HOLTON LAW FIRM, PLLC
857 West Fifth Street
Winston-Salem, NC 27101
Phone: (336) 777-3480

STATE OF NORTH CAROLINA)
)
COUNTY OF FORSYTH)
)

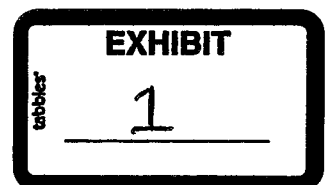
AFFIDAVIT OF
Morgan A. Holt

I, Morgan A. Holt, appearing before the undersigned notary public being first duly sworn, allege and say:

1. I am over the age of eighteen (18) and competent to make this affidavit.
2. I am an attorney at the Holton Law Firm, PLLC in Winston-Salem, North Carolina.
3. On August 10, 2017, I reviewed the attached information contained on Facebook.
4. The attached print outs are true and accurate copies of the contents as they existed on Facebook on the evening of August 10, 2017.
5. I have also reviewed the comments of the jurors as contained in their post-trial interviews of August 9, 2017.
6. I hereby certify that the quotations listed in the attached Motion are true and accurate copies of the contents as they exist in recorded post-trial interviews.

Further the affiant sayeth not, this the 16th day of August, 2017.

Morgan A. Holt
Morgan A. Holt



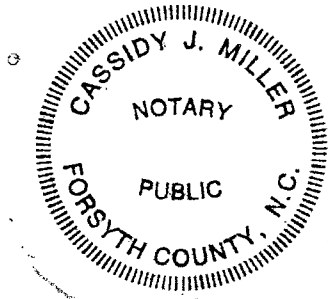
STATE OF NORTH CAROLINA

COUNTY OF Forsyth

I, a Notary Public, do hereby certify that Morgan A. Holt personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal.

This the 16 day of August 2017.

(Official seal.)



Cassidy J. Miller

Notary Public

My Commission Expires: July 30, 2022



Search



Tom Aamland

To all, as jury foreman, we voted on all the evidence provided...no injuries to Molly or her dad...none! Even during the sentencing today, Molly was rubbing her neck just as she did that horrific night..possibly a nervous action on her part...we studied in court actions, demeanor, and the evidence, most that the general public have not seen, and wouldn't want to....we decided on 2nd degree for both, but feel Molly was the aggressor, and her dad wanted to take the heat for her actions...he admitted participating, so "in concert" means equal responsibility to both. Things are not as slam dunk as you think unless you are in the jury room weighing the evidence...we did not jump to conclusions...that is why we all slept on our decisions before handing over or verdict...it is not easy signing your name to a document to put someone away for a minimum of 20 years...no parole possibility until 20 years are served...I wish this type of jury duty on no one...it was not easy....

17 hours ago • Edited • Like • Reply • 61



Shane O'Doherty

Tom I can't even imagine the pressure and stress you and your fellow jurors have endured - but I'm pleased that you've prevailed in you decision. You



Write a comment...



Post





Search



be effective within your community, but believe me your decision has had a wider impact on a community farther away - hats off to you sir.

16 hours ago · Edited · Like · Reply · 12



Tom Aamland

Some of us met with Jason's family and friends soon after the trial...it was a pleasure to meet with them and share in the stories they had of Jason that we never knew...we were met with open arms and hugs, literally..great bunch of people...

16 hours ago · Edited · Like · Reply · 27



Shane O'Doherty

I'm glad you have that pleasure - after three weeks of that courtroom and making tough decisions, a few happy stories and a hug would be needed lol. Fair play for coming out with your opinion, especially on social media. Personally your post sends a powerful message to others - not only regarding the Corbett case, but the stress and difficulties of being a juror..

16 hours ago · Edited · Like · Reply · 10



Thomas Fitzpatrick

On behalf of my family I thank you and the other 11 jurors for making the correct decision. You seen through their



Write a comment...



