

Your guide to the trial of Clearwater parking lot shooter Michael Drejka

From jury selection to witness testimony, key moments will define the trial. Here are some of the expected highlights.



The trial of Michael Drejka, left, starts this week. Drejka is accused of manslaughter in the shooting of Markeis McGlockton, right, July 2018 in a convenience store parking lot. [Times file]

By **Kathryn Varn**

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Hundreds of Pinellas County residents will file into the courthouse starting Monday so that six may be chosen to answer a burning question.

Was the shooting death of Markeis McGlockton justified?

The start of jury selection is the first key moment in the manslaughter trial of Michael Drejka, 49, who faces up to 30 years in prison if he's convicted.

The six people chosen will listen as lawyers and witnesses recount the confrontation, the shove and the shot that claimed the life of a father of four in July 2018 and fueled a national debate over Florida's stand-your-ground law.

As part of their work, they will watch the surveillance video that captured it all.

The trial is expected to last two or three weeks. Here's what to look for.

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Tempe Louis, of Clearwater, pauses to observe a memorial on the side of the Circle A Food Mart in July 2018. The site is where Michael Drejka shot and killed 28-year-old Markeis McGlockton. Drejka stands trial this week for manslaughter. DOUGLAS CLIFFORD | Times

Jury selection and opening arguments can make or break a case, so those first few days of the trial will be important to watch.

Pinellas-Pasco prosecutors and Drejka's defense team will be picking six jurors and four alternates from a pool of up to 300 people. Lawyers for each side can strike jurors for specific reasons, or through a limited number of challenges that don't need a reason, as long as it's not based solely on race or gender. All six jurors must come to a unanimous decision.

In a case with as much pretrial news coverage as this, it's likely many in the pool have at least heard of the case. But that doesn't preclude them from serving on the jury, legal experts said — as long as they can withhold their personal feelings and weigh the evidence impartially.



Lawyers will have to navigate a potential juror's view on polarizing issues such as gun rights and self defense, said Geri Satin, a senior trial consultant for Miami-based Focus Litigation, a national jury and trial consulting firm. Emotions around gun control and gun rights are of special concern now, with mass shootings in Dayton, Ohio, and El Paso, Texas, top of mind for many Americans.

Race will also come into play, and has been a major part of the community discussion around the case. There is no direct evidence that Drejka, who is white, shot 28-year-old McGlockton because he was black. But it's naive to separate race from any part of a criminal justice system that's biased against people of color, said Tamara Rice Lave, a University of Miami School of Law professor and former public defender.

What's more, Satin said, a juror's feelings about racial bias will likely come up in the deliberation room.

"Within the context of all of these similar cases throughout the country where you've seen these unarmed black men being shot by armed white men who claim to have been threatened somehow, it's going to come in," she said.

Protesters march in Clearwater demanding justice for Markeis McGlockton who was shot and killed Michael Drejka. Pinellas deputies did not initially arrest Drejka, but prosecutors later charged him for manslaughter. His trial begins Monday. LUIS SANTANA | Times

Getting potential jurors to open up about those issues in open court in front of strangers and reporters adds to the challenge.

Sometimes that concern can be addressed through a questionnaire that jurors can fill out privately, which Drejka's defense team tried to make happen. Pinellas-Pasco Circuit Judge Joseph Bulone said it would be fine as long as

each side agreed to the questions. But prosecutors shot down a defense draft that included questions about gun rights and political views. They said it would take too long for jurors to fill out.

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Even so, while some potential jurors think they can set aside their emotions, a growing body of implicit bias research says that's easier said than done, Satin said.

"You can really believe you can remove your entire life experiences and your attitudes from your analysis," she said, "but frankly you won't have much to say if you do that."

And then there's the issue of stealth jurors. It's possible potential jurors with their own agendas will be less-than-candid in their answers, said Mark O'Mara, the Orlando attorney who won the acquittal of neighborhood watch volunteer George Zimmerman in the 2012 shooting of 17-year-old Trayvon Martin.

