

Right to Speedy Jury Trial

In addition to guaranteeing the right to an attorney, the Sixth Amendment to the Constitution guarantees a speedy trial by an "impartial jury." This means that a defendant must be brought to trial for their alleged crimes within a reasonably short time after arrest, and that before being convicted of most crimes, the defendant has a constitutional right to be tried by a jury, which must find the defendant guilty "beyond a reasonable doubt."

What is the Jury's Role at Trial?

The Sixth Amendment guarantees the right to be tried before an "impartial jury," representative of a cross-section of the community, which will consider the evidence against the defendant and decide whether to find them guilty of the crimes charged. In almost all states, 12 jurors must agree in order to find a defendant "guilty" or "not guilty." In such states, if the jury fails to reach a unanimous verdict (a "hung" jury), the judge may declare a "mistrial," after which the case may be dismissed or the judge may order a new trial.

What is a "Speedy" Trial?

A "speedy" trial basically means that the defendant is tried for the alleged crimes within a reasonable time after being arrested. Although most states have laws that set forth the time in which a trial must take place after charges are filed, often the issue of whether or not a trial is in fact "speedy" enough under the Sixth Amendment comes down to the circumstances of the case itself, and the reasons for any delays. In the most extreme situations, when a court determines that the delay between arrest and trial was unreasonable and prejudicial to the defendant, the court dismisses the case altogether.

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