Post



someone's life is in danger- I think voluntary manslaughter would have been appropriate.

Yesterday at 8:11 PM • Like • Reply • 😬😬 2



Shane O'Doherty

Becky you obviously don't know much about this case so look it up please before commenting..

Yesterday at 11:44 PM • Like • Reply • 👍 4



Tom Aamland

Shane and Becky, I was the jury foreman...every one of us believe Jason was asleep when he was hit for the first time. The evidence we saw supports that, but since 1st degree was not on the table, the prosecution had to work with their story. What is printed in the papers or online is not always accurate. We saw nearly ,300 evidence exhibits during the trial, and asked for some to look at while deliberating...we didn't jump to conclusions...Molly was far from being an Angel...and her dad foolishly took the heat for her actions...you had to see the evidence to get the whole story...

17 hours ago • Edited • Like • Reply • 👍❤️ 27




Shane O'Doherty

Tom Aamland Well said Tom - I'm glad that the justice system prevailed and on behalf of the people of Ireland, we thank you. Everything you've stated is exactly

Write a comment... GIF 😊 Post

...and any police reports to back up the so called abuse???? No???? Didn't think so

10 hours ago • Like • Reply •  2

 Write a reply...





Ruby S McCormick

YES !!! Now , hopefully the monsters will get life without parole !

#justiceforjasonhasbeenseved2017


♡♡♡♡♡

Yesterday at 12:33 PM • Like • Reply •   9



Tom Aamland

They got 20 years minimum before a chance of parole...25 years max...The judge assured we jurors that 20 years have to be served...I was the jury foreman and asked Judge Lee when he came into the jury room to talk to us...

17 hours ago • Edited • Like • Reply •  7



Ruby S McCormick




I saw your interview on TV , I know y'all are glad it's over ~~

16 hours ago • Like • Reply •  4



Tom Aamland

You have no idea Ruby...I had my first beer in the three weeks of trial at lunch today with some other jurors....well needed!

 Write a comment...   Post

5 hours ago • Like • Reply • 1



Write a reply...



Elizabeth Meadows Beaver

Surprised at verdict with David Freedman Martens attorney, one of the best. Justice served! Good job Davidson County!

Yesterday at 3:41 PM • Like • Reply • 10



Tom Aamland

Freedman did a great job, but Martin's And Brown served the States case better...Allan Martin did an amazing closing to the trial...but, the evidence guided us to our decisions...only losers in this case...no winners...

17 hours ago • Edited • Like • Reply • 9



Shannon Collins Mabry

Tom Aamland great job doing your civic duty. I saw your interview last night on the news and you presented the jury's decision clearly and succinctly. Thank you for your service to our community.

11 hours ago • Like • Reply • 4



Patrice Yerlikaya

Tom Aamland thank you

1 hour ago • Like • Reply • 1



Write a reply...

Write a comment... GIF 😊 Post

getting a way with it if there were hand prints on the bat.. no prints mean he has on gloves... he had time to put on gloves while his daughter was being choked??? He was found naked... so he was naked while choking her?? Errr mmmmkay

Yesterday at 1:25 PM • Like • Reply •  4



Tom Aamlund

Jenny, we didn't believe Mr. Martens story...we believe Jason was asleep when he was struck in the head...by Molly...her dad helped to cover up her actions...he did participate in the beating, but the blood, hair and scalp tissue imbedded on her pajamas proved she was very close to Jason's head was being struck by the paver...we jurors had three weeks to go over all the evidence, and ate confidant justice was served...

17 hours ago • Like • Reply •   9



Write a reply...



Kathleen Cashman Carr
Animals

1 hour ago • Like • Reply •  1



Sherrie Keogh

Just one More



Write a comment...



Post





Search



Dixie Davis

Prison is to good for them and they should of got life for what they did to Jason not to mention his sweet kids being across the hall while they were beating him to death.

