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IN THE COURT OF COMMON PLEAS OF
BEAVER COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

SHELDON DEVONT JETER

DEFENDANT

Case No.: CR-0000825-2020

TYPE OF PLEADING:

**BRIEF IN SUPPORT OF 704(B)
ORAL POST-TRIAL MOTION
FOR EXTRAORDINARY RELIEF**

Filed on behalf of Defendant:

Sheldon Devont Jeter

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COURT ADMINISTRATOR

IN THE COURT OF COMMON PLEAS OF
BEAVER COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
 :
 : No.: 825-2020
 vs. :
 :
 :
 SHELDON DEVONT JETER :

**704(B) BRIEF IN SUPPORT OF ORAL POST-TRIAL MOTION
FOR EXTRAORDINARY RELIEF**

AND NOW, comes the Defendant, Mr. Sheldon Jeter, by and through his attorneys, Randall H. McKinney, Esquire, Michael F. Santicola, Esquire, Alexis Sara Cobb, Esquire and Amber Owens, Esquire files this Brief in Support of Oral Post-Trial Motion for Extraordinary Relief (“Brief”) who respectfully request this Honorable Court grant the relief requested and, in support thereof, states as follows:

I. JUROR MISCONDUCT

1. On June 23, 2021, Mr. Jeter was found guilty of Criminal Homicide, Murder of the First Degree, 18 Pa.C.S.A. §2502(a) by trial by jury; Mr. Jeter is scheduled to be sentenced on July 21, 2021.

2. 234 Pa. Code § 704(B)(1) states “Under extraordinary circumstances, when the interests of justice require, the trial judge may, before sentencing, hear an oral motion in arrest of judgment, for a judgment of acquittal, or for a new trial.”

3. 234 PA. CODE RULE 605 states “When an event prejudicial to the defendant occurs during trial only the defendant may move for a mistrial; the motion shall be made when the

event is disclosed. Otherwise, the trial judge may declare a mistrial only for reasons of manifest necessity.”

4. “It is fundamental that a litigant is entitled to a fair trial and that this includes the right to be tried by an impartial jury.” Schwarzbach v. Dunn, 381 A.2d 1295, 1297 (Pa. Super. 1977) citing Commonwealth v. Crow, 154 A. 283 (Pa. 1931).

5. In the case at hand, Mr. Jeter had a constitutional right to such an impartial jury. See U.S. Const. amend. VI; Pa. Const. § 9.

6. Subsequent to the verdict being read in the instant matter, it has come to the attention of the undersigned counsel for Mr. Jeter that Juror No. 3 discussed the case with her father during the trial, during deliberations, and prayed about the outcome of the trial and the verdict that she should render with her father prior to her delivering her verdict. Her behavior constitutes juror misconduct and directly violates the clear instruction that the court gave to the jurors.¹ See Trial Tr. vol. I, at 29:24-30:23, June 7, 2021, See also Pa. R.C.P. 220.1; Beav. Cnty. Pa 220.1.

7. Mr. Jeter had a right to *voir dire* every person who would potentially deliberate or contribute to rendering a verdict in this case. In the instant case, Juror No. 3 spoke with her father without Mr. Jeter’s knowledge and without Mr. Jeter having the opportunity to *voir dire* him for potential bias.

¹ The Honorable Judge Kim Tesla gave detailed jury instructions where he stated, “You are not to communicate with anyone else about this case or listen to others talk about this case until the trial is completely over, and I discharge you.” See Trial Tr. vol. I, at 29:12-15. The Court repeatedly told the jurors not to confer with anyone regarding the case on several occasions throughout the trial. He referenced the court instructions multiple times during the trial, at each recess, various sidebars, and at the end of every day of trial. Please see also Exhibit #5 of Attorney Cobb’s sworn affidavit.

8. Juror No. 3's behavior in this matter puts whether Mr. Jeter had a fair and impartial jury in question. Furthermore, Juror No. 3's father, who only heard about the case through Juror No. 3's lens, essentially has become a thirteenth juror and an outside influence on the case at hand.

9. The insinuation of outside influence is inimical to the premises upon which our system of justice rests. As Justice Holmes wrote, "The theory of our system is that the conclusion to be reached in a case will be induced by evidence and argument in open court, and not by any outside influence, whether private talk or public print." United States v. Chiantese, 582 F.2d 974, 978 (5th Cir. 1978) (quoting Patterson v. Colorado, 205 U.S. 454, 462 (1907)). Therefore, "a presumption of prejudice" will arise when potential outside influence is brought to the attention of the trial court and "the failure of the trial judge to hold a hearing constitutes an abuse of discretion."

