

Wednesday, May 14, 2008

Supremes: Constitutional for lawyers to agree to magistrate judge jury selection.

Supreme Court spiral staircase. On May 12, 2008, the United States Supreme Court affirmed a conviction where the defendant's lawyer agreed to magistrate judge-run jury selection, even though the defendant was not asked directly on the record whether he so consented. *Gonzalez v. U.S.*, ___ U.S. _ (May 12, 2008). This case is worth reading both for the majority opinion and for Justice Thomas's dissent, in which he insists that defendants -- not their lawyers -- personally have the opportunity to say aye or nay on the record about having a magistrate judge conduct jury selection. As much as I did not want Justice Thomas to join the Supreme Court and still feel the same way, I thank him for his dissent in *Gonzalez*. Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00