

# Con law 3

Law



**ASSIGN  
BUSTER**

History of Jury Trial and Jury Size History of Jury Trial and Jury Size The sixth amendment in Bill Of Rights is stated as a person who committed crime has right of quick and unrestricted trial by neutral jury of the state where the person committed crime . The defendant must be informed by government with notice of the accusation. The criminal has guarantees to look for evidence against his self, and to have attorney for his defence”. (Aschulert, 1994) There are six rights given to accused person on sixth amendment, which are: (1.) Speedy trial, in which justice must be given to accused person as early as possible. (2.) Public Trial, in which friends and relatives of accuser are allowed to attend him. (3.) Evaluate by Impartial Jury in which jury decided without any outside force. (4.) Defendant must acknowledged of any accusation with notice that the someone has tagged to him. (5.) He or she has guarantees to find out witnesses who will give clarification against accused. (6.) The right to have a lawyer. The sixth amendment explains nothing about jury members and size. It only guarantees rights to criminal defendants. (Aschulert, 1994) Historically, the right to jury trial of twelve members came from Magna Carta and England colonies. After sixth amendment it became the part of Bill Of Rights and constitution of US and practiced in civil and criminal cases. It was highly cherished by all. There were two types of juries, Grand jury and Petit jury. This type of justice legalized by Henry II. He applied Jury Trail first in civil cases and then criminal cases. Petit jury did not hire or employed at that time and not even in the reign of Henry 3 and Henry 4. (Constitution of the US) In the Eighteenth of Century, the right to Jury Trial of twelve members was approved and became authorized. This right to criminal was written in the constitution of more than ten countries at that time, and also in the <https://assignbuster.com/con-law-3/>

Constitution of US. Before the sixth amendment, the Court hold point of view that the Jury Trial is obvious right and practiced at all common laws and it comprised of all fundamentals as they were in England. After mandated of sixth amendment in the constitution, Jury Trail integrated with twelve members neither more nor less. (Constitution of the US) Twelve member Jury Trail decided and guarantees to criminal defendants only to avoid cruel decisions made by Government. It was necessary to protect against baseless criminal charges brought to eliminate enemies. The framers of the constitutions endeavored to create a self-governing judiciary and to provide the right to accuser of his guilt. There was small explanation also for having juries of 12 rather than six, that the bigger number of juries significantly improved the range of perspective. The court further explain that juries be supposed to greater enough to encourage group thought, liberated from external pressure, and to give a just decision that a side view of the society will be a symbol of it. They misunderstood the sixth amendment with Jury size. (Constitution of the US) In 1979, in *William v Florida*, Court realized that their decision of twelve members Jury Trail was only “ Historical Accident”. There is not anything about jury size present in the sixth amendment. (Aschulert, 1994) The Supreme Court took the issue of jury size in *William V Florida* and declared that 6man juries meet the demands of constitutional requirements. The Court also declared that small jury does not function like larger juries. Smaller juries have more error in making important decisions and they cannot overcome the member’s biases as well as they also turn out less correct and inconsistence results. The smaller sized juries do not have broad vision in producing the better judgment. Supreme Court declared that “ Jury Size Does Not Matter”. The Court concentrated on the specific analysis <https://assignbuster.com/con-law-3/>

that twelve men juries give criminal better benefit as seeing he or she has more opportunity of jury who will claim for his or her discharge. The Court further stated that it has been proven with few try outs that especially in public area that there is no noticeable variation in the results of the two varieties of juries. No theory proposes and no presently proofs that 12-man result are better than smaller number of members. The Court hold the controversial decision on which Ballew said for conserving the matter of Jury Trail there must be concrete and complete difference between sizes of jury and decision. (Holmquist, 2010) References Aschulert, A. (1994). A brief history of the criminal jury in the United States. The University of Chicago Law Review. Retrieved from <http://www.jstor.org/discover/10.2307/1600170?uid=3738832&uid=2&uid=4&sid=21101886886663> Constitution of the United States (annotated). (2002 ed.). Government Printing Office Retrieved from <http://constitutions.vlex.com/vid/sixth-accused-criminal-prosecutions-295796> Holmquist, J. (2010, May 1). Does jury size still matter? an open question. Retrieved from <http://www.thejuryexpert.com/2010/05/does-jury-size-still-matter-an-open-question/>