Yesterday at 1:16 PM • Like • Reply • 20



Stephen Hailey

Should have.

Yesterday at 6:27 PM • Like • Reply



Tom Aamland

Kids we're upstairs, but stairway was opposite the bedroom door...why close the door when entering the bedroom?..That was an escape route to get away...and who has a concrete paver on their nightstand?

19 hours ago • Like • Reply • 3



Tom Aamland

We had many unanswered questions while deliberating...

19 hours ago • Like • Reply • 2



Lynn Cantillon

I'm so glad logical people were on the jury !

9 hours ago • Like • Reply



Write a reply...



Write a comment...



Post





Patricia Koontz

They should have got life in prison no one could have convinced me that they did not mean to kill him you don't hit somebody 10 times in the head with a bat and then with the cement brick and not know what you are doing you're killing someone

Yesterday at 3:07 PM • Like • Reply •  8



Tom Aamland

If 1st degree was an option for us decide on, we would have given them life...this was a mentally draining trial for me and the rest of the jurors...I wish such a trial on no one....

19 hours ago • Like • Reply •  3



Patricia Koontz

Mr.Aamland please don't get me wrong I think the 12 people doing a great job and I know it had to be hard on all 12 but I just feel like they shouldn't had crushed his head in hitting someone 10 times with a bat and then a cement brick when all they had to do was hit him in the back of the legs with the bat and that would have brought him down i think my heart just goes out to his children because both parents are dead and they never got the chance to really know their



Write a comment...



Post




They stated it was sitting on her nightstand. Like doesn't everyone keep a landscaping cement block on their nightstand? 😏 This was planned. Should have been 1st degree

Yesterday at 9:47 PM • Like • Reply •  1



Tom Aamland

We were told after sentencing " how and why" the paver made it into the home...we we're not privy to that information and were sent back to the jury room while it was discussed...we agreed during deliberating...why was it there...answer, Jack wanted to paint it and leave by the mailbox as a decoration...but, leave it on a wood nightstand??? #1 question that was talked about when deliberations started...

18 hours ago • Like • Reply •  2



Alice Taylor

Wow, Tom. I'm glad that you all came to the verdict that you did. I'm sure this was a very tough thing to sit through and hear. Thank you!

13 hours ago • Like • Reply •  2



Write a reply...

Beth LaLonde



Write a comment...



Post





Search



Yesterday at 10:46 PM • Like • Reply • 1



Jana Hentz

Amber Saldana Mccuiston totally the whole story is wild!

Yesterday at 10:47 PM • Like • Reply



Amber Saldana Mccuiston

Jana Hentz there is a lot to it...jumping to conclusions isn't good.

Yesterday at 10:50 PM • Like • Reply



Tom Aamland

Ladies, trust me...we jurors took all the evidence into consideration, and feel confident justice was served...as foreman, I was mentally drained today...signing an order to put someone away for what could be a life sentences was not an easy task...we felt Molly should have gotten a harsher sentence...We believe her dad was helping to cover up her actions and take the heat...everyone loses in this case...

18 hours ago • Like • Reply • 7



Jana Hentz

Amber Saldana Mccuiston yes there is So never read the brick paver on the nightstand until these last few days ... rather odd thing to have sitting around

10 hours ago • Like • Reply



Write a comment...



Post





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Alteredeago Betty

Shane... the jurors used their heads and convicted them both!

4 hours ago · Like · Reply · 8



Shane O'Doherty

Nancy Perez I know - they made the right decision. I was talking to the jury foreman only yesterday myself.

4 hours ago · Edited · Like · Reply · 7



Alteredeago Betty

I was juror number 1 .. and god placed me in this position for reasons in the beginning but are so clear now..