10. The Honorable Court gave clear jury instructions in the instant case. The Court stated:

"You can't even discuss this case with members of your family, close friends, Court personnel, or other members of the jury. You should not have even casual conversations with the accused, counsel for both sides, or any witness or other members of the jury. Now, do not read, listen, or watch anything about this case in newspaper, magazine, radio, TV, internet, or any form of multi-media. Do not try to get information relevant to this case on your own. Please do not make any investigation, do any research, or conduct any experiment. Do not conduct any internet search about the facts of this case, the participants, or the law regarding this matter. Now, during trial and deliberation, you're not permitted to use your cell phone, computer, or electronic devices. These devices may be used during breaks or recess, but not to obtain information that I've told you about. Now, remember I told you I operate under the rules of treating people the way I want to be treated. So please don't do that, because if you do it, it can cause immense problems." Id. at 29:24-30:23.

11. Additionally, Juror No. 3, against clear instruction of this Honorable Court, was witnessed speaking and laughing with other jurors during sidebars, directly violating court instructions. This act alone can be ruled jury taint, forcing a mistrial determination. Id at 29:24-30:1.

12. Specifically, Juror No. 3, was witnessed repeatedly speaking during sidebars, etc. and laughing with Juror No. 4, who was later appointed foreperson, once again directly violating the court's instruction. Id at 29:24-30:4.²

13. In Yoskowitz v. Yazdanfar, the Court stated, "The problem which forced the mistrial determination, was revealed by an early morning visit from juror number two who reported that she and numerous other jurors had been untruthful when the Court asked them if they had discussed the case or passed notes regarding the case." 2006 PA Super 120, 900 A.2d 900, 2006 Pa Super LEXIS 991.

14. Here, the Juror No. 3 is showing a pattern of disregarding the Court's instructions and simply choosing to intentionally not abide by the Court's jury instructions and to dishonor the oath she took.

15. Juror No. 3 intentionally revealed that she was a juror on the Commonwealth v. Sheldon Jeter Trial and spoke about the case to her family, coupled with speaking to other jurors during sidebars, etc. shows intentional disobedience relating to jury service rules, duties and responsibilities, thereby obstructing the administration of justice and making said juror eligible for summary punishment for contempt. Joulwan's Case, 1922 Pa. Dist. & Cnty Dec. LEXIS 224, 2 Pa. D. & C. 188.

² Please see Exhibit #1 of Attorney Jodi Gill's sworn affidavit.

II. CONCEALED BIAS DURING VOIR DIRE

16. Subsequent to the verdict being read in the instant matter, it came to the attention of the undersigned counsel for Mr. Jeter that Juror No. 3 (Prospective Juror 7N71-30) is the next-door neighbor of Rachel DelTondo's family, both at the time of Ms. DelTondo's 2018 murder and likely at the time of Mr. Jeter's trial.³

17. Ms. DelTondo was reportedly shot and killed outside of her family's home in Aliquippa, Beaver County, Pennsylvania, next door to the home where Juror No. 3 resides.

18. Mr. Jeter has been identified as a person of interest in Ms. DelTondo's murder in both national and local media, including a nationally aired news program. See CBS News, 48 Hours, Episode "What Happened to Rachel DelTondo?" May 18, 2019.

19. During general *voir dire*, this Honorable Court asked potential jurors to identify themselves if they had heard any information regarding the Commonwealth's allegations against Mr. Jeter in the instant case from any multi-media source. See Trial Tr. vol. I, at 27:12-16, June 7, 2021.

20. While this Honorable Court only asked whether potential jurors had read or heard anything about the instant allegations; Mr. Jeter's alleged involvement in Ms. DelTondo's case was repeated in news media concerning the instant case.

21. Such was verified by several potential jurors during individual *voir dire* who stated that the news they had heard about the instant case also included reports of Mr. Jeter being an alleged person of interest in Ms. DelTondo's murder. See e.g. individual *voir dire* of Prospective Juror Id., at 337-346.

³ Please see Exhibit #2 of Ms. Shequila Wesley's sworn affidavit.

22. Juror No. 3 was present at the morning session when this Honorable Court asked potential jurors to identify themselves if they had read or heard about the Commonwealth's allegations against Mr. Jeter in the instant case.

23. Juror No. 3 did not identify herself to this Honorable Court at that time.

24. During individual *voir dire* of Juror No. 3, the following conversation occurred:

THE COURT: So, you haven't heard anything about this case from third persons, radio, TV or any form of multimedia?

PROSPECTIVE JUROR NO. 7N71-30: I don't believe so, sir.

Id. at 100:18-22.

25. Similarly, Juror No. 3 answered in the negative on her "Juror Qualification Questionnaire" as to both Question 4, "Have you or anyone close to you ever been the victim of a crime?" as well as Question 5, "Have you or anyone close to you ever been an eyewitness to a crime, whether or not it ever came to court?"

