

Let's Return to Responsible Court Coverage

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Not just individuals are expected to act responsibly; groups, organizations, and the media are also supposed to act in ways that do not harm others or endanger society. Sadly, many media outlets and media employed individuals seem to have forgotten or choose to ignore responsible action, especially when it comes to reporting court cases and national security situations. Examples of irresponsibility include the Scott Peterson case, the Michael Jackson case, the Kobe Bryant case, and the Martha Stewart case.

In the Scott Peterson case, seemingly endless minute details of potential evidence, samples of rumor, undocumented claims, and material that some lawyers warn us would never be admitted in court were displayed sensationally and repetitively in multiple media channels. Media hired lawyers discussed such material endlessly on many regularly presented shows over months' time. Such "trying he case outside the courtroom" should, in my opinion result in the entire case being dismissed with prejudice. This means that the defendant could then never be prosecuted for the same alleged offenses. This would be grossly unfair to the other side; however, it will take such drastic and pointed action to get the point across to and overzealous press that they, too, have a duty to protect a fair trial for accused individuals.

How can a fair trial be held when evidence is presented, slanted, commented upon incessantly to the public prior to the trial. Some people claim (1) that not everyone sees/hears such material and (2) that people who are exposed may well not believe such material and they can set it aside as jurors. I believe that in many cases these claims are wishful thinking at best and serious and injurious to the system at worst.

In Michael Jackson's case, the same saturation display before trial of material was present; and another egregious problem emerged. Somehow, "sealed documents" were obtained or stolen from court/lawyer possession and portions were printed and broadcast. Such breaches of security should make the public furious. Such exposures of what the court finds necessary to preserve is a grave offense to the court, the jury, the judge, and those involved in the case. I have recently hardened my position on court gag orders and come to the conclusion that the Canadian system is far superior to our own. In Canada, reporters are forbidden prior to the close of a courtroom case to disclose anything other than the accused person's name and the crime for which charges are filed. Violations are considered a serious crime.

In the Martha Stewart case, tremendous pre-trial exposure occurred as discussed above; sealed materials were leaked; and concessions to defendants were abound. Personal court scheduling kept being made for the defendant. Ms. Stewart was even asked “which prison she wanted to be sent to.” If Mr. or Ms. Citizen has been convicted of felonies, they would not get such consideration; they would be told where their sentence would be served. In the Kobe Bryant case, the Colorado rape-shield law was compromised both by Kobe’s lawyer and by several media outlets.

When our justice system caters to the rich and famous; when the system allows subversion of its orders and seals of material; when pretrial violations of defendant’ right to a fair and unbiased trial; we are all in danger. The system opens itself to ridicule, suspicion, and tends to be dismissed as corrupt. This corrosion rips at the soul and fabric of our system of government. The public better wake up and demand change lest we lose our hallowed social order.