

STATE OF MICHIGAN LAW DAY 2005 ESSAY CONTEST  
"THE AMERICAN JURY: WE THE PEOPLE IN ACTION"

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***Suppose that a case has received excessive pretrial publicity in the local media. Should a judge change the trial venue in an effort to obtain unbiased jurors?***

I believe that a judge should change the trial venue of a case in order to obtain unbiased jurors, especially if the case involves a major crime which receives excessive pretrial publicity.

I believe that one of our most important core democratic values is justice, the fair and equal treatment of all people in a court of law. It means that all people should be treated fairly in court. If you keep the trial venue in an area where citizens are biased, you are depriving the defendant of a fair trial. The core democratic value of justice gives everyone the right to a fair trial. Even if people say they can be fair, can they really? When you read articles in the paper, you may subconsciously use those ideas to determine innocence or guilt.

Another important core democratic value that strongly supports my position is the common good. Citizens should work together to benefit all. A judge isn't promoting the common good if he doesn't move a much publicized case to another, less biased location. The judge should do what's best for all. Also, if the judge doesn't move the trial it would take longer to find jurors.

The famous Sheppard v. Maxwell, 384 U.S. 333 (1966) case supports my position. Dr. Sam Sheppard, a famous doctor in the Cleveland area, was convicted of murder, after the media accused Sheppard of beating his wife to death. After hearing Dr. Sheppard's appeal, Justice Tom Clark of the Supreme Court quoted Supreme Court Justice Oliver Wendell Holmes in stating, "where there is a reasonable likelihood that prejudicial news prior to a trial will prevent a fair trial, the judge should delay the case until the threat abates, or transfer it to another county not so permeated with publicity." 384 U.S. 333 at 363. This research supports my position because the outcome of the Sheppard v. Maxwell case was affected by media attention. A judge should move the venue to promote a fair trial, as stated by Oliver Wendell Holmes.

I know that the Sixth Amendment of our Constitution grants every American the right to a trial by an impartial jury. This information supports my position because if a judge doesn't move the venue to obtain unbiased jurors, you cannot guarantee that the jury in the community that the crime was committed in will be unbiased. If the trial isn't moved, the defendant is denied an impartial jury.

In the Scott Peterson murder trial, the judge and attorneys couldn't find unbiased citizens, so they changed the venue of the trial to find a jury. If the trial were held in the area where the crime was committed, finding an impartial jury would have been impossible. If a person is considered "innocent until proven guilty," then changing the venue is essential.

I believe that a judge should change the trial venue of a case to obtain unbiased jurors when pretrial publicity has shaped public opinions. If you don't change the trial venue, the attorneys may never find unbiased jurors in the community where the crime was committed.