26. Had Juror No. 3 informed this Honorable Court and counsel for the parties in the instant matter of her personal knowledge of Ms. DelTondo's murder as well as her close proximity to the DelTondo home at the time of the alleged DelTondo killing, Juror No. 3 would have been stricken for cause as she would have been presumed to have a possible prejudice or subconscious bias against Defendant as a result of her answers.⁴

⁴Upon information and belief, after the Ms. DelTondo was killed, Juror No. 3 wrote a post on her social media regarding the incident shortly thereafter. The social media post has since been deleted.

27. Juror No. 3 would have been stricken as a juror for cause as several potential jurors were stricken for cause where it was disclosed during individual *voir dire* that they had knowledge from media or other sources as to Mr. Jeter's rumored involvement in Ms. DelTondo's case.

28. For example, Prospective Juror No. JN74A-80 was stricken as a juror for cause due to his attenuated relationship to Ms. DelTondo as well as his knowledge of her murder. Id. at 200:15-21, 207:22-208:9.

29. Similarly, Prospective Juror No. JN7P-32 was stricken as a juror for cause for, among other reasons, her knowledge of Ms. DelTondo's murder. Id. at 301:16-23.

30. Specifically, prospective Juror No. JN7P-32 indicated that she had read and watched news pieces about Ms. DelTondo's murder and found it particularly interesting because the DelTondo family resided approximately fifteen (15) minutes from her home. Id. at 293:15-17.

31. Additionally, Prospective Juror No. JN7P-98, was stricken as a juror for cause, in part, based on her answers regarding pretrial publicity, both pertaining to the instant allegations as well as Mr. Jeter being identified by the media as potentially being involved in Ms. DelTondo's murder. Id. at 341:21-342:11, 344:22-345:7.

32. Likewise, Prospective Juror No. JN7P-38 was stricken for cause as a juror due to previously formed opinions of Mr. Jeter as it related to media surrounding Ms. DelTondo case. Specifically, the prospective juror's awareness of the DelTondo case as well as Ms. DelTondo's mother being her aunt's neighbor. Id. at 388:7-25.

33. Here, even if this Honorable Court had not stricken Juror No. 3 for cause, had Juror No. 3 disclosed the location of her residence directly next door to the DelTondo family, the undersigned counsel would have utilized a peremptory strike to eliminate Juror No. 3 as a juror.⁵

34. When Juror No. 3 was selected as a juror, the undersigned counsel had access to all their peremptory strikes.

35. As the DelTondo family's next-door neighbor, Juror No. 3 was likely not only aware of Ms. DelTondo's murder but may have spoken to law enforcement officers as a result of the proximity of her residence to the crime scene; additional members of her family were also likely asked questions by the police.⁶

36. Juror No. 3 not being open and forthcoming to the Court regarding information that could potentially eliminate her from being on the jury shows that she had a tendency to withhold relevant information when she thought it may negatively impact her being on the jury.⁷

37. For example, Juror No. 3 was asked if she had any personal or professional relationships with the defendant, potential witnesses, or attorneys for either party in the case, however she neglected to volunteer that she had been married by the Honorable Judge Kim Tesla who was presiding over *voir dire*.⁸

38. In general, the "purpose of *voir dire* is to ensure the empaneling of a fair and impartial jury capable of following the instructions of the trial court." Commonwealth v. Paolello, 665 A.2d 439, 450 (Pa. 1995). See also Colosimo v. Pennsylvania Electric Co., 518 A.2d 1206,

⁵ Please see Exhibit #3 of the houses situated on Buchanan Street directly next door to each other.

⁶ Please see Exhibit #2 of Ms. Shequila Wesley's sworn affidavit.

⁷ Upon information and belief, the then fiancé and now estranged husband of Juror No. 3 saw the body of Ms. DelTondo on the ground shortly after Ms. DelTondo had been shot multiple times.

⁸ Please see Exhibit #4 of Juror No. 3 and her estranged husband with Judge Tesla on their wedding day.

1209 (Pa. 1986) (explaining through the “*voir dire* process individuals with bias or a close relationship to the parties, lawyers or matters involved are ferreted out and excluded”).

39. Juror No. 3 had an affirmative duty to answer *voir dire* questions truthfully. See Schwarzbach, 381 A.2d at 1297 (determining a juror had an affirmative duty during *voir dire* to reveal his wife’s relationship with the office of the plaintiff’s attorney).

40. In Commonwealth v. Rosario, the Pennsylvania Superior Court opined that where “incorrect answers to clear [*voir dire*] questions misled counsel . . . [counsel was] prevented an intelligent exercise of the defendant’s right to peremptory challenge.” 182 A.2d 75, 76 (Pa. Super. 1962). See also Weart v. Surgical Assoc. of Bradford, 2013 Pa.Super.Unpub. LEXIS 1037 (determining evidentiary hearing into juror taint was warranted where juror did not disclose during *voir dire* that he was a patient of a defendant doctor).

