



## Landmark Cases Affecting Juries

### **The Bushel Case**

William Penn (who later founded Pennsylvania) and William Mead organized an assembly of fellow Quakers in London to challenge the Conventicle Act. Penn and Mead were arrested and put on trial. The jury refused to convict. The judge ordered the jurors locked in a room without food and water, and still they refused. Finally, the judge ordered the jurors fined. Those who refused to pay, including Edward Bushel, were imprisoned. Bushel appealed to England's Court of Common Pleas. Justice Vaughan ruled that trial by jury makes no sense if the jurors do not have the independence to reach their verdict, based upon their own understanding of the facts, free from coercion by the judge. Decided in 1670, the case became a landmark decision affirming the independence of juries within the Anglo American legal tradition.

### **Sheppard v. Maxwell**

Dr. Sam Sheppard was accused of murdering his pregnant wife, resulting in a media frenzy. Newspapers released the names and addresses of prospective jurors, who received letters and telephone calls from the public. Nearly all of the jurors selected to serve stated that they had followed media coverage of the case. The jury was not sequestered during trial, received weak reminders from the judge to avoid media coverage, and when were sequestered for deliberations, they were still allowed to make outside phone calls. After being convicted of second-degree murder, Sheppard challenged the verdict as the product of an unfair trial and said the trial judge failed to protect his prosecution from widespread and prejudicial publicity. The Supreme Court found that Sheppard did not receive a fair trial. The Court's opinion cited the principle that "the jury's verdict be based on evidence received in open court, not from outside sources."

### **Duncan v. Louisiana**

Gary Duncan, a black teenager, was found guilty of assaulting a white youth in 1966 Louisiana by allegedly slapping him on the elbow. The trial court denied Duncan's jury trial request. After a bench trial, he was found guilty, sentenced to 60 days in prison, and fined \$150. At that time, simple battery was a misdemeanor punishable by 2 years imprisonment and a \$300 fine. The Court held that the 6<sup>th</sup> Amendment guarantee of trial by jury in criminal cases was "fundamental to the American scheme of justice," and that the states were obligated under the 14<sup>th</sup> Amendment to provide such trials. Petty crimes, defined as those punishable by no more than 6 months in prison and a \$500 fine, are not subject to the jury trial provision. Justice Byron White wrote, ""Providing an accused with the right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge."

### **Taylor v. Louisiana**

The 6th Amendment protects the right of criminal defendants to a trial "by an impartial jury." Billy J. Taylor argued that systematically excluding women from jury pools had deprived him of that right. The Supreme Court agreed, ordering a retrial. The Court ruled Louisiana's jury selection system violated the 6th and 14th amendments, saying: "The selection of a . . . jury from a representative cross section of the community is an essential component of the 6th Amendment right to a jury trial."

### **Batson v. Kentucky**

James K. Batson, a black man, was on trial for second-degree burglary and receipt of stolen goods. During the jury selection, the prosecutor used his peremptory challenges to strike the four black prospective jurors, resulting in an all-white jury, which convicted Batson on both charges. In 1985, the Supreme Court found that the prosecutor's actions violated the 6th and 14th amendments. Justice Lewis Powell held that racial discrimination in the selection of jurors deprives the accused of important rights during a trial and "undermines public confidence in the fairness of our system of justice."

### **Williams v. Florida**

Johnny Williams argued that his 6th Amendment right was violated during his trial for robbery because the six-man jury deprived him of the right to "trial by jury" under the 6th Amendment. He argued the 6th amendment not only guaranteed the right to a jury trial, but also required that a jury must have all the characteristics it had under the common law, including consisting of 12 persons. Williams lost in a Florida appellate court and appealed to the U.S. Supreme Court, which held that "the 12-man jury requirement cannot be regarded as an indispensable component of the 6th Amendment."