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## Miami filmmaker's tweets won't result in new robbery trial, judge rules

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Walter Michot / Miami Herald Staff

A Miami-Dade judge ruled Wednesday that Billy Corben, who served as the jury foreman for the armed robbery trial of Angelo Williams, did violate a court order to not use social media during his time as a juror. But there was no evidence that the posts violated Williams rights to a fair trial, the judge ruled Wednesday in denying a motion for a new trial.

Miami filmmaker Billy Corben's penchant for posting on Twitter and Facebook didn't doom the conviction he helped deliver as a juror in an armed robbery trial, a judge ruled Wednesday.

The judge did find that Corben violated a court order against using social media while on jury duty. But he said it wasn't enough to hold him in contempt of court, or to overturn the conviction of a Florida City man who claimed the filmmaker's Tweets tainted his trial.

In fact, Miami-Dade Circuit Judge Jose Fernandez called Corben "a model juror, but for this."

"I would ask that if you can, you have a big soapbox, you have a lot of followers," Fernandez told Corben. "I would ask that you help us in the judiciary communicate the importance of jury service."

Corben, maker of the Miami-based documentaries *Cocaine Cowboys* and *The U*, promptly delivered.

"I would encourage everyone to show for jury duty — despite the excess of Sandra Bullock movies in the jury pool room," Corben told reporters after Wednesday's hearing.

The proceeding culminated an episode of legal theater becoming more common in the age of social media and instant communication.

Judges have long warned jurors to avoid newspapers and television news coverage to avoid being influenced by publicity. But with the rise of social media, judges now also warn jurors against using Twitter and Facebook, or using the Internet to conduct independent research about their case.

Several high-profile convictions have been thrown out in recent years across the country because of jurors' use of the Internet and social media.

In this case, Corben was called to jury duty in February at Miami's Richard Gerstein Justice Building. A prolific tweeter, news junkie and commentator, Corben Tweeted away while waiting to be called into a courtroom.

"You get bored easily?" the judge asked Corben as he reviewed a printout of his frequent posts. "This is like every five minutes."

"In the morning, I post a lot of news, your honor," Corben said. "That's mostly what it is."

Corben's messages mostly lampooned the Bullock movies in the jury waiting room and the lack of working elevators. Before he was called to a jury panel, Corben also joked about a judge holding him in contempt for "live Tweeting," and about asking lawyer David O. Markus, a follower on Twitter, to defend him in court.

Defense lawyer Sara Yousuf, on Wednesday, asked Corben: "Even before jury service, you had an understanding that Tweeting could lead to contempt charges?"

"I just imagined that, from watching Law & Order, I guess," Corben replied.

Corben was empaneled in the case of Angelo Williams, 24, accused of robbing a Florida City convenience store in October.

Once Corben was sworn in on the jury, he continued to post, though he never wrote anything during the proceedings or deliberations.

He did joke about the view from the courthouse of the new Marlins stadium. He also pointed out that jury instructions did not mention rules against "flasking it," a reference to booze.

Nor did Corben send messages identifying Williams or details of the case, although one follower wrote back, "We'll make sure you put the bad guy away!"

After three hours of deliberations, Corben and five other jurors convicted Williams, who has yet to be sentenced and faces up to 30 years in prison.

Yousuf, his lawyer, discovered the Tweets after the conviction and asked for a new trial, saying Corben "flouted the repeated and clear command of this court by openly inviting input and commentary about Mr. Williams' trial."

Last month, Judge Fernandez ordered Corben to appear in court to explain why he should not be held in contempt. Corben — flanked by Markus, his Twitter pal — apologized for wasting the court's time and resources.

"He never intended to violate the court's order," Markus told the judge. "He didn't undermine the administration of justice."

The judge agreed. Afterward Markus praised Fernandez for his decision. "If we were allowed to friend judges on Facebook, Judge Fernandez would be the first one."

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