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Mistrial declared in Miller case

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FORT WORTH — A mistrial was declared in the capital murder trial of Daniel Shockley Miller after jurors informed the judge Monday afternoon that they could not reach a unanimous decision in the case of the kidnap-slaying of a woman more than seven years ago.

After deliberating more than 13 hours over three days, the panel of seven women and five men deadlocked -- eight for acquittal, four for a guilty verdict.

Defense attorney Wes Ball, who with Terry Barlow defended Miller, said he was surprised that the majority voted to acquit his client.

"I was thinking to myself, 'Wow. That is not common around here,' " Ball said. "But we could have sat with that jury for the rest our lives and the people on each end would not have budged."

Prosecutor Alan Levy said Miller will be retried, and he again will seek the death penalty. "What we are going to do, now that we have all the evidence, we will try the case in January and we will present a little bit different case," Levy said.

"We are pretty confident that we will get a good jury panel and bring the case to a successful conclusion. In fact, we are nearly certain of it."

Miller was on trial in state District Judge Wayne Salvant's court, accused of kidnapping and fatally shooting Gina Dykman on July 21, 1996, after he and two others became convinced that she was a police informant planning to snitch about their methamphetamine-dealing business.

Almost a month after Dykman, 27, went missing, a caretaker found her remains in a Johnson County cemetery. Dykman, who had a young son, was the daughter of a Grand Prairie Fire Department lieutenant.

Miller's co-defendant, Kirk Alan Cantrell, is in Tarrant County Jail awaiting his own capital murder trial. Miller's girlfriend, Beverly J. Cropp, who is also in jail, struck an immunity deal with prosecutors during Miller's trial and will go free in exchange for her testimony against Miller and Cantrell.

In presenting the prosecution's side, Levy and Camille Sparks called Miller's mother, father, sister and brother, who testified that Miller told them he had killed a woman. The jury also heard from at least two former roommates who said Miller admitted to the slaying.

Cropp, who said she witnessed the crime, also testified that Miller shot Dykman twice. The defense, meanwhile, called convicted killer Randy Dragoo and a man who is affiliated with a white supremacist organization. Their testimony put the slaying solely on Cantrell's shoulders.

In a surprise move, the defense team also called Miller to the stand. He testified that he did not kill Dykman and did not know who did. He also told jurors that he had instructed Cropp to take the immunity deal and testify the way prosecutors wanted to save herself. During their three days of deliberations, jurors at times could be heard arguing loudly in the jury room. They sent out 18 notes requesting evidence, testimony and to take breaks or go home.

Finally, on Monday afternoon, the jurors indicated that they could not reach a unanimous decision. At that point, Ball requested a mistrial -- a motion to which prosecutors did not object.

Salvant then called the jury in, granted the defense's motion and dismissed the panel. "It seems to the court that everyone has a position and has stuck with it," Salvant told the jurors. "You worked hard and ... you did what was in your heart and soul to do. You listened to the testimony and evidence and you stuck to your guns.

"We'll bring in a new jury and try again. It's as simple as that."

The mistrial brought tears to the eyes of Dykman's relatives, who declined to comment. As they filed out of the courtroom, they were met by Miller's family, who embraced them and cried. Earlier, Miller's relatives said they testified against him because it was the right thing to do.

They offered words of encouragement to the Dykman family, saying they will stick together and be there for them when Miller is tried again.

"We were just hoping for a resolution, and we didn't get one," said Jackie Miller, the defendant's sister. "It seems so sad that everyone has to go through this twice."

Afterward, one female juror who favored acquittal said that she needed more physical evidence and that the prosecution's witnesses "weren't credible." She questioned the motivation of Miller's family in squaring off against him. He was facing the death penalty.

"I just think there was an underlying reason, and we don't know -- and will never know -- why they did that," the juror said. "I just don't believe a mother would sit there and do that to her son."

A male juror, meanwhile, had a different take.

"I believed the mother; I believed the brother; I believed Jackie; I believed Beverly," he said. "I believed it was as plain as the nose on your face."

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