That juror was in court on Tuesday ready to testify, but Ambrose ruled that was not necessary because he ruled there was no competent evidence of jury impropriety or misconduct based on the juror's statements.

By JAMES W. WADE III

Staff Reporter

A Cuyahoga County judge denied convicted serial killer Anthony Sowell's motion for a retrial on

Tuesday.

Common Pleas Judge Dick Ambrose said during the afternoon hearing that there is no evidence of any improper activity by the jurors. Sowell’s defense team claimed that the jury foreperson was bias, after telling the media that Sowell winked at her during the trial.

"He played to the camera. He played to us," the jury forewoman said on Aug. 8. "He even winked at me once… Why are you winking? Are you trying to make an ally?" She called Sowell's eye-contact with the jury "unwarranted." Sowell's attorneys wanted the opportunity to interview that juror in pursuit of a new trial.

"I think, your honor, that juror number 12 misled this court, she misled the defense and she misled the State of Ohio," said Sowell's attorney Rufus Sims, because the juror did not report the incident to the court. The prosecution argued the whole idea of a new trial was "outrageous."

"If every defendant who came into court was entitled to a hearing on an issue of his own conduct in front of a juror we would have endless inquisitions into every verdict in this courthouse," said Assistant Cuyahoga County Prosecutor Matthew Meyer.

That juror was in court on Tuesday ready to testify, but Ambrose ruled that was not necessary because he ruled there was no competent evidence of jury impropriety or misconduct based on the juror’s statements.

Sowell was convicted on 82 counts in the deaths of 11 women whose remains were found at his Imperial Avenue home in 2009. The jury recommended that the 52 year-old be sentenced to death and Ambrose upheld that ruling.

The judge set an execution date of Oct. 29, 2012, which is subject to change for appeals. The date is the three-year anniversary of the initial discovery on Imperial Avenue.