

6th Grade

1st Place

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Q: Suppose that jurors are using their cell phones to Google for background information while serving on jury duty. Should jurors in Michigan be allowed to use electronic communications during a trial?

Suppose that jurors are using their cell phones to google for background information while serving on jury duty. Should jurors in Michigan be allowed to use electronic communications during a trial?

Has gossip ever changed how you view someone or something? In a court of law, there is no place for rumors or gossip. In a court of law, the jury is deciding the future of the defendant. Jurors must not be allowed to use cell phones during the trial. The jurors must base their decisions on facts provided in court, not the internet or friends.

The core democratic values most closely linked to this question of law are justice and liberty. Justice means that all people should be treated fairly. Liberty deals with our freedom and unalienable rights such as the presumption of innocence until proven guilty. There are two amendments that are connected to this question and with the rights of individuals. The Fourteenth Amendment includes the due process clause which basically states that the legal rights of a person must be respected. The Sixth Amendment states that in all criminal prosecutions, the accused has the right to a trial by an impartial jury and the right to be confronted with the witnesses against him.

In the case of *Sheppard v. Maxwell*, (1966), a man was accused of killing his wife. Before he was even charged there were many articles that said he was guilty and made the case very popular. All of the jurors except one had heard about the case before it started. Due process was not used because the jurors based their decisions partly on outside influences. Currently, if jurors were allowed to use their cell phones they could talk to people or access the internet for background information. This means the jurors could judge the defendant based on information that was not offered in court. Being judged based on the information provided on the internet is not allowing the defendant to confront his accusers. Just as in day to day life it is not fair to listen to and make decisions based on gossip; it is not right for jurors to make decisions based on anything other than what is presented in court where the defendant has the opportunity to defend him or herself.

In two other cases—*Estes v. Texas*, (1965) and *Marshall v. United States*, (1959), convictions were set aside because there was a *possibility* that the juries could have been influenced by outside sources. Not allowing cell phones protects the defendant from being judged using information not produced in court, as well as protects the rights of the victims so that a guilty verdict is not overturned because of the possibility of prejudice.

Back in 1966, the Supreme Court reversed the conviction of Mr. Sheppard because of the influence of “modern communications” on the jury. Technology has changed greatly since that time, so must our rules on how to make sure that due process is followed. We have laws in place that protect our way of life. Not using a cell phone as a juror protects all involved and ensures that justice and liberty are not abused.