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[Social Media](#)

## Social Media And The Sixth Amendment - How It Could Impact High Profile Trials



In this screen grab from video, former Brooklyn Center Police Officer Kim Potter takes questions from the prosecution as she testifies in court, Friday, Dec. 17, 2021 at the Hennepin County Courthouse in Minneapolis, Minn. Potter is charged with first and second-degree manslaughter in the April 11 shooting of Daunte Wright, a 20-year-old Black motorist, following a traffic stop in the Minneapolis suburb of Brooklyn Center. (Court TV, via AP, Pool)

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The jury in the trial of Kim Potter, the suburban Minneapolis police officer who shot and killed Black motorist Daunte Wright in April, was expected to return Thursday for a fourth day of deliberations in advance of the Christmas holiday. The jury is weighing the fate of Potter following closing arguments on Monday.

Judge Regina Chu had ordered that the mostly White jury be sequestered during the deliberations, which meant that jurors would remain under the court's supervision in an undisclosed hotel, and could not return home until they have reached a verdict or the judge has determined they can't reach one. It has remained unclear if the jurors would be granted time off on Christmas Eve or over the Christmas weekend if the deliberations were ongoing.

One factor that could come into play has been the intense media coverage of this case, including on social media.

## **Spread Of Information**

As with past high-profile cases this year, there has been a lot of discussions on social media, and that could be for good and bad. As has been in many previous cases, battle lines have been drawn on the various platforms, where users offer their opinions.

"Social media allows for information to move quickly in updating society on the developments of high profile, real time crime cases. However, individuals may receive bits and pieces of the overall occurrences of the trial rather than the full picture," explained [St. Thomas University Prof. of Criminology Dr. Debbie Goodman](#), via an email.

"This may allow opinions to formulate quickly yet not always with consistency and continuity of information in totality," she added.

However, social media could help provide more information on some cases than what is generally reported on the evening news.

"As individuals follow high profile cases they gain interest, knowledge and understanding of the criminal justice system and processes therein," said Goodman. "This allows individuals in the general public to have greater access to information pertaining to happenings in the justice system that are of interest."

## **Social Media And the Sixth Amendment**

Yet, it isn't just those just following the trials as casual observers that could be influenced by what is posted on Twitter, Facebook and other platforms. There is also the concern that jurors could see popup social media notifications on their phones and other devices, and make them more vulnerable to unintentionally hearing about a trial or other sensitive legal media.

Additionally, as social media has been increasingly used to spread misinformation, it could certainly influence public opinion including those of potential jurors.

It was last year that a federal Judiciary committee issued a new set of model jury instructions that federal judges may use to deter jurors from using social media to research or communicate about cases.

"We believe the new language should more effectively guard potential and serving jurors against improper influence," Judge Audrey G. Fleissig, chair of the Committee on Court Administration and Case Management, said in October 2020 when the new instructions were first released. "The Sixth Amendment of our Constitution guarantees a trial by an impartial jury. Jurors must decide a case solely on the evidence and law presented to them in the courtroom. In a world where social media can overwhelm us with information and misinformation, it's important to remind jurors again and again not to be distracted from their civic duty."

The new model jury instructions updated those drafted in 2012 when fewer social media platforms existed, and when social media was less universally present in many people's lives – including potential jurors.

"Persons, entities, and even foreign governments may seek to manipulate your opinions, or your impartiality during deliberations," the new model instructions noted. "While accessing your email, social media, or the internet, through no fault of your own, you might see popups containing information about this case or the matters, legal principles, individuals or other entities involved in this case. Please be aware of this possibility."

Additionally, as with the 2012 instructions, jurors will likely continue to be cautioned not to communicate with anyone about a case until it has concluded, either in conversation or in the form of emails or blog or social media posts.

The fact remains, however, that few social media users have control over what is trending or even what could show up in their feeds – which could be why it may be necessary for jurors to be increasingly unplugged during high profile trials.