During that trial's jury selection, O'Mara had a team in the courtroom sleuthing social media in real time to see if jurors' statements matched their online presence.

"If you have an agenda," O'Mara said, "it's very easy to lie."

The key for lawyers on both sides is to be honest, make jurors feel comfortable enough to open up and pay attention to their body language as well as their answers, experts said. Misreading a juror can have dire consequences, particularly in this case, said Roger Futerman, a Tampa Bay area attorney who successfully argued self-defense before the same judge for Cara Ryan, a former teacher accused of murdering her ex-husband.

On the Drejka case, Futerman said, "I've heard diametrically opposed views on either side. This is a case that if you get a strong juror the wrong way, it's over."

It's unknown at this point whether Drejka will testify. John Trevena, one of his attorneys, said this week the four-lawyer defense team was undecided about putting him on the stand.

But it's hard to get around doing so in a self-defense case, which heavily relies on what the defendant was thinking at the time.

Drejka participated in a lengthy interview with police after the shooting, but only the state can introduce that statement into the courtroom. That's why Zimmerman didn't testify, O'Mara said. Prosecutors introduced five statements Zimmerman gave to police and the media.

"And I'm sitting here going, 'What are you doing?'" O'Mara said. "Thank you, thank you, thank you. But why are you doing this?"

Prosecutors should think carefully before introducing Drejka's statements and giving him a chance to wiggle out of testifying, said Lave, the Miami professor. The jury's perception of the defendant matters tremendously, so testifying can put the defense at a disadvantage.

"Self defense ... in its essence, is an intentional act. You didn't kill him by mistake. You killed him because you thought you had to," O'Mara said. "You better explain away why you decided to take a life."

Michael Drejka sits in a Pinellas County courtroom during a January hearing. He faces a charge of manslaughter for shooting 28-year-old Markeis McGlockton during a July 18 confrontation in a Clearwater parking lot. DIRK SHADD | Times

Drejka's prior confrontation at the same convenience store is "a big problem for the defendant," Futerman said.

About five months before the shooting, Drejka got into an argument with driver Richard Kelly over the same parking space after Kelly parked his tanker trunk there. Drejka used a racial slur when speaking to Kelly, a black man, then threatened to shoot him, according to Kelly's account.

Judge Bulone, struck by the similarities of the two encounters, ruled that prosecutors could introduce the incident, aside from the racial slur.

How Drejka and his lawyers will explain the behavior will be a key moment.

"If he gets convicted, it will be more because of what he's done before," O'Mara said.

The shooting video remains a riveting part of the case. Jurors will see multiple versions, including a slowed-down clip that Drejka's defense team tried to keep out of the courtroom. Prosecutors will argue it shows McGlockton starting to turn away before Drejka pulls the trigger.

The defense plans to argue that Drejka didn't get the benefit of slow motion when he was processing events in real time.

"It's a strong argument ... 'Hey, we have that luxury now. He didn't have that luxury then,'" said Tampa defense attorney Brian Gonzalez.

A surveillance video depicting the shooting of Markeis McGlockton will be featured in the manslaughter trial of Michael Drejka. [Pinellas County Sheriff's Office]

If you go, jury selection will take place in Courtroom 1 and the trial in Courtroom 7 of the Pinellas County Justice Center, 14250 49th St N.

Otherwise, you can follow gavel-to-gavel trial coverage on tampabay.com. There, you'll also find past coverage, key players and a timeline to get you up to speed.

A livestream from Court TV, a news outlet that airs prominent criminal trials, is also an option. John Alleva, Court TV's vice president and managing editor of field operations, said the network picked the trial in part because it's so rare to have video like this.

Alleva looks for cases that he thinks viewers will be able to relate to, he said.

"Michael Drejka could be your neighbor. The victim, Mr. McGlockton, could be your neighbor," Alleva said.

The case allows viewers to put themselves "in a situation to ask, 'How did we get to this place?'"

Times staff writer Sam Ogozalek contributed to this report.



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