

Strange but true: jury stories through the ages

Since Socrates' trial in 399 BCE, jury trials have been the focus of considerable media and public attention. Following are six trials that took place in different parts of the world through the ages, each with its own unique, sometimes controversial or hard to believe, true story.

1. In 399 BCE Socrates was tried and found guilty of *impiety* – or having a lack of reverence for the Gods. He was tried before a jury of 500 (some accounts say 501) citizens or *dikasts* (Athenian citizens chosen by lot to serve as jurors) who voted 280-220 to convict. When asked to speak on the proposed sentence, which was common practice in trials, Socrates is said to have mocked the jurors and thus increased the majority vote against him to 360. He was sentenced to death and performed his own execution by drinking hemlock poison. Socrates accepted the verdict, claiming that “he owed it to the city under whose laws he had been raised to honour those laws to the letter”. (Elsewhere in the pack you will find a jury-challenge to determine whether you would have found Socrates guilty or not guilty. Take up the challenge!).

(Duhaime, L., (2014) The Trial of Socrates, retrieved 17 April 2015

from <http://www.duhaime.org/LawMuseum/LawArticle-44/Duhaimes-Timetable-of-World-Legal-History.aspx>)

2. In 1670 the jury earned its independence from the judge in the Old Bailey, London. The case of *The King v Penn and Mead*, also known as ‘Bushel’s case’, saw two Quakers, William Penn and William Mead, charged with ‘unlawful and tumultuous assembly’. The jury could not come to a unanimous finding and were sent from the court four times to reconsider the evidence. Presiding judge, Justice Howell, ordered they come to a unanimous guilty verdict, saying “I will have a positive verdict, or you shall starve for it” and, on sending them out for the fourth time, he ordered they not to be provided with food, drink, fire or even a chamber pot! When they brought in a unanimous ‘not guilty’ verdict, led by Jury Foreman Edward Bushel, Justice Howell fined each juror 40 marks and sent them to prison until they had paid. Edward Bushel

appealed the decision, and the appeal judge found: “The jury must be independently and indisputably responsible for its verdict free from any threats from the court”.

(Duhaime, L., (2011) The jury earns its independence: ‘Bushel’s Case’. Retrieved 17 April 2015 from <http://www.duhaime.org/LawMuseum/LawArticle-1335/1670-The-Jury-Earns-Its-Independence-Bushels-case.aspx>)

3. In 1827 a notorious murder was committed in Polstead, England, when William Corder shot and killed his girlfriend and the mother of their illegitimate child. Corder’s murder trial was a public sensation which became known as ‘the Red Barn Murder’. He testified on his own behalf and after presenting an implausible story the jury unanimously found him guilty after deliberating for only 35 minutes. His hanging in Suffolk in 1828 drew a crowd of 7,000 people. Judge Alexander sentenced Corder to be hung and "dissected and anatomized". The dissection surgeon cut off and dried Corder's skin and used it to bind a copy of the trial transcript, entitled *Trial Of Corder*. The book remains on display at the Moyses Hall Museum in Bury St Edmunds, Suffolk, England.

(Duhaime, L., (2014) Book of Murder bound in murderer’s skin. Retrieved 17 April 2015 from <http://www.duhaime.org/LawFun/LawArticle-561/LAWmazing-Volume-4.aspx>)

4. In 1870, schoolteacher Eliza Stewart became the first U.S. woman to receive a jury summons and serve on a jury in the Wyoming Territory. Six months earlier the territory had granted women equal rights. According to the March 22, 1919 edition of *The Woman Citizen magazine*, Laramie at the time was beset by a "mass of depraved humanity and desperate characters", and the town's men asked the town’s women to serve on juries to help "put down the anarchy”. Not only was Stewart among the first women to serve on a jury, but she was Foreman of her first trial.

(Jacob, M. & Benzkofer S., (2012) 10 things you might not know about juries, *Chicago Tribune*. Retrieved 17 April 2015 http://articles.chicagotribune.com/2012-09-16/opinion/ct-perspec-0916-things-20120916_1_jury-summons-longest-jury-deliberations-bribe-jurors)

5. In 1994, four sequestered jurors in the British double murder trial of insurance broker Stephen Young conducted a séance from their hotel room, using a wine glass on a Ouija board to ask the spirit of one of the victims if Young was guilty. The spirit apparently affirmed Young’s guilt, so the jurors reported the news to the rest of the

jury over breakfast and the entire panel later voted to convict. When the case was appealed after it emerged that jurors in the trial had used a Ouija board, a second jury again convicted Young of the double murder.

(Hunt, E., (15 March 2007) Unlocking the secrets of the jury room, *The Herald Sun*; Couple's murderer jailed in 'Ouija board' retrial, (17 December 1994) *The Independent*. Retrieved 17 April 2015
<http://www.independent.co.uk/news/uk/couples-murderer-jailed-in-ouija-board-retrial-1389824.html>)

5. In 2011, London's High Court sentenced Joanne Frail to eight months jail for contempt of court after she exchanged Facebook messages with an accused in a drug trial while she was serving on the jury. Frail's conversation with the accused Jamie Stewart followed repeated warnings by the trial judge not to use social media in the context of the trial. The Facebook chat between Joanna Frail ("Jo Smilie") and defendant Jamie Sewart included the following messages:

- Sewart to: Smilie: whats happenin with the other charge??
- Smilie to: Sewart: well thats how it started u lot have had me laffin crying omg
- Smilie to: Sewart: which
- Smilie to: Sewart: yours?
- Sewart to: Smilie: no the class b
- Smilie to: Sewart: cant get anywaone to go either no one budging pleeeeeese dont say anyhting cause jamie they could call mmiss trial and i will get 4cked to0
- Sewart to: Smilie: i know i have deleted all the messages i wudnt do that to u dont worry xx

Stewart received a two-month sentence suspended for two years after also being found guilty of contempt. In sentencing Frail for contempt of court, the judge wrote: "Her conduct in visiting the internet repeatedly was directly contrary to her oath as a juror, and her contact with the acquitted defendant, as well as her repeated searches on the internet, constituted flagrant breaches of the orders made by the judge for the proper conduct of the trial."

(The Guardian, (15 June 2011) Facebook contempt of court case: transcript of the online chat. Retrieved 8 May 2015

<http://www.theguardian.com/uk/2011/jun/14/facebook-contempt-of-court-transcript>; Deans, J., (16 June 2011) Facebook juror jailed for eight months, *The Guardian*. Retrieved 8 May 2015 from <http://www.theguardian.com/uk/2011/jun/16/facebook-juror-jailed-for-eight-months>)
