Courts have falsely declared that "Trial by Jury" is no longer a fundamental right.

by William Taylor Reil

In 1968, the majority on the U. S. Supreme Court declared in ***Duncan v. Louisiana***, 391 U.S. 145 (1968) that unless an individual faces more than six months in jail or prison, the accused in not entitled to a trial by jury in a criminal case. After explaining at length how fundamental "trial by jury" was and is to the American system of justice, the Supreme Court stated that this right "granted" in the Sixth Amendment" of the "Bill of Rights" in the federal Constitution, and "applied" within the States through the [so-called] Fourteenth Amendment, only applies to "serious crimes", not to "petty offences" (like "summary" criminal charges) by stating, in part, the following, starting at the bottom of page 157:

> "Our conclusion is that, in the American States, as in the federal judicial system, **a general grant of jury trial for** [p158] **serious offenses is a fundamental right, essential for preventing miscarriages of justice and for assuring that fair trials are provided for all defendants.** We would not assert, however, that every criminal trial -- or any particular trial -- held before a judge alone is unfair or that a defendant may never be as fairly treated by a judge as he would be by a jury. **Thus, we hold no constitutional doubts about the practices, common in both federal and state courts, of accepting waivers of jury trial** [27] and **prosecuting petty crimes without extending a right to jury trial.** [28] However, the fact is that, in most places, more trials for serious crimes are to juries than to a court alone; a great many defendants prefer the judgment of a jury to that of a court. [29] Even where defendants are satisfied with bench trials, the right to a jury trial very likely serves its intended purpose of making judicial or prosecutorial unfairness less likely. [30] [p159]" …
>
> "It is doubtless true that there is a category of petty crimes or offenses which is not subject to the Sixth Amendment jury trial provision [31] and should not be subject to the Fourteenth Amendment jury trial requirement here applied to the States. **Crimes carrying possible penalties up to six months do not require a jury trial** if they otherwise qualify as petty offenses, *Cheff v. Schnackenberg*, 384 U.S. 383 (1966). But the penalty authorized for a particular crime is of major relevance in determining whether it is serious or not and may in itself, if severe enough, subject the trial to the mandates of the Sixth Amendment." …
>
> … "**So-called petty offenses were tried without juries both in England and in the Colonies and have always been held to be exempt from the otherwise comprehensive language of the Sixth Amendment's jury trial provisions. There is no substantial evidence that the Framers intended to depart from this established common-law practice**, and **the possible consequences to defendants from convictions for petty offenses have been thought insufficient to outweigh the benefits to efficient law enforcement and simplified judicial administration resulting from the availability of speedy and inexpensive nonjury adjudications.** These same considerations compel the same result under the Fourteenth Amendment." [Remember, the so-called 14th Amendment is unconstitutional, null and void.]
>
> "Of course, the boundaries of the petty offense category have always been ill-defined, if not ambulatory. **In the absence of an explicit constitutional provision**, the definitional task necessarily falls on the courts, which must either pass upon the validity of legislative attempts to identify those petty offenses which are exempt from jury trial or, where the legislature has not addressed itself to the problem, themselves face the question in the first instance. In either case, it is necessary to draw a line in the spectrum of crime, separating petty from serious [p161] infractions. This process, although essential, cannot be wholly satisfactory, for it requires attaching different consequences to events which, when they lie near the line, actually differ very little."

[Bold print and underlining added for emphasis. Footnotes also excluded to save space.]

So allegedly: a) “Crimes carrying possible penalties up to six months do not require a jury trial.” b) These “**petty offenses were tried without juries** both in England and in the Colonies and **<u>have always been held to be exempt</u> from the otherwise comprehensive language of the Sixth Amendment's jury trial provisions.**” c) “**<u>There is no substantial evidence</u>** that the Framers intended to depart from this established common-law practice.” d) “**<u>the possible consequences to defendants from convictions for petty offenses have been thought insufficient to outweigh the benefits to efficient law enforcement and simplified judicial administration resulting from the availability of speedy and inexpensive nonjury adjudications</u>**.” and e) “These same considerations compel the same result under the Fourteenth Amendment.” To prove how blatantly fraudulent just these five statements (a thru e), and thus the <u>Duncan</u>, *id*., decision, are; simply objectively consider the following “substantive evidence”:

1) “VIII. **That all trials shall be by twelve men**, and as near as may be, peers or equals, and of the neighborhood, and men without just exception; …”

[The April 25, 1682 Laws Agreed Upon in England by William Penn]

(Also consider the 1670 “Hat Trial”. William Penn held “Trial by Jury” to be a fundamental right.)

2) “For depriving us in many cases of the benefits of Trial by Jury;”

[The July 4, 1776 “The Declaration of Independence”, Fact – 13 clause 5]

3) “IX. That in all prosecutions for criminal offenses, a man hath a right to be heard by himself and his council, to demand the cause and nature of his accusation, to be confronted with the witnesses, to call for evidence in his favor, and a speedy public trial, **by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty**; nor can he be compelled to give evidence against himself; **nor can any man be justly deprived of his liberty except by the laws of the land, or the judgment of his peers.**” and

“XI. That in controversies respecting property, and in suits between man and man, **parties have a right to trial by jury, which ought to be held sacred.**”

[The 1776 - *A* DECLARATION *of the* RIGHTS *of the Inhabitants of the State of* Pennsylvania]

4) The fact that the attorneys who unconstitutionally called and conducted the 1790 Constitutional Convention moved the statement “***as heretofore***” from Section 25 of the “Plan or Frame of Government” of the 1776 Constitution of Pennsylvania to the Declaration of Rights, Eleventh [Section] to create Article IX, Section 6 of the alleged 1790 Constitution of Pennsylvania. Section 6 remained unchanged until two alleged amendments were done in May 18, 1971 and November 3, 1998. The 1971 alleged amendment is unconstitutional, at a minimum, because it was placed on a “primary election”. The 1998 alleged amendment is unconstitutional, at a minimum, because it applies to criminal cases, which are covered in Article I, Section 9. **Section 6, applies only to “civil cases”.** To determine what “***as heretofore***” means, simply look to the 1776 Constitution of Pennsylvania, “Declaration of Rights” presented herein above. As you can see, the right to a trial by jury in all criminal cases is confirmed in the “Ninth” [section] of the 1776 Declaration of Rights.

5) “**In all criminal prosecutions the accused hath a right** to … , a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, **nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.**” …

[1968 Constitution of the Commonwealth of Pennsylvania, Article I, Section 9]

6) “**In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury** of the State and district wherein the crime shall have been committed,” …

[Sixth Amendment in the “Bill of Rights” of the Constitution for the United States of America]

ALL means ALL!

“**Constitutional rights may not be denied simply because of hostility to their assertion and exercise: Vindication of conceded constitutional rights cannot be made dependent upon any theory that it is less expensive to deny them than to afford them.**”

[<u>Watson vs. City of Memphis</u>, 373 US 526, 535 (1963)]

Our Constitutions have always emphatically secured the fundamental right to a Trial by Jury in all cases!

(For additional information visit the County Sheriff Brigades of Pennsylvania website at - sheriffbrigadesofpenn.com)