4 hours ago · Like · Reply · 28



Shane O'Doherty

Nancy Perez You were on the jury? - hats off to you Nancy 😊

4 hours ago · Like · Reply · 8



Andrea Deal

Nancy Perez Bless your heart~ I sat in court behind Jason's family several days last week and Monday of this week~ my prayers were with each one of you!! My continued prayers for all of you as I'm sure it will take some time to get past all of what you went through with this trial~ and I see you met my crazy co-worker!

Write a comment...



Post





Alteredeago Betty

What i went through these last 3 weeks is nothing compared.to what jason or the corbett..lynch family went through.. my heart aches for them but to know justice has been served allows me to move on day by day. I only thought people.like the martens only.excited.in movies but nope.

Right before.me eyes there it was
3 hours ago · Like · Reply · 23



Laura Jackson Lienemann

Maggie Nuñez it's a sleeping pill

3 hours ago · Like · Reply



Alteredeago Betty

Existed..

3 hours ago · Like · Reply



Carrie Lemmon

Maggie Nuñez anti depressant

3 hours ago · Like · Reply



Rachel Smith

Fbi agent u always grab your weapon I hope to god u never see what they see on a daily basis

3 hours ago · Like · Reply · 2



Anne Grogan

Nancy Perez probably not a good idea

Write a comment... Post



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Alteredego Betty

Sickening...so now one of the kids woke up with a nightmare..oops forgot that what started it all. Sick! #justiceforjason

6 hours ago · Like · Reply · 17



Stephanie O Donoghue

Thank you

3 hours ago · Like · Reply



Shane O'Doherty

What I can't understand is how the youngest child managed to fall back asleep so quickly - I've two little ones myself and whenever they are settled, it takes a good 5 - 10 minutes for them to fall back asleep

2 hours ago · Edited · Like · Reply · 4



Liz Heney

Exactly and if she was gone back to sleep it certainly wouldn't have been a deep sleep.

2 hours ago · Like · Reply · 3



Shane O'Doherty

Liz Heney Agreed - and what would Jason have accomplished by killing Molly and her father? What's the motive? How would he have gotten away with it lol

2 hours ago · Like · Reply · 1

Write a comment...



Post





Laura Fitzgerald Disgusting behaviour ABC 20/20 shams on you!!!!

Like · Reply · 21 · August 10 at 3:26pm · Edited



Alteredego Betty No. Laura ..let the interview go on...i spoke on how delusional she is, how daddy and sharon enabled this non human person.how everything that comes from her mouth is a lie..how so many lies were told the martens.dont know what truth is..how sharon sat in court and did crossword puzzles for the last 3 weeks, how this family is utter disgust.. how tom is an arrogant piece of bleep.. that was Ouat

Like · Reply · 9 · August 10 at 8:24pm



Alteredego Betty That was outwitted by the people of Ireland and Davidson county

Like · Reply · 9 · August 10 at 8:25pm



Mary O'Malley Alteredego Betty We thank you the Jury, D.A's office and Sheriff's office for bringing Justice For Jason and punishing his murderers for their heinous crime

Like · Reply · 5 · August 13 at 5:34am



Margaret Goodman Lillis I second that thank you Alteredego Betty

Like · Reply · 2 · August 13 at 7:36am



Write a reply...



Juror in father-daughter murder trial: 'No doubt in my mind' guilty verdict was 'right choice'

- BY LINZIE JANIS
- CAT RAKOWSKI
- LAUREN EFFRON

Aug 11, 2017, 10:20 AM ET

COMING UP Molly Martens Corbett says husband was controlling, possessive: Part 1

Three of the jurors who found former FBI agent Thomas Martens and his daughter Molly Corbett guilty of murdering her husband Wednesday told ABC News "20/20" they believe the father-daughter's self-defense story was a cover-up.

"The evidence to me did not suggest that the story that was fabricated ever occurred," juror Miriam Figueroa said. "There was no doubt in my mind that I made and my fellow jurors made the right choice."