41. The undersigned counsel argues that a Mistrial is needed to cure the issues at hand.⁹ Alternatively, if the court should decide not to grant a Mistrial, an evidentiary hearing would determine Juror No. 3’s motivation behind her *voir dire* responses. Specifically, whether Juror No. 3’s proper response to *voir dire* questions would have revealed a prejudicial predisposition against Mr. Jeter that would have resulted in her being stricken for cause or removed through Mr. Jeter’s peremptory challenge and whether her inclusion as a juror was prejudicial to Mr. Jeter.

42. Juror No. 3’s testimony at the evidentiary hearing would not be in violation of the Commonwealth’s “no-impeachment rule” as said Juror would only be asked to testify regarding

⁹ The Juror No. 3’s misconduct has not been done in a vacuum. The media wrote articles regarding Juror No. 3 living near Ms. DelTondo’s home without the Court’s knowledge. See Exhibit #6 of news article. After the trial, Juror No. 3 was hounded by the media, she expressed regret that she had not stepped away from the jury early on in the trial when she recognized she knew members of Mr. Jeter’s family. See Exhibit #2 of Ms. Shaquilla Wesley’s testimony. She knew she had a conflict and intentionally stayed on the trial and as a result Mr. Jeter’s constitutional right to a fair and impartial jury was contaminated.

whether Juror No. 3 should have been part of the jury deliberations in the instant matter, not what occurred during deliberations. See Keene v. Kirsch, 2018 Pa. Super. Unpub. LEXIS 431.¹⁰

WHEREFORE, the Defendant, Mr. Jeter, respectfully requests this Honorable Court grant a Mistrial under the newly discovered knowledge that Juror No. 3 was tainted, has bias, and has willfully and knowingly committed misconduct. Had such a prejudicial predisposition against Mr. Jeter been revealed during *voir dire*, Juror No. 3 would have been stricken for cause or removed via a peremptory challenge. The failure of Juror No. 3 to honor oath, paired with the deceitful intention to not disclose all relevant facts during *voir dire* violated Mr. Jeter's constitutional right to be tried by an impartial jury, thereby obstructing the administration of justice.

Under extraordinary circumstances, when the interest of justice requires, the trial judge may grant a Mistrial.


Mr. Sheldon Jeter should be granted a Mistrial:

1) Juror No. 3 deliberately disobeyed the Court's jury instructions when she intentionally communicated with her father, about the instant case during the trial, jury deliberations, and prayed with her father about the verdict prior to her rendering a verdict. Her father became an unconstitutional thirteenth juror, who had not been subject to *voir dire*, and an outside influence on the case at hand. A "presumption of prejudice" arises when potential outside

¹⁰ Upon information and belief, Juror No. 3 recognized members of Mr. Jeter's family and thought about stepping down from the jury when another juror stepped down on June 11, 2021. It is important to note that this was the day after opening statements and the first full day of testimony. At this very early stage of trial, Juror No. 3 battled with stepping down because she recognized Mr. Jeter's family members but ultimately, she decided to stay on the jury. The family members were not only related to Sheldon Jeter but also her estranged husband. See Exhibit #2 of Ms. Shequila Wesley's sworn affidavit.

5. During many of the sidebars, I noticed that the two female jurors sitting in the back row of the jury box (I have now learned they were Juror #3 and Juror #4) would talk to each other regularly.
6. Specifically, on June 17, 2021, during Devonte Smith's testimony, a prosecution witness, the attorneys asked for another sidebar, I noticed that the two female jurors sitting in the back row of the jury box, (Juror #3 and Juror #4) were having an in-depth conversation, which I noted. The two female jurors then began laughing wholeheartedly. It was so odd that I remember adding to my notes that they were laughing.
7. It made me uncomfortable that the jurors were speaking to each other in this manner and were laughing; Sheldon Jeter was sitting at the defense table by himself watching the jurors laugh.
8. It was at this time that I noticed that the tip staff had nodded off to sleep.
9. I also noticed that the bailiffs or deputies were talking to the spectators in jovial fashion, while holding up a package of gum, and they were not paying attention to the two female jurors sitting in the back row of the jury box who were talking and laughing.
10. Also, during that particular sidebar, there were two women spectators, who were sitting near the yellow tape right beside the jurors; these spectators were talking very loudly about the jurors, the juror badges, and the Rachael DeTondo case. They were counting the jurors out trying to determine who were the alternates. I have to emphasize that they were talking very loudly amongst each other and that their voices were carrying.
11. I do not know both of the female's full names; but one is Judge DeCostro's cousin and her first name is Vicki. She had told me in the hallway earlier she had graduated from Penn State Beaver with a paralegal degree and she was wearing blue.

