

While an accused has the right to a public trial, s/he does not have a right to demand that the trial be closed to the public. The First and Fourteenth Amendments give both the public and the news media the right to attend a criminal trial. This right was upheld in a case called *Richmond Newspapers, Inc. v. Virginia*.

In *Richmond*, the defendant requested that his murder trial be closed to the public and the prosecution voiced no objection. Persons representing the news media did object, however. The Supreme Court stated that unless there is some overriding reason to close a trial to the public, it must be open. If it is closed, the judge must give specific reasons for doing so.

E. What Is Meant by a Trial by an Impartial Jury?

A person accused of a crime has the right to a jury trial if the offense is not petty (relatively minor) (see *Duncan v. Louisiana*, Lesson Four, Case 3). An offense is not petty if a person can be sentenced to prison for more than six months.²

An accused person also has the right to a jury that is impartial (fair). A juror cannot be a person who has already made up his or her mind before hearing the evidence. For example, in the case of *Turner v. Louisiana*,³ the defendant, Turner, was charged with murder committed during a robbery. He was tried and sentenced to death. During the trial, two of the chief witnesses for the prosecution were deputy sheriffs. One described his investigation of the murder. The other testified about statements and a confession made by Turner which were introduced into evidence.

On Turner's appeal to the Supreme Court, he argued that his right to an impartial jury guaranteed by the Sixth and Fourteenth Amendments had been denied. He stated that the two deputy sheriffs who testified against him had also been in charge of looking after the jury. They accompanied the jurors to their meals and to the place where the jury was housed for the evening.

The Supreme Court of the United States ruled that the defendant's right to an impartial jury had been violated. It concluded that the deputies, who were the main witnesses against the defendant, should not have been assigned to accompany the jurors to their meals and lodging.

Finally, an accused person has the right to a jury of which no member has been excluded for arbitrary reasons like sex or race. For instance, women may not be excluded from juries (*Taylor v. Louisiana*⁴) nor may Blacks, Latinos, or any other racial or ethnic group (*St. Rauber v. West Virginia*⁵).

1. 448 U.S. 555 (1980)

2. *Baldwin v. New York*, 399 U.S. 66 (1970)

3. 379 U.S. 466 (1965)

4. 419 U.S. 522 (1975)

5. 100 U.S. 303 (1879)