Watch the exclusive interviews with Molly Corbett and Thomas Martens on ABC News "20/20" this Friday, Aug. 11 at 10 p.m. ET

Former FBI agent, his daughter found guilty of murdering her husband Jury delivers guilty verdicts in father, daughter murder case

Martens and Corbett were found guilty of second-degree murder. Both received the same sentence of a minimum of 20 years in prison and a maximum of 25 years. They said they plan to appeal.

Prosecutors claimed Martens, a 31-year veteran of the FBI, and his daughter, Molly Corbett, had brutally murdered Corbett's 39-year-old husband, Jason Corbett. Experts testified that the physical evidence, in particular the blood spatter patterns, proved Corbett suffered fatal blows to the head after he was already down.

Martens and Molly Corbett claimed Jason Corbett was choking her on the night of Aug. 2, 2015, when Martens intervened and hit him with a baseball bat. Martens testified that Molly told him she also struck Jason with a paving stone that was on her nightstand, though Martens claims he

didn't see it happen. They both said they were convinced Jason was trying to kill her and they were defending themselves and each other against him.

The medical examiner's report said Jason Corbett was hit at least 10 times and the cause of death was ruled blunt force trauma.

"To me, the choking did not occur," Figueroa said. Jury foreman Tom Aamland and another juror, Nancy Perez, agreed.

"Once you hit a certain point and you do not stop, manslaughter or self-defense goes off the table," Figueroa said. "Once that point was reached where you could have stopped then and there, once the person was no longer an aggressor, if that were the case, and you continue, it's no longer self-defense."

Another major factor in their verdict decision, they said, was the gruesome crime scene photos. Perez said the first image of Jason Corbett's body she saw was so graphic that she vomited in the North Carolina courtroom.

The three jurors said they believe Molly Corbett and her father took some time after Jason died to conspire before they called 911, and they said the prosecution's argument that investigators said Martens and Molly Corbett didn't appear to have any injuries was telling. Figueroa said she even believes Molly Corbett struck her husband first with the paving stone while he was sleeping.

"I think at some point Dad came to help out and cover it up," Figueroa said. "There was blood on the pillow and on the comforter. That may have been the first blow, and then it progressed from that point where he got out of bed and she might have struck him more than one time in bed."

"And when he got up and tried to protect himself," Aamland added. "I believe that's when Tom had to intervene because of the size difference of Molly and Jason."

Molly Corbett did not take the stand at trial, but the jurors watched her closely throughout the trial and developed theories about her mental health.

"I believe she can control her personalities, whether it's bipolar or whatever," Aamland said.

Molly Corbett told ABC News "20/20" in her pre-trial interview that she had once been diagnosed with bipolar disorder, but this information was never revealed at trial.

Figueroa and Perez also said they stared at Molly and made notes about what triggered Molly's emotions -- and what didn't.

"Yes. Every time that they would talk about the kids, I was like, 'Molly's crying.' They'd show the pictures of her husband and his skull, 'Molly doesn't seem to be affected,' said Perez.

Perez went further in her observations of Molly's character. "I think Molly is a person that has not been ever held accountable for any actions whatsoever. I think Molly was Daddy's princess, just like every girl is in Daddy's eyes. I feel like Molly was very manipulative."

Though it didn't come up at trial, Molly claimed in her interview with "20/20" that Jason had been an abusive husband for years, though the jurors argued the defense didn't present proof of that.

"The defense did not once suggest any of that," Figueroa said. "So we as jurors, or me as a juror, cannot take that into consideration because it was never presented as a possibility."

"We had to go by what we heard," Aamland said.

In an interview with "20/20" after the verdict, defense attorney Walter Holton insisted that Molly was a victim of abuse the night of the incident and for years before it. When asked why they didn't put Molly on the stand, Holton said, "Why? What burden of proof do we have?"

"That's not the way the system works, it's not up to us to prove innocence," he said.