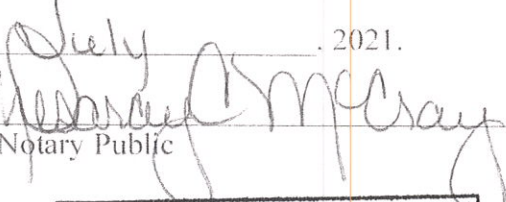
12. The two women spectators were speaking so loudly that the reporter, John Paul, had to tell them to stop talking in front of the jurors. Specifically, I remember John Paul reprimanding the two female spectators. He informed them that they were not allowed to be discussing the jurors and the case in this manner and that their behavior “could get them in big trouble” and could “cause a mistrial.”
13. I had documented my thoughts and observations in my notes and I have attached them.
14. I am executing this affidavit to attest the truth of the foregoing facts and for whatever purpose this may serve.


Attorney Jodi Gill

Sworn To and Subscribed

Before me this 19th day of

July, 2021.


Notary Public

Commonwealth of Pennsylvania - Notary Seal
Desaray C. McCray, Notary Public
Allegheny County
My commission expires January 22, 2023
Commission number 1196218
Member, Pennsylvania Association of Notaries

6-16 Sant - note - two women in

* front of me + behind JP

talking nonstop during sidebar.
JP turned around + told them they
are talking about jurors + the case
+ to stop or there could be a
mistrial + they could be in
big trouble; woman in
blue is DeCostro's cousin,
Vicki, paralegal degree from
Penn State.

MS - these women were
loudly talking about the
case + the jurors, counting the
people, talking about the juror
badges, wondering the alternates
etc.

11:05 - Back - One note, read report, ST
in possession or manipulating
of a firearm; don't recall
report does not refresh, DS
that was in my closet;
don't recall whether ST manipulates
his duty fire arm (report

6-16 → interactions w/ SJ; report to refresh but can't read the report into detail; interaction w/ SJ; DS qualified @ range, went back to his pt & met SJ, got food from fridge, SJ shaved hair his new 'glock' came back later & played video games, asked about police academy & what weapons needed to qualify; SJ had handled weapons, DS fired pistol, 9mm, 6 shot, ~~DS~~ SJ → gun was initially in car when he came to residence; DS - gun / bag in car; no recollection as to whether SJ did it or not but he had access; that ^{DS} gun has not been discharged; DS glock was locked in his closet; don't recall whether SJ had pistol / glock; "don't recall" sidelab

* jurors talking during ^{+ laughing} sidelab (2 females → were on 1st PAC, back row)

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA

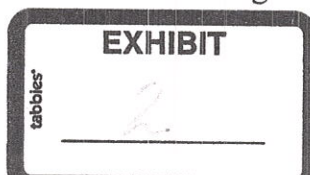
COMMONWEALTH)
OF PENNSYLVANIA) CRIMINAL DIVISION—LAW
PLAINTIFF,)
VS.) No. 825-2020
SHELDON JETER,)
DEFENDANT.)

AFFIDAVIT OF SHEQUILA WESLEY

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF BEAVER) SS:

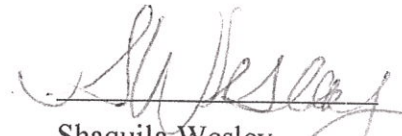
I, Shequila Wesley, am an adult individual residing at 128 Orchard Street, Aliquippa, PA 15001 which is located in Beaver County, PA, and being duly sworn according to law, depose and say the following based on facts that are known to me to be true and correct:

1. I am Sheldon Jeter's cousin. I am Merry Ann Simmons' granddaughter. I have a part time job at Kingdom Kidz at 546 Franklin Avenue, Aliquippa PA 15001.
2. I started attending the trial when a male juror stepped down. I think everything started with picking the jury on Monday, June 7, 2021 but I didn't come till Friday, June 11, 2021.
3. I know Mary Gabor, a juror who was known as Juror #3 in the Commonwealth of Pennsylvania v. Sheldon Jeter trial.
4. I met Mary Gabor years ago when she started dating, her now estranged husband, Jevon James Smith.
5. Chazmin Smith, Jevon James Smith's sister is my best friend; She and I are very close and she and I have been the best of friends since eighth grade.



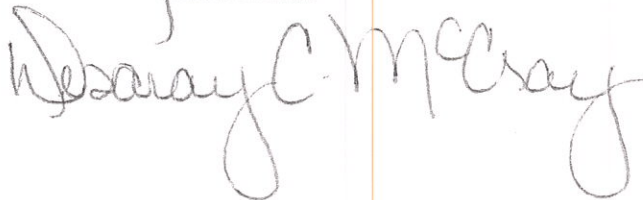
6. I have had many times when I was with Mary Gabor. For example, Mary Gabor went to my son's birthday party along with my best friend, Chazmin Smith on June 14, 2020.
7. The most recent time that I spent with Mary Gabor was on May 25, 2021. Her husband's mother, Catherine Smith, had passed away and her homegoing service was at New Holy Temple Church of God in Christ located at 148 4th Avenue, Aliquippa PA 15001. This is my family church.
8. Mary drove me to the Homegoing repass and back to my home after the Homegoing repass was completed. She was the driver and I was in the car along with my minor child.
9. During the drive to the repass, she talked to me about her marriage and about how she had gotten a new place to live. She also volunteered that she used to live with her parents during the DelTondo murder.
10. She also said that she was the neighbor to Rachel DelTondo.
11. She asked me if I was familiar with the Rachel DelTondo murder; I told her, yes, I was familiar with it and that Rachel had been killed on Mother's day in front of her house.
12. She said that she was living at her family home the night that Rachel DelTondo was murdered and that "we were there" in reference to her and her now estranged husband, then fiancé. She also referenced living there with her mother and father at the time.
13. She said that Rachel's mother was really heartbroken and hurting that her daughter had died on Mother's day. Mary seemed really bothered by this fact.
14. She and I bonded over her discussing her broken marriage, counseling matters and I gave her some advice on trying to deal with her troubled marriage.

