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Straight Matter
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Imagine you are sitting in a courtroom. You've just been chosen as a juror after what seemed endless questioning. Have / you ever been arrested? Has your wife, you son, your grandfather? Do you have a bumper sticker on your car? / If so, what does it say? The questions go on and on. Some seem pointless. Others dig deep and force / you to analyze this process of justice. Can you presume the defendant is innocent even though charged with murder, rape, / child molestation, and seven other counts? Under our system you must be able to adopt that state of mind and / hold to it unless and until the defendant is proven guilty beyond a reasonable doubt - - a difficult task, to be / sure.

As the judge takes the bench and you look around, you realize you are special. Perhaps it occurs to / you that as an American there are basically only two duties you may be required to perform as a citizen / - - military service and jury service. You become aware of the awesome power you have as a juror in America - - to / grant millions of dollars in damages, to decide if someone is guilty or not guilty of a crime and, in / some states, even the power to decide if another human being should live or die. Once you return a verdict / of not guilty, no one can change it, not even the judge. There is no appeal from a not guilty / verdict.

Now, it wasn't always so. In the fourteenth-century England, juries could be locked up in jail without food / or drink until they reached the verdict that satisfied the judge. And if the judge decided that the jury reached / the wrong decision, he could convene a second jury to convict the first jury of returning a false verdict.

Juries / existed as far back as two to three thousand years ago in ancient Greece. The first jurors were witnesses who / had seen the crime or transaction, but in the course of time the original jurors needed more information, and they / called in other witnesses whose credibility had to be examined and weighed. Gradually the jury became the finder of facts / that it is today.

The right to trial by jury as we know it originated in England in the year / 1215. A group of barons were upset because King John was issuing decrees against them without giving them a / voice. The barons, jealous of this violation of their rights, confronted the king in his tent on a meadow called / Runnymede along the road to London. They demanded he sign a paper guaranteeing various freedoms including the right to trial / by jury. History was made as he backed down and signed one of the most important documents in history - -the / Magna Carta.

Thus began the cherished tradition that America inherited and has struggled to uphold from its very birth. When / Thomas Jefferson wrote the Declaration of Independence, he listed as one of the grievances against English rule: "For depriving us, / in many cases, of the Benefits of Trial by Jury." And when General Eisenhower spoke to his officers on the / eve of D Day in June 1944, he reminded them that one of the freedoms they were fighting / for was the right to fair jury trials - - a right that had been trampled on by the Nazis.

This is / not to say that the right to a trial by jury guarantees a perfect trial. There are criticisms of trial / by jury: some will say that it takes too long, that a jury trial costs too much money, some people / say that jurors cannot understand complex issues, they are too easily swayed by emotions or by sharp lawyers. I must / admit that

such attacks on the system do have some validity. But they are outweighed by the fact that the jury trial is still the best protection we have against injustice. It is one of the best examples of our democracy in action, representing the judgment of a cross section of the community, not a judge or police officer or government official, but the people. Finally, it has become a marvelous educational tool: every day across the country thousands of Americans pass through our courtrooms as jurors, learning about their Constitution and their Bill of Rights, and for a few hours or a few days rising to a new level of responsibility.

Many people are not aware until they sit as jurors through their first criminal trial that the prosecution has the only burden of proof - - it is the prosecution's job to prove the guilt of the defendant beyond any reasonable doubt. At the start of the trial the defendant is presumed innocent and does not have to do anything, does not have to say anything, and does not have to prove anything. That is a basic rule in our jury trials, and that is why the prosecution always presents its case first.

There are times when a defendant may elect to waive their right to a jury trial, and instead wish to have their case heard by a judge or panel of judges. This is often used when there has been a lot of negative publicity about a case and the defendant perhaps may feel that because of that publicity it would be difficult if not impossible to find an unbiased jury.