

Jury deliberations



JURY DELIBERATIONS [School] Number] June 10, JURY DELIBERATIONS The first is a proposal to eliminate the requirement for a unanimous verdict of 12 jurors to make the majority of 9 of the 12 jurors sufficient to stand a verdict of guilty or not guilty in criminal cases, is constitutional and does not violate the Sixth and Fourteenth Amendments. In the case of *Apodaca Vs. Oregon*, the Supreme Court held that right of the accused to a jury trial does not necessarily require that 12 out of 12 unanimous votes in order to render the accused as guilty for the offense charged against him. The primordial consideration of a trial by jury is to prevent the government from exercising oppression through the state prosecutor and judge. The Court emphasized further that the most important function of the jury is to provide "common sense judgment of a group of laymen" and shall have the opportunity to deliberate freely, without force and intimidation from outside sources as they decide on the question of a defendant's guilt. The advantage of eliminating unanimity of 12 votes will minimize the potential for hung juries caused by bribery or juror's irrationality and caprices, resulting in lesser number of retrials, save on court expenses and decongest the court's dockets. In addition, there is no need for unanimous verdict since at present time, the convicted felon is no longer subjected to cruel and unusual punishment compared to olden times. On the other hand, the second proposal of changing the number of jurors from 12 to 6 in all criminal cases, though maintaining the requirement that the verdict be unanimous violates the accused's right to a trial by jury as protected by the Sixth and Fourteenth Amendments. In the case of *Burch Vs. Louisiana*, the Supreme Court held that that the verdict of a jury composed of only six men must be held unanimous only if the cases involve are "non-petty offenses." The Court further stated <https://assignbuster.com/jury-deliberations/>

that “ to hold anything less than a unanimous verdict by a jury of only six persons would be a threat to the constitutional guarantee of a trial by an impartial jury” (Robertson, Wallace and Stuckey, 2007). The disadvantage in holding the 6-votes valid shall avoid the situation where the accused is prejudiced by unfair trial. References: Apodaca Vs. Oregon 406 U. S. 404 [1972] Burch Vs. Louisiana 441 U. S. 130 [1979] Roberson, C., Wallace, H., and Stuckey, G. B. (2007). Procedures in the Justice System. Eight Edition, USA: Prentice Hall, p. 364.