

Wednesday, December 3, 2008

Googling jurors/Jurors FaceBooking.

Prosecutors have easier access to the criminal records of potential jurors and witnesses than criminal defense lawyers. Both sides, however, have similar access to search non-password-protected Internet pages for information on them, from Google to FaceBook. If available, it is essential to obtain the jury list in advance of a trial date and to seek the jurors' criminal records and online information at that time. This is not an exercise in paying respects to people's privacy -- although FaceBook is hardly private -- but in determining whether jurors will be fair to a criminal defendant, determining whether jurors will stay away from communications during trial that could get them and the defendant in hot water, and having more ammunition to respond to prosecutors' responses to challenges under Batson of racially motivated juror strikes. Thanks to Gideon for referencing Anne Reed's article on this topic. Jon Katz"

Posted by Jon Katz in Criminal Defense at 00:00