1 EXCERPT OF PROCEEDINGS, August 4, 2017

2 * * *

3 THE COURT: All right. Ladies and gentlemen, I have
4 had a conference with the attorneys here at the bench this
5 afternoon and I am going to need to consider some matters
6 outside of your presence for what I think is going to take a
7 little while. So I have decided to go ahead and let you folks
8 retire for the day and for the weekend. But I have to be sure
9 you are all promising me as you leave here that you will not
10 discuss this case with anyone. Everybody in accord with that?

11 (All jurors nod heads.)

12 THE COURT: I so appreciate the manner in which all
13 of you have conducted yourselves thus far. I ask that you
14 scrupulously follow the rules that I have outlined here. Do
15 not discuss this case with anyone. Do not allow anyone to
16 discuss it with you, offer any opinions, suggestions, or
17 anything else. You and you alone are to decide this case as we
18 have said repeatedly.

19 I will try to keep my voice up. Do not form any
20 opinions. You have not necessarily heard all of the evidence
21 nor have you heard my instructions as to the law that you are
22 to apply in the case. You are not to have any contact with the
23 news media. Don't view or read or hear anything about this
24 case. Do not have any contact with any of the news media. Do
25 not make any independent investigation or inquiry or visit any

1 location that may have been mentioned here. Do not Google or
2 try to educate yourself outside of this courtroom as I have
3 said repeatedly.

4 I will tell you for your planning purposes that based
5 on my discussions with these attorneys I anticipate that these
6 matters will be in your hands on sometime during the day either
7 on Monday or Tuesday. So just so you have some indication as
8 to at least when it may be in your hands for deliberation.

9 I tell you that not making any promises but trying to
10 give you as fair a forecast as I can for your purposes as you
11 leave here. If you will just leave your notebooks in your
12 seats. Again, those will be in the custody and control of the
13 clerk. No one else's eyes will see those over this break.
14 Have we collected all the exhibits? You don't have any
15 exhibits, just your notebooks? If you will leave those
16 notebooks there with those instructions. Have a pleasant
17 weekend.

18 The one thing I think I probably need to go ahead and
19 do is suggest that you return on Monday morning at 10:30.
20 Everybody got that?

21 (All jurors nod heads yes.)

22 THE COURT: If you forget and come at 9:30, we will
23 have a place to accommodate you, I'm sure. I am trying to not
24 unduly impose on your time knowing what I know about what may
25 need to transpire first thing on Monday. Let's say for you

1 10:30 on Monday. The lawyers don't get that confused. You
2 have to be here at 9:30. Everybody good? 10:30 on Monday.

3 (All jurors nod yes.)

4 THE COURT: Thank you very much. You are free to
5 go.

6 (Jury leaves for the weekend at 4:25 p.m.)

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1 EXCERPT OF PROCEEDINGS, August 7, 2017

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3 THE COURT: All right. Ladies and gentlemen, noting
4 the hour, we will stop for today. We will need to continue
5 with the final arguments of Mr. Byrd and Mr. Freedman and
6 Mr. Martin in the morning.

7 As you leave here this afternoon, I cannot over-
8 emphasize how important it is that you strictly observe all the
9 rules that I have previously outlined and, again, do not allow
10 anyone to talk with you about the case. Do not talk with
11 anyone else about it, inside or outside of this courtroom. If
12 anyone attempts to approach you about this case, again, let one
13 of these bailiffs know. Do not form any opinions. You have
14 not heard all the arguments nor my instructions as to the law.
15 Do not have any contact with any news media. Don't read,
16 listen to, or follow anything about this case in the news media
17 or social media. Do not make any independent investigation or
18 inquiry simply as you have done faithfully at this point now
19 going into your fourth week, I guess it is.

20 Just follow these rules. Again, if you do not
21 follow these rules, there's no way we can be assured that the
22 State or the Defendants have a fair and impartial trial.
23 That's what our objective is. Have a pleasant evening. We
24 will start at 9:30, going back to our regular starting time in
25 the morning. And with that, I ask that you leave your notes in

Joan S. Yemiola, RPR, RMR
Official Court Reporter

1 your seats. Have a pleasant evening. I will see you at 9:30
2 in the morning.

