

The Right to a Fair Trial
Judge Greg Galler
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Imagine that you were convicted of a serious crime. During the jury trial an error occurred. Maybe some evidence was mistakenly admitted, or the judge's jury instructions were incorrect, or perhaps there was some sort of prosecutorial misconduct. Would you automatically go free or get a new trial? Maybe not.

The Constitution guarantees everyone a right to a "fair" trial. It does not guarantee perfect trials. Otherwise, it would be nearly impossible to have a jury trial system. There have likely been very few perfect trials. The question is always whether or not a trial is fair.

Some errors are so serious that defendants will always receive a new trial. However, many of the errors that could occur in a case are not serious enough to vacate a guilty verdict. Whether or not a trial is fair depends on the facts of each case.

The same error will be viewed differently in cases where the evidence is extremely close from cases where the evidence is overwhelming. This is because the legal analysis looks at what effect the error likely had on the jury. Appellate courts ask whether or not there is a reasonable likelihood that the jury would have decided the case differently in the absence of the error. Another way to state this idea is that some errors are deemed harmless when the evidence is so overwhelming that the verdict is surely un-attributable to the error.

If the case was close, then the effects of an error are likely greater. However, if there was truly overwhelming evidence of a defendant's guilt, then the same error may not be serious enough to call the verdict into question. As with many things in the law, it is always a question of reasonableness.

While the court and the prosecutor each have an affirmative obligation to make sure a defendant receives a fair trial, regardless of how strong the evidence is, defendants are also required to object if they believe an error occurred. For a number of reasons, failure to object at trial subjects a defendant to a tougher standard of review on appeal.

First, the best time to fix an error is during the trial. A timely objection could allow the trial judge to correct the issue on the spot. This would both protect the defendant's fair trial rights and save everyone a lot of time and trouble.

Second, all types of thinking go into trial strategy. Some defendants may believe that an error could work to their benefit. It would be unfair to allow a defendant a new trial for an error that he did not object to because he believed it would help him.

Whether a defendant objects or not, some errors are so important that a new trial will always be granted. Even the strongest evidence of guilt never eliminates a defendant's right to a fair trial. Courts continuously and scrupulously guard their proceedings to ensure the fairness and integrity of the judicial system.

Judge Galler is chambered in Washington County. If you have a general question about the law or courts for Judge Galler, send your question to the editor of this newspaper. Learn more about Judge Galler, or listen to a podcast of his columns at www.judgegreggaller.com.