

# Jury trial analysis

Law



Jury trial analysis Introduction A jury trial seems to be an absolutely easy process consisting only of five simple steps: selection of a jury, the trial, judge's charge to the jury, jury deliberation and verdict. However, it is also important to critically consider the assessment of the constitutional trial rights that are enacted during a jury trial, as well as to examine and discuss the selection of a fair and unbiased jury. These are some of the most important critical points that need to be considered in a jury trial analysis, which are particularly integrated in this essay.

Selection of a jury In the actual jury trial the first step is selection of jury. Selection of fair and unbiased jury should be primarily implemented in here. This is to ensure that the entire case would be handled accordingly and both parties would be given fair trial that each one deserve s to have. However, there are some experts lawyers that could be employed at this stage for the effective selection of jurors. As stated in sixth amendment to the US Constitution, all accused have the right for speedy and public trial by an impartial jury of the State and district where crime is committed (Hornberger, 2005; The Constitution of the United States, 2012). However, for some, the selection of jury is the most crucial step because the case can either be won or lost in this stage. After all, the prosecution and defense lawyers can either reject a juror for a cause or illogically. Furthermore, according to Hornberger, there exists a judicial corruption in court where the judge has the power to influence the jury to ensure conviction. The existence of Hornberger's point is just a reminder that the employment of constitutional trial rights especially in the selection of a jury can still be manipulated through the strong powerful force of bureaucracy. The trial Each party would be given a chance to share an opening statement. The prosecutor is privileged to tell the court what the

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trial is all about. The prosecutor would present their specific accusations to the defendant and a summary how they would prove that the accused is culpable. On the other hand, the defendant's attorney would also present an opening statement in order to tell the court in summary how to prove his or her client is innocent. After this, just as how the prosecutor started to take the floor in actual trial, it is also the privilege of the said party to call on first their witnesses to present physical evidences in which the main point is for them to tell some actual stories in order to prove beyond reasonable doubt that indeed the accused is guilty. After this, the defense would be given the chance to cross-examine the prosecutor's witnesses. The defense would then get its turn after the prosecutor would be done with its case. Just like the prosecutor, the defense would also present its witnesses and evidences and after this the other party would be given the chance to cross-examine defense witnesses. The next part of the trial would then be the time for closing statements. In here, the defense would be the first to stand and show how the prosecutor was not able to prove its case. After this, the prosecution has to say something regarding on how it achieves its main objective which particularly would result to summing up its entire case. Specifically, the above process is still very in line with the general view of the sixth amendment to the US Constitution. However, it is always the point of the defense to critically consider if the case could stand on its own after the prosecutor presented it. If it is not, then the defense lawyer can ask the judge to dismiss the case. The dismissal of this case would be upon the judge's decision of the defendant's lawyer's request. Thus, if the judge would agree, no defense is necessary and the case would simply be dismissed. Based on the argument of Hornberger, the judges can reasonably create a <https://assignbuster.com/jury-trial-analysis/>

significant twist in here as they are quiet unable to distinguish the law from justice. In a sense, Hornberger points out that bias is still remarkable in a trial by jury. This can still happen even though the right for fair trial and freedom of speech are remarkable. Judge's charge to the jury Generally, there are three main important things that the judge would do at this point. The judge would explain the jury's jobs, the things they are supposed to do, and finally, the evidences that have to be considered or disregarded by the jury. These are still specifically in line with the right of the accused for speedy and public trial by an impartial jury. However, knowing the fact that the judge may have the power to influence the jury, the charge may not actually give a real significant value but just merely a part of the ceremony.

Jury deliberation The next step of the jury trial would then be to bring them into a little room to deliberate. In here a presiding officer from the juror should be elected in order for them to discuss freely and open-mindedly in line with the judge's instructions. This specifically presents the right to freedom of speech (Independence Hall Association, 2012). However, this freedom may not be substantially practiced if bias already conspired from the first step down to the deliberation process.

Verdict After the jurors come up with a verdict, they would be out in the courtroom once again and take their seat and their decision is read. The verdict for both civil and criminal cases must be unanimous. In civil cases, the verdict should be written while it should be verbal in criminal cases. It is the jury foreman or the jury elected as presiding officer in the deliberation should present to the court. However, based on the previous discussion, the result may either be based on justice or just merely justification of the law.

Conclusion Clearly, an effective jury trial depends on the genuine inclusion of constitutional trial rights that are <https://assignbuster.com/jury-trial-analysis/>

enacted during a trial by jury, as well as on the selection of fair and unbiased jurors. References ' Hornberger, J. G. (2005). The Bill of Rights: Trial by Jury. Retrieved from <http://www.fff.org/freedom/fd0501a.asp> Independence Hall Association. (2012). Bill of Rights and Later Amendments. Retrieved from <http://www.ushistory.org/documents/amendments.htm> The Constitution of the United States. (2012). A brief guide. Retrieved from <http://depts.alverno.edu/dgp/GEC/Overview%20of%20Constitution.html>