

Jury nullification essay sample



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Ethnicity plays a big role in courtroom proceedings as well as judicial practices from all parts of the criminal justice system. It is anywhere from the initial intake of a person to the time the person is sentenced. Everyone involved in the proceeding has to perform certain duties to their highest ability and they have to be fair to everyone that is involved in the court proceedings. If a person is a different race or gender it may not always be the case that the people have to be fair or perform certain duties. There is statistical research that has proven in the past twenty years that there is a large amount of bias in the court systems. All of these things are true when there are personnel or suspects involved. It is very obvious that the predominant group in a judge's role all over the nation is whites. There are occasions where racial bias will not be discussed because things are kept quiet and many people are not aware to others when it comes to media and other types of sources. You will see these situations most in capital crime cases, in which minorities will most likely have a bigger chance of getting than a white person.

There is a lot of research that has been done in very recent years that looks at ethnic and racial disparities in the outcomes of sentencing beneath guidelines for sentencing. The conclusion of the research done in recent years showed that ethnic and racial differences do really come up. These differences are explained by certain legal factors which includes how serious the offense committed really is. There are some reasons that are very important when questioning if the offenders who have committed same or

similar crimes are getting the same sentencing and if racial disparities that come with punishment are because of the different criminal behaviors.

Professionals in the criminal justice field, people in the general public, and policy makers have been concerned with how ethnic minorities are treated in the criminal justice system. There has been many people that have questioned if the over representation of ethnic and racial minorities that are incarcerated is the result of differential involvement in crimes or if it is because of discriminatory acts by the agents that work in the criminal justice system. Some examples of ethnicity-based jury nullification are as follows.

The relatives and friends of two teenagers that were accused in beating a Mexican immigrant to death are having a hard time containing the relief of the non-guilty verdict that was announced for the most serious charges that were filed against the two former high school football stars. There were people in the courtroom that had to be restrained by the sheriffs that were in the courtroom because these people were trying to run up to the defense table after the two boys named Derrick Donchack, and Brandon Piekarsky, got acquitted of reckless endangerment, aggravated assault and ethnic intimidation for the beating death of the immigrant Luis Ramirez.

One of the boys was also announced not guilty for the murder of Ramirez. Ramirez died from blunt force injuries after a confrontation with the same teens the summer before. The jury nullification was very clear in this case. The jury in the case was an all-white jury. The all-white jury was not going to convict the two young white males of murdering the Mexican immigrant. The prosecutors in the case say that the two white teens baited the immigrant into a fight with racial epithets. They provoked an exchange of kicks and

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punches which ended in the Mexican convulsing in the middle of the street and foaming from his mouth. He was brought to the hospital and died two days later.

One of the boys, Piekarsky was accused of fatally kicking him in his head after he was already on the ground. The next example is the Scottsboro trial; there were nine African American teenage males in 1931 that were charged for raping two teenage females. This was back when the blacks fought the whites. In the 1930's rape was a crime that was punishable by death.

Throughout the time they were in prison only one of them made it out alive. This was 15 years after Alabama courts admitted that they gave the young men an unfair trial. Next example is the beating of Rodney King; there were four white male officers that were acquitted for using excessive force. The jury consisted of ten white people, one Filipina, and one Hispanic person. After the verdict was read there were riots because so many people were not happy with the verdict.

The fourteenth amendment guarantees all people due process and equal protection of the laws, and this has been applied to also mean that anyone that has been charged with a crime is afforded a jury of her or his own peers. There are some thoughts against race based jury nullification as well. There are some jurors that will chose to convict or chose not to convict a person because of their race or skin color. Jury nullification is not right and is unfair in all cases, but most times is unavoidable. In many cases the defense, the jury, and the prosecution can choose to have a juror on the panel of jurors or dismiss them from their jury duty. There are pros and cons of jury based nullification. The pros of jury nullification keep offenders incarcerated, it

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ensures that there is always a fair trial; it keeps one more criminal off the streets by preventing them to commit a same or similar crime.

The cons of jury nullification are there is possibility guilty offenders will be set free in the streets, jurors will base their opinions on their personal feelings and not on facts that have been presented to them by the courts and it can bring out a very biased panel of jurors. (Amberly Montoya, 2011, slide)

I think that all jury proceedings should be fair. There should be no decision made because of race at all. There are so many stereotypes in the world today such as all African Americans are violent or trouble makers or all people here from Afghanistan or Iraq are bad people because of the war. Just because people of the same race do or did these things does not mean that all of them are like that. No matter what the people of the jury say there will always be members that will make their decisions based on the race of the person.