

Twitter: Prohibited Jury Communications in Missouri

By Joshua C. Gilliland, Esq., D4 LLC



The pending jury instructions from the Supreme Court of Missouri address Web 2.0 and instant communications head on. The jury instruction specifically states:

You are not permitted to communicate, use a cell phone, record, photograph, video, e-mail, blog, tweet, text, or post anything about this trial or your thoughts or opinions about any issue in this case to any other person or to the Internet, "facebook", "myspace", "twitter", or any other personal or public web site during the course of this trial or at any time before the formal acceptance of your verdict by me at the end of the case.

In re Revisions to Mai-Civil, 2009 Mo. LEXIS 544, 5-6 (Mo. Nov. 23, 2009), at *5-6

The rules state that a violation of the rules "may result in a miscarriage of justice, and a new trial may be required." *In re Revisions to Mai-Civil*, at *6.

Bow Tie Thoughts

It is only responsible for Courts to promulgate Web 2.0 rules that on devices that create instant communications. As the rules state, Courts want to avoid any miscarriages of justice. The realities of 21st Century life allow prospective jurors to access news in a heartbeat. More importantly, Courts cannot permit the justice system suffer from a juror Tweeting "God, I cannot stand this Defendant."