15. After I saw Mary in May of 2021, the next time I saw her was when she was seated as a juror in the juror box at the Commonwealth of Pennsylvania v. Sheldon Jeter trial.
16. I was not at the trial when they picked the jury and I was several days late. I did not recognize Mary Gabor. She looked familiar but I couldn't place her. I didn't realize who she was at first. Then the next time that I was at the trial, I recognized her and it is my opinion that she also recognized me.
17. At the time, I didn't tell Sheldon or Sheldon's lawyers that I recognized Mary because I didn't think it was necessary or noteworthy.
18. After the trial, once the media started reaching out to Mary about being Rachel Deltondo's neighbor, it's my understanding that Mary Gabor called my best friend and stated that she had recognized members of Sheldon's family early on in the trial and that she debated whether she should stay on the jury or should leave the jury.
19. After the trial, Mary had thought about whether she should leave the trial and said that she felt really bad for the members of Sheldon's family that she knew and recognized.
20. After the trial, Mary stated that there was another juror who had stepped down and she had thought about stepping down with him at the time. But she ultimately decided to stay on.
21. After the trial, Mary said that she was tired of being harassed by the media.
22. I am executing this affidavit to attest the truth of the foregoing facts and for whatever purpose this may serve.

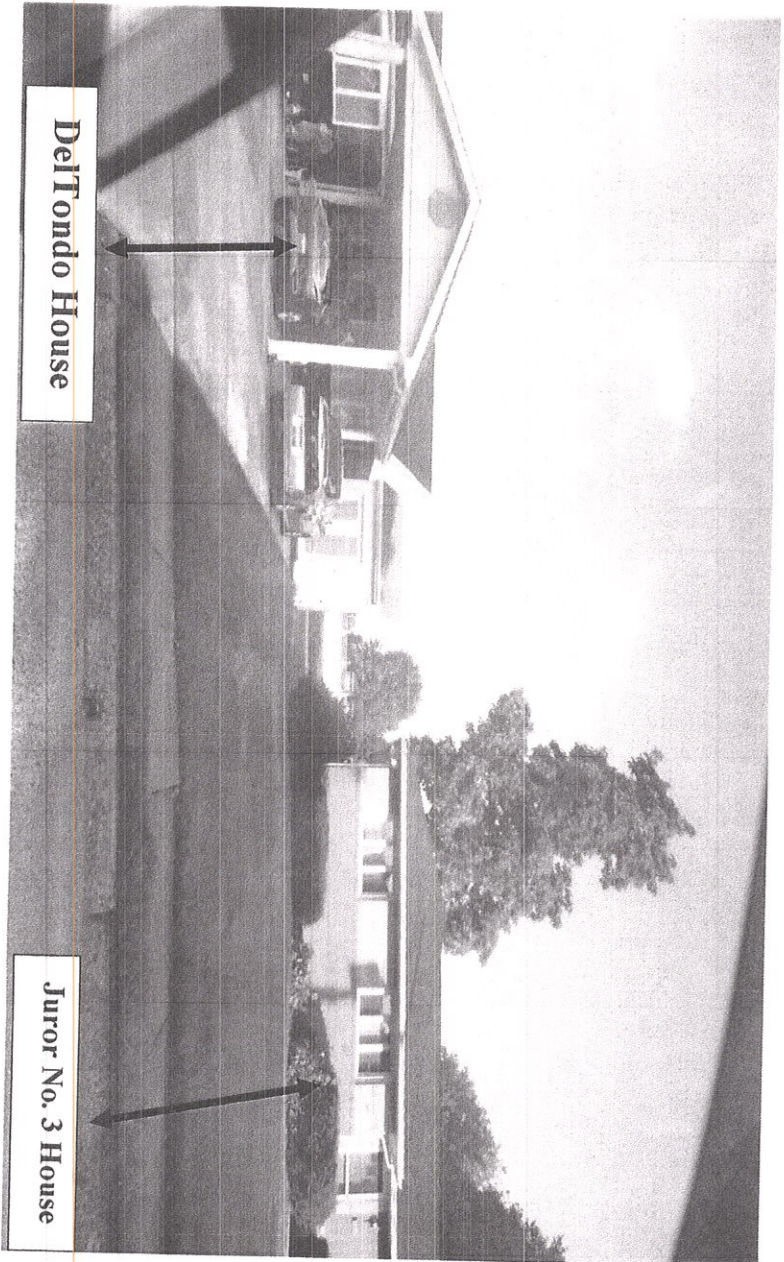

Shaquila Wesley

Sworn To and Subscribed

Before me this 17th day of
July, 2021.



