

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

Meagan Kalene Mousty ~ Second Place ~ Sixth Grade
L'Anse Creuse Middle School North, Macomb, Michigan
Teacher - David Nordstrom

Should a unanimous jury decision be required in order to convict someone of a crime?

This trial has been going on for two months. The jury comes out of the deliberation room. The judge asks, "have you come to the final decision?" The jury foreman says, "no, eleven think guilty and one thinks innocent; we are a hung jury." This means a new trial starting all over again. "This could take years," I say to myself. For this reason, I am opposed to a unanimous jury decision being required in order to convict someone of a crime.

In sixth grade, I have learned that not all states are required to have a unanimous jury. Instead some states have laws for the jury size depending on the crime. Louisiana is one such state. For example, if you were to steal bubble gum, they would select five jurors who would have to make a unanimous decision. If you went to court because you fought, nine out of twelve jurors would have to agree. If you killed someone, all twelve jurors would have to agree.

In Johnson v. Louisiana, 406 U.S. 356 (1972), I found research that supports my position. This case was about Johnson complaining that only nine of twelve jurors thought he was guilty and he was convicted of the crime. Johnson thought there was a reasonable doubt overall, with three jurors not agreeing. He appealed to the Supreme Court, saying that his verdict should have been unanimous. The Supreme Court agreed with the state. Justice Byron White stated, "this Court has never held jury unanimity to be a requisite of due process of law." 406 U.S. 356 at 359. To me, this means that the laws never said a jury has to be unanimous in order to convict someone of a crime.

Justice is one of the most important core democratic values I can think of. Justice means that everyone should be treated equally in the eyes of the law. If eleven out of twelve jurors think something different from the other one, the eleven should be heard instead of selecting a new jury or all of them having to deliberate until they agree. Justice supports my position because a simple majority should be good enough to convict a person of a crime. The Supreme Court agreed with the state's goal to "facilitate, expedite, and reduce expense in the administration of criminal justice". This means that the trial would be easier, faster, and cheaper if a jury was not required to be unanimous.

I do not believe that a jury vote needs to be unanimous in order to convict

someone of a crime. A majority vote is good enough.