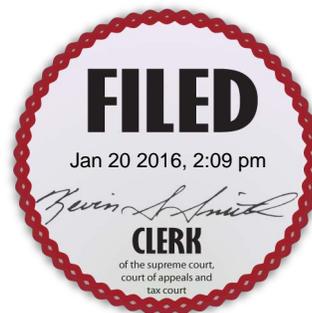


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**In the
Indiana Supreme Court**



No. 79S02-1601-CR-28

KASTIN E. SLAYBAUGH,

Appellant (Defendant below),

v.

STATE OF INDIANA,

Appellee (Plaintiff below).

Appeal from the Tippecanoe Superior Court, No. 79D02-1401-FB-01
The Honorable Thomas H. Busch, Judge

On Petition to Transfer from the Indiana Court of Appeals, No. 79A02-1411-CR-798

January 20, 2016

Per Curiam.

After Kastin Slaybaugh was convicted of rape, he moved for mistrial on grounds there had been juror misconduct. His motion asserted that in voir dire, a juror had denied knowing the victim or her family, but Slaybaugh discovered that a relative of the victim was a “Facebook friend” of that juror. The trial court ordered the juror deposed. The juror testified she was a

realtor, had more than 1000 “friends” on Facebook—most of whom she had “friended” for networking purposes—but she had not recognized the victim’s name during voir dire, did not recognize the victim when she testified, and did not know the victim or her family. The trial court determined that the juror had been truthful when answering that she had no knowledge of the victim or her family, and denied Slaybaugh’s motion for mistrial. Noting the novel issue involving a juror’s “expansive list of Facebook friends,” the Court of Appeals affirmed in Slaybaugh v. State, ___ N.E.3d ___, ___, 2015 WL 5612205, *1 (Ind. Ct. App. 2015).

We agree with the result reached by the Court of Appeals, grant transfer, expressly adopt and incorporate by reference the Court of Appeals opinion in accordance with Indiana Appellate Rule 58(A)(1), and affirm the trial court.

All Justices concur.