Commonwealth of Pennsylvania - Notary Seal
Desaray C. McCray, Notary Public
Allegheny County
My commission expires January 22, 2023
Commission number 1196218
Member, Pennsylvania Association of Notaries



DeITondo House

Juror No. 3 House

tabbles®

EXHIBIT

13



DellTondo House

Juror No. 3 House



EXHIBIT
4



IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA

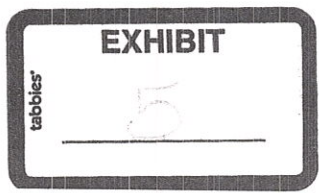
COMMONWEALTH)	CRIMINAL DIVISION—LAW
OF PENNSYLVANIA)	
PLAINTIFF,)	
)	
VS.)	No. 825-2020
)	
SHELDON JETER,)	
DEFENDANT.)	

AFFIDAVIT OF ALEXIS SARA COBB, ESQUIRE

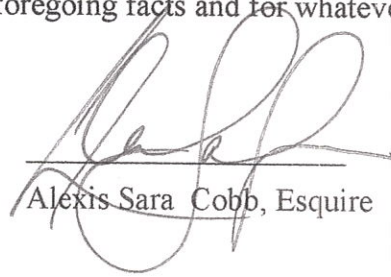
COMMONWEATH OF PENNSYLA VANIA)	
)	SS:
COUNTY OF BEAVER)	

I, Alexis Sara Cobb, Esquire, am an adult individual residing in Aliquippa, PA which is located in Beaver County, PA, and being duly sworn according to law, depose and say the following based on facts that are known to me to be true and correct:

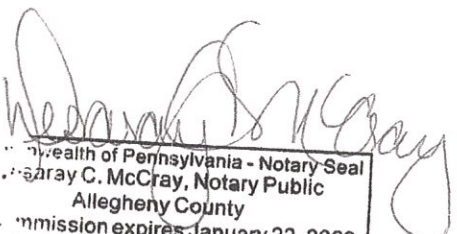
1. I am one of Mr. Sheldon Jeter’s attorneys.
2. I spoke with the father of Jevon James Smith, Mr. Ralph Smith, Jr. the husband of Mary Gabor, (who is commonly known as Juror No. 3).
3. Mr. Smith did not want his son involved in any of the court proceedings.
4. He stated his son, Jevon James Smith, was living at Mary Gabor’s house at 2121 Buchanan Street, Aliquippa, PA in May of 2018. He was living with his fiancé, Mary, her mother, Betty, and her dad, Chris.
5. He stated he was living with them on the night that Rachel DelTondo was killed in May of 2018.



6. Mr. Smith stated that the DelTondo's lived directly next door to the Gabor's house at the time on Buchanan Street.
7. Mr. Smith stated that he remembers that his son was very upset about the murder because he saw Ms. DelTondo's body bleeding on the ground after she had been shot.
8. Mr. Smith stated his son and Mary were married on June 5, 2018 at the Beaver County Courthouse in front of Judge Kim Tesla.
9. Mr. Smith stated his son and Mary are currently living apart and will be getting a divorce.
10. On June 25, 2021, which was after the trial, Mr. Smith spoke to Chris Gabor, Mary's father, face to face and he let me know that Mary had been on the jury of the Commonwealth v. Sheldon Jeter case.
11. Specifically, he stated Mr. Gabor, Mary's Father told Mr. Smith that he and Mary talked about how she was a juror and what was happening during the trial.
12. Specifically, Mr. Smith stated Mr. Gabor and Mary talked about the case during the jury deliberations and that she was having a hard time with deciding what to do and that she and Mr. Gabor "prayed on it" and after they prayed, she made her decision.
13. Mr. Smith was not comfortable with executing an affidavit at this time because as an African American male, he does not trust the judicial system.
14. I am executing this affidavit to attest the truth of the foregoing facts and for whatever purpose this may serve.


