

An Analysis Of A Jury Trial

5 pages | 1181 words

In this paper I will provide an analysis of a jury trial; my analysis will focus on the right of the defendant. I will articulate how a defendant's rights at trial can be assured when it comes to The defendant's right to a speedy trial, the defendant's right to an impartial judge and the defendant's right to an impartial jury. There are six steps in the trial process; these steps include jury selection, opening statements, evidence presentation, closing arguments, charging of the jury and deliberation of jury. Throughout this six step process, it is vital that the rights of all parties involved and respected and protected by following due process. This is especially vital to the defendant in each case since he/she has the most to lose.

The Right to A Speedy Trial

The sixth amendment states that "In all criminal prosecutions, the accused shall enjoy the right to a speedy trial." (18 U.S.C. Sections 3161-3174). Still, it is important to note that the time limit for a speedy trial is not legally defined. In 1966 the Supreme Court address the matter of a "speedy trial", and identified three advantages associated with the practice. First, it prevents excessive incarceration. Second, in minimizes anxiety suffered by the defendant. And lastly, in prevents damage to the case. A speedy trial also has advantages to the government. It assures guilty verdicts due to the minimized loss of evidence. It also keeps defendants from bailing out and committing more crimes. Although advantages of the practice were reviewed, it is still hard to state what a "speedy trial" is.

In the case of *Barker v. Wingo* (407 U.S. 514 [1972]), the defendant in the case felt that this right had been violated after his case was continued 16 times over a five year course. As a result, the Supreme Court determined that this right to a speedy trial is violated when the length and reason of continuance is reviewed and considered unjust, the defendant's assertion of his right is reviewed and considered, and prejudice is found against the defendant. All four of these criteria must be present when the right has been violated. In order to ensure this right is not violated, cases shall not be delayed unjustly, and due to prejudice against a defendant.

The Right to an Impartial Judge

The right to an impartial judge is not covered in the Sixth amendment; but the Supreme Court decided that the due process clause of the Fourteenth Amendment guarantees the right of a defendant to have an impartial judge. This right applies during a bench trial, when a judge decides the defendant's fate instead of a jury. It also applies during a jury trial, where the judge simply oversees the case and the fate is decided by a jury of the defendant's peers. A judge is found to be impartial when he or she is found to have direct, personal, substantial pecuniary interest in reaching a verdict against a defendant in a case he or she is overseeing. If a judge is found to...

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