

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?*

Excessive Publicity

Suppose a newspaper printed an unconfirmed report that a man murdered his wife. Would the citizens in the city believe it? Would the man be able to get a fair trial in that city if the media continued reporting rumors? Should a judge have the right to change the trial venue in order to obtain unbiased jurors? A judge should be able to move a trial if he or she feels that excessive publicity will result in an unfair trial.

The general public has a great deal of curiosity in crimes and trials. Therefore the media also covers these trials in an effort to report news that will interest readers. Unfortunately, sometimes media will not print facts. The people depend on the media to report the truth, and not rumors. Sensationalist stories that mislead the people can cause citizens to form their own opinions. If these people already have an opinion, and they are selected to be jurors, they might not be able to listen fairly to the facts presented. They would not be able to make a fair decision.

In America, the government must protect our individual rights. Our individual rights are a core democratic value. No one in America can deny us basic freedoms and liberties. One of our individual rights is the right to a fair trial. If jurors make a decision that is not based on what they hear and see in the trial, it is an unfair trial. Even those accused have individual rights, and when the jurors are biased before the trial begins, it is a violation of their individual rights.

Dr. Sam Sheppard was denied the right to a fair trial in the Sheppard v. Maxwell, 384 U.S. 333 (1996) case. He was accused of bludgeoning his wife to death in July of 1954. Local newspapers printed articles that proclaimed Sheppard guilty. The media followed his trial closely. Many of the jurors had also followed the coverage of the murder. The local media reported the names of all the jurors, so jurors received hundreds of letters threatening them to make the "right" decision. The defense's request to relocate the trial was refused. Sam Sheppard was found guilty of second-degree murder. However, the Supreme Court later ruled that due to prejudicial pretrial publicity, Dr. Sheppard received an unfair trial. In the Supreme Court ruling, they stated that, "where there is a reasonable likelihood that prejudicial news prior to trial will prevent a fair trial, the judge should continue the case until the threat abates, or transfer it to another county not so permeated with publicity." 384 U.S. 333 at 363. Dr. Sheppard had been wrongly convicted of murder, partly because of excessive publicity.

The Sheppard case shows that too much publicity can mislead many people. Trials can end with the wrong verdict if the media reports rumors. I understand why a community might care more about the consequence of a person from their community. However, moving a trial's venue protects a person's right to a fair trial.