Alexis Sara Cobb, Esquire

Sworn To and Subscribed
Before me this 19th day of
July, 2021


Commonwealth of Pennsylvania - Notary Seal
Gary C. McCray, Notary Public
Allegheny County
Commission expires January 22, 2023
Commission number 1196218
Pennsylvania Association of Notaries



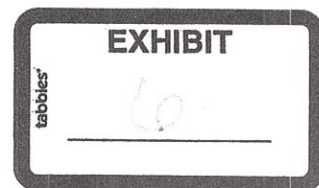
KDKA Investigates: Juror In Sheldon Jeter Homicide Trial Was Rachael DeTondo's Neighbor

Jeter's attorney is reviewing transcripts of the questioning of the juror and will then decide on whether to petition for a mistrial

By Andy Sheehan June 28, 2021 at 7:56 pm

Filed Under: Aliquippa, Andy Sheehan, Jury Trial, Local TV, Rachael DeTondo, Sheldon Jeter

ALIQUIPPA, Pa. (KDKA) – There are now serious questions about



the impartiality of one juror who voted to convict Sheldon Jeter, which could put last week's guilty verdict in jeopardy.

KDKA Investigates has learned that this juror actually lived next door to the family of Rachael DeTondo, the slain schoolteacher with whom Jeter once had a romantic relationship. His defense attorney says the verdict may be tainted.

READ MORE: Jury Finds Sheldon Jeter Guilty In Fatal Shooting Of His Friend, Tyrice Pugh

What would be the chances? A juror empaneled to weigh the fate of Sheldon Jeter in the shooting death of Tyrice Pugh is the neighbor of Rachael DeTondo — the woman with whom Jeter was once romantically linked. DeTondo was shot several times in the driveway just feet from a home KDKA confirmed is owned by the female juror's parents.

"We're definitely concerned about it. It's hard to imagine that a neighbor of the DeTondos would end up on a jury for or against Sheldon Jeter," said Jeter's attorney Michael Santicola.

Though he's never been formally named a suspect, Jeter has been under investigation in connection with the DeTondo murder for the past 3 years. Santicola says the case has gained national attention and the juror could not help know of Jeter or have strong feelings about him.

Sheehan: And that is potentially prejudicial in her rendering a verdict?

Santicola: Yeah, of course, I think it would be overtly prejudicial and even subconsciously prejudicial.

READ MORE: Jury Selection Begins In Trial Of Sheldon Jeter, Key Figure In Unsolved Rachael DeTondo Homicide

KDKA knocked on the door of the house, but the juror's mother said her daughter was not home. The mother gave us a phone number, but the woman did not return our calls.

In a statement, District Attorney David Lozier said, "I can't comment until we have a motion stating facts."

In selecting the jurors three weeks ago, the defense attorneys and prosecutors specifically did not mention the DeTondo murder but Santicola says this juror should have spoken up before being empaneled.

"I don't want to say she wasn't truthful. Maybe she didn't realize, but I think through the cards, she was more likely aware of who he was and how his name was involved in the other case," Santicola said.

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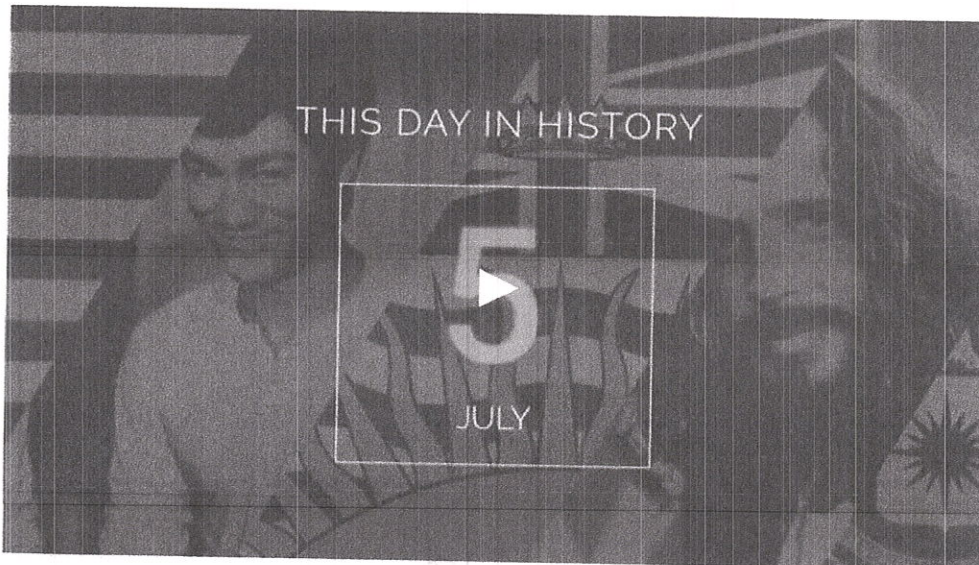
MORE NEWS: Grand Jury Expected To Soon Recommend Filing Of Homicide Charges In Case Of Rachael DeTondo

Santicola says they are reviewing transcripts of the questioning of the juror. After that is complete, he will decide on whether to petition for a mistrial. If granted, that would mean the case would need to be tried all over again.

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The Ohio newborn delivered after the shooting death of her pregnant mother last week

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