

In Re Robert W. Stencavage

03/02/05

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

In re Robert W. Stencavage

Opinion No. 2005 DNH 033

**O R D E R**

Robert W. Stencavage of Hollis, New Hampshire was ordered to appear for jury duty on October 5, 2004. He failed to do so. He was ordered to be available as previously ordered and on extended dates. He appeared as ordered on October 18, 2004, but when selected he requested Judge DiClerico defer his service because of the pressing needs of his business, Oasis Sunrooms and Spas. Judge DiClerico granted his request and, after being assured by Mr. Stencavage that he would be available in February 2005, he ordered a deferment until February 2005.

Mr. Stencavage was ordered to appear on February 1, 2005. A "show cause" order was issued directing Mr. Stencavage to appear and show cause why he should not be fined or imprisoned for up to three days for failure to appear for jury duty.<sup>1</sup> At the hearing I advised Mr. Stencavage that I would continue the hearing if he wanted to appear with counsel. He declined.

Mr. Stencavage offered as cause for disobeying the orders

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<sup>1</sup>Mr. Stencavage demanded that the Clerk send notices certified and then failed and refused to pick them up after at least two notices by the post office.

his involvement with Special Olympics basketball, his father's condition, his brother's condition, the way Oasis Sunrooms and Spas relies on his every day attendance, denial of his computer calendar to him in the courtroom leading him to erroneously telling Judge DiClerico that he would be available in February, his inability to serve fairly because of his growing disillusionment with government under the Bush administration, etc. Finally, he suggested he could fit his jury duty in between March 21, 2005 and April 30, 2005.

None of the justifications offered constitute "cause". After being ordered by Judge DiClerico to jury duty in February and being summoned, he made no effort to seek a further deferment or to notify the court of his alleged unavailability. Mr. Stencavage has demonstrated contempt of court orders and no just cause for failing to appear for jury duty as ordered.

Pursuant to 28 U.S.C. § 1866(g) Robert W. Stencavage is fined \$100.00 and imprisoned for twenty-four (24) hours commencing at 9:30 a.m. on March 2, 2005. Stand committed.

**SO ORDERED.**

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James R. Muirhead  
United States Magistrate Judge

Date: March 2, 2005  
cc: Robert W. Stencavage

U.S. Marshal