

6th Grade

3rd Place

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Q: Suppose that jurors are using their cell phones to Google for background information while serving on jury duty. Should jurors in Michigan be allowed to use electronic communications during a trial?

No. Jurors should not be allowed to use electronic communications during a trial because it interferes with a defendant's right to a fair trial.

In a Supreme Court case involving excessive media communications, *Sheppard vs. Maxwell*, the defendant was accused of murdering his wife. Many public officials talked about the case and drew conclusions early in the investigation. Many believed that Sheppard killed his wife before any evidence was presented in court because of all the media coverage.

Sheppard was convicted by a jury. He appealed to the United States Supreme Court, which found that Sheppard did not receive a fair trial because of the publicity and the judge's failure to protect Sheppard from that publicity:

Due process requires that the accused receive a trial by an impartial jury free from outside influences. Given the pervasiveness of modern communications and the difficulty of effacing prejudicial publicity from the minds of the jurors, the trial courts must take strong measures to make sure the balance is never weighed against the accused.

Sheppard, 384 U.S. 333, 362 (1966). This 1966 case is important in 2010 when considering whether jurors should be allowed to use electronic communications during a trial.

There are two reasons jurors should not be allowed to use electronic communications during trial. First, a juror would not be paying attention because he would be googling or e-mailing instead of listening. Jurors are charged with evaluating the evidence. If they are not paying attention, they are not performing their duties.

Second, a juror should not research the case using electronic communications because it may affect his decision on whether the defendant is guilty or not. For example, if a juror finds a newspaper article or any information about the defendant through independent research, he may consider information that is irrelevant but that affects his decision. Additionally, investigators may obtain evidence that is inadmissible for some reason but may have been written in a newspaper. If a juror finds that information and then makes a decision based on it, it would be unfair. This position supports the rule of law and the right to due process. The Sixth Amendment guarantees a defendant a fair trial, and if a juror does not pay attention, does additional research or considers information outside of what is admissible at trial, the defendant is not guaranteed a fair trial and is denied justice.

In conclusion, a defendant is entitled to a fair trial as guaranteed by the Sixth Amendment. Jurors using electronic communications during trial, whether it distracts them or causes them to make a decision based on information they should not consider, violates the Sixth Amendment and should be prohibited