

Jury nullification



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The paper will also focus on examples of past and present-day race-based jury nullification and shows how the exercise of race-base jury nullification is an ongoing source of controversy in American life. The controversy emanates from a lack of directgoalswithin the system. Finally, the paper will conclude by indicating that because of racial biases or motives, a jury may not always vote according to the facts presented. Jury Nullification Jury nullification is a jury that believes that a defendant is guilty of charges but on his or her own reason decide a non-guilty verdict. The jurors believe that the law is unjust and refuses to convict an individual even if there is proof of guilt. The reason can involve the jurors view on unjustness and injustice

because of the race of the individual. Nullification is very controversial when it concerns race.

Supporters of race-based nullification believe that black juries should acquit Black defendants for non violent offense even when the evidence of guilt is clear (Cato, 1999). Supporters believe that Black American should participate in race-based jury nullification to bring changes in how justice handles minority cases (Jermal, 1997). Supporters believe that the system is set to arrest Blacks for economic crimes and allow child molesters, rapist, and murders go free. This injustice takes a toll on minorities and the faith they have in the criminal justice system. Several examples of race base nullification include * Harriett Tubman guilt of multiple Federal charges by violating Federal slave laws * Drug possession cases that involve three strike a person is out sentence. A third felony will grant a life sentence. Jury for nullification believe a harsh sentence is unjust than violating the act of the law * In Albany, N.

Y. 11 white decided that an African American was guilty of distributing cocaine. The 12th juror, an African American, refused to convict because the juror was sympathetic to African American who struggle to make a living * An all black jury acquitted an African American man accused of murder. The majority decided the man was guilty but returned a not guilty verdict Supporters for race-based jury nullification want fairness concerning laws for minority groups. Raced-based jury nullification hinges on two truths: (a) a juror cannot convict on a verdict that the renders, and (b) the Fifth Amendment concerning double jeopardy when the system cannot retry a defendant. Supporters for race-based jury nullification believe race is a <https://assignbuster.com/jury-nullification/>

strong factor for the high numbers of acquittal in criminal cases. Race-based jury nullification, as one would say, is a long time thorn in the side of both prosecutors and defense attorneys.

Jury nullification is simply a jury who believes the defendant is guilty of the charges but for his or her own reasons decided to handout a non-guilty verdict (Rivera, 2006). Jury nullification can take many forms. For example, race-based jury nullification may take the form of race, religion, and in some cases gender. However, based on the Cato Policy Report the nullification rest solely on the race of the defendant (Rivera, 2006). A strong supporter of race-based jury nullification is Paul Butler a graduate from Yale with a J. D. from Harvard and is currently a law professor at George Washington University.

Butler believes that " Black juries should acquit black defendants for nonviolent offenses even when the evidence of guilt is clear" (Cato, 1999). On the surface, this may seem like the right thing to do after so many years of abuse by the system toward Blacks; but race-based jury nullification goes against everything the justice system stands for. Many jurors are using race nullification as a way of redemption for the years of the imprisonment of Blacks just because of their race. In 1991, a visiting Jewish scholar, Yankel Rosenbaum, suffered a fatal stab wound in Brooklyn by a black mob outraged that a Black youngster had been run over and killed by a religious Jewish motorcade. Rosenbaum lived long enough to identify Lemrick Nelson Jr. s the stabber, but a largely black jury did not convict Nelson. Later, some jury members went partying with Nelson to celebrate the acquittal.

Nelson subsequently moved to Georgia, where he received a conviction for slashing a schoolmate (Leo, 1995). Another famous case called the most outrageous case of race-based jury nullification was the trial of Marion Barry, the second-term mayor of the District of Columbia. Barry received a conviction for drug possession and perjury, despite that he was obviously guilty of at least one of the 14 charges--he smoked cocaine on FBI videotape. Black prosecutors wanted their office to lose its case. The theory was that prosecution of Barry was another racist act by the law. Barry received a conviction on one of the 14 charges pending against him – a misdemeanor charge for possessing cocaine in November 1989. Jurors acquitted him of one of the other charges – of possessing cocaine in September 1988.

On the other 12 charges, jurors were so deeply and passionately divided they could not reach a verdict. "I believe the government was out for Marion Barry," one juror said. U. S. District Judge Thomas Penfield Jackson declared a mistrial on the 12 deadlocked charges (Washington Post). Barry eventually received a sentence of six months in prison in October 1990. Professor Andrew Leipold wrote in the Virginia Law Review view "That in his opinion the doctrine of nullification exerts more influence over the criminal justice system than one may expect.

He argues that jury nullification imposes costs on the system even when it is not exercised; because of procedural rules, permit its possible use by a jury (O'Neill). Jurors must perform their duties properly and justly. They must take the situation seriously and must not make a decision based on their personal beliefs, but instead base their decision on the facts presented. Jury nullification is certainly a controversial topic that has many critics, especially <https://assignbuster.com/jury-nullification/>

those who claim that such an approach is disrespectful to the letter of the law. Because of these principles, The Fully Informed Jury Association came into existence in 1989 with the goal of protecting and publicizing the right of juries to nullify (Lal). This is not to say that there is anything wrong with allowing Latino or African American communities to deliver judgment matters according to his or her own standards, especially when the traditional criminal justice system certainly has done the American community an unequal disservice. The justice system is set up to be fair and impartial to all people.

Although the system is set up to be fair, race-based nullification goes against these ideals. Nullification comes with many flaws one of which is incarcerate the innocent and set the guilty free. Conclusion The team examined the issues of race-based jury nullification and concluded that external factors such as race, religion, or gender are ongoing sources of controversy in the American system of justice. The team believes that although some critics applaud the practice that a jury, as a symbol of law should represent diverse community interests and that no single set of values or biases control decision making. As a consequent, the team opposes race-based jury nullification on the premise that persons selected as trier of facts should demonstrate to society that persons charged of criminal wrongdoing are guilty on the basis of evidence presented. Although the team opposes such practice, the team also realizes that public respect and trust for persons selected as trier of facts will remain high within the American system of justice.