3 (Jury leaves the courtroom at 5:14 p.m.)

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1 EXCERPT OF PROCEEDINGS, August 8, 2017

2 * * *

3 THE COURT: Bring the exhibits and their notes with
4 them.

5 (Jury enters courtroom at 5:05 p.m.)

6 THE COURT: If you two will resume your seats for a
7 few minutes?

8 (Two alternate jurors return to jury box.)

9 ALTERNATE NO. 2: All right.

10 THE COURT: All right. Mr. Ammland, you have all
11 the exhibits?

12 THE FOREMAN: Yes, I do.

13 THE COURT: The verdict sheets are still in the
14 envelopes?

15 THE FOREMAN: Yes.

16 THE COURT: If you will hand all of those to the
17 bailiff, then we will keep those under lock and key with our
18 clerk until 9:30 tomorrow morning.

19 (Documents handed to clerk.)

20 THE COURT: And we will be recessing, ladies and
21 gentlemen, until 9:30 in the morning. You remember how
22 important it is, especially at this juncture, with you now
23 having begun your deliberations in this case, that you not in
24 any way discuss this case with anyone during the course of the
25 evening before your return here in the morning at 9:30. Do not

1 have any discussion or allow anyone to discuss any of these
2 matters with you. Do not have any contact with any news media.
3 Do not further deliberate on the matter. Do not make any
4 independent investigation or inquiry about anything touching
5 upon this case. Just understand that you are being asked to
6 resume your sworn duties to deliberate in this case at 9:30 in
7 the morning as you have done throughout. If you will put your
8 notepads in your seats, those will be secured in this room
9 until 9:30 in the morning.

10 As to the 12 of you who are presently deliberating
11 in this case, I bid you a good evening.

12 (Twelve jurors leave the courtroom at 5:08 p.m.)

13 THE COURT: As to our two alternates, I sincerely
14 appreciate your service. This is going to conclude your
15 service. These 12 having begun their deliberations, if
16 something happens to one or the other of them now, our law does
17 not permit that one of you replace them at this point because
18 under our state constitution, it has been interpreted that
19 would be more than 12 deliberating in the case, so with those
20 12 having started, we will tell you further that there have
21 been some other steps taken by the parties that allows me now
22 to release you. I couldn't do that at 3:30, but I can do that
23 now. I do so though, again, telling you how much I appreciate
24 your service, your attentiveness, the manner in which you have
25 conducted yourselves throughout. Those notes are your notes to

1 keep or to destroy or to do with whatever.

2 So, if you want to take your notes with you, you may
3 do so. I am going to let you go back through this way if for
4 no other reason than to pick up your pocketbook.

5 ALTERNATE NO. 2: I kind of need the keys.

6 THE COURT: I understand you do. The bailiff will
7 give you instructions when you go back there. Thank you both
8 very much.

9 (Both alternate jurors were excused at 5:10 p.m.)

10 * * *

11 (Excerpts of proceedings concluded.)

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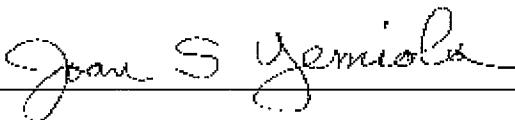
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I, Joan S. Yemiola, RMR, the officer before whom the foregoing proceeding was taken, do hereby certify that said hearing, pages 1 through 10 inclusive, is a true, correct and verbatim transcript of said proceeding.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was heard; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, and am not financially or otherwise interested in the outcome of the action.

This the 12th day of August, 2017.



JOAN S. YEMIOLA, RPR/RMR
Official Court Reporter
22-B Judicial District
Davidson County Courthouse
Lexington, NC 27292