

Unanimous jury verdicts

Law



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Unit Under what circumstances must jury verdicts be unanimous? Do all verdicts have to be unanimous? Discussion

If a jury consists of only six persons, the Supreme Court has held that unanimity is required. Federal statutes require a unanimous verdict in both a felony and misdemeanor federal cases. Suffice it to say that, in the federal system, a jury's decisions must be unanimous, or else we end up with a hung jury resulting in a retrial or even dismissal of such a case. It is a different scenario in state cases, as need for unanimity varies. A good example is Louisiana and Oregon who allow less than unanimous criminal verdicts. The Supreme Court held that the sixth amendment requires unanimity for a verdict but the fourteenth amendment does not lord this on states. In common law jurisdictions, criminal verdicts must be unanimous in order to acquit or convict according to the North Western University journal (1972). The jury must arrive at an undivided opinion. Originally, the Supreme Court held unanimity as an essential feature of trial by the jury, however, in recent years, there is growing discretion in the states. In *Apodaca v Oregon* (1972), and *Johnson v Louisiana* (1972), convictions were reached on a less than unanimous vote, ten to two and nine to three respectively. In *Ballew v Georgia* (1978), Justice Powell reiterates that the fourteenth amendment did not impose the same requirements for juries on states that the sixth amendment did on the federal government.

A recent article examining the effect of eliminating this unanimity rule concludes that, there may only be a small range of evidence in which its effects consistently appear, that is, when the prosecution/plaintiff's case is not particularly weak or strong (North Western University, 1972). This discussion therefore makes a strong argument on the circumstances where <https://assignbuster.com/unanimous-jury-verdicts/>

the jury's verdict must be unanimous in the united states and in common law traditions. On the same vein concludes that, not all state verdicts have to be unanimous, with the two cases manifesting the jury voting.

References

North Western University. (1972). Jury Trial – Unanimous Verdicts. The journal of Criminal Law, Criminology, and Police Science, 63(4).