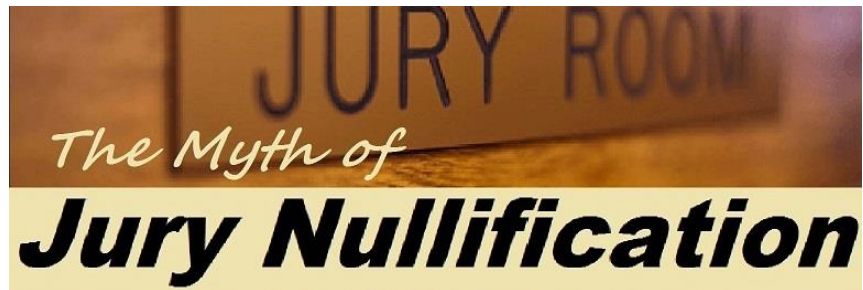


The Myth of Jury Nullification



As stated in [R v Abbott \[2006\] VSCA 100](#):

"The applicant's concept of nullification is also said to entitle a jury to return a verdict of not guilty notwithstanding that they are satisfied that a breach of the law has been committed if the jury thinks the law unjust. The applicant contends that the trial judge in the present case was obliged to tell the jury that they could treat s.21A of the Act thus.

"It is recognised that juries may deliver merciful verdicts. .. It is another matter altogether for a jury to determine which of the laws of the land are to be enforced."

The trial judge was under no duty to instruct the jury that they could return a verdict of not guilty if they thought s.21A of the Act or its application in this case was unjust. Indeed, he would have erred had he done so."

<https://freemandelusion.com/wp-content/uploads/2018/07/r-v-abbott-2006-vsca-100.pdf>

A jury cannot find someone not guilty on some sort of moral or ethical grounds when there is sufficient evidence to find them guilty of the charge. They are always instructed by the trial judge to base their findings in accordance with court procedure and evidence, strictly applicable to the particular charge, not their own sense of moral judgment. If a member of a jury refuses to comply, they are subsequently dismissed and banned for life from jury duty. If the whole jury refuses to comply with the court procedure, the judge will simply dismiss the whole jury and have a retrial. The associated legislation is not on trial, the defendant is. Beyond the question of its constitutionality, court is not the place to change any law in this country. Similarly judges in summary convictions matters, cannot grant an alleged right that has no constitutional basis even if they think it is just or right.

As held in [Durham Holdings Pty Ltd v New South Wales \(1999\) 47 NSWLR 340](#):

"...subject to any constitutional invalidity, the judge has no authority to ignore or frustrate the commands of the lawmaker. To do so would be to abuse judicial power, not to exercise it."

"...the duty [of a court] of obedience to a law made by a Parliament of a State derives from the observance of parliamentary procedures and the conformity of the resulting law with State and federal Constitutions. It does not rest upon judicial pronouncements to accord, or withhold, recognition of the law in question by reference to the judge's own notions of fundamental rights, apart from those constitutionally established."

District Judge Kimberly Booher ordered Keith Wood, a former pastor, to serve eight weekends in jail, six months of probation and fines, after being convicted of jury tampering. RT: "[Michigan man gets jail time for distributing jury nullification flyers outside courthouse](#)":



22 Jul, 2017 04:07 / Home / USA News

Michigan man gets jail time for distributing jury nullification flyers outside courthouse



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A former pastor has been sentenced to eight weekends in jail for jury tampering after distributing pamphlets on a sidewalk in front of a Michigan courthouse. The man argued he was exercising his free speech rights while advocating for jury nullification.

On Friday, District Judge Kimberly Booher ordered Keith Wood to serve eight weekends in jail, six months of probation and pay fines, according to WMXI.

The prosecution asked the judge to sentence Wood to 45 days in jail, but defense attorneys argued that was inappropriate since Wood has no prior criminal record, is self-employed and he is the only financial supporter for his wife and eight children.

Booher agreed to a shortened sentence, but said it would be inappropriate for him not to serve jail time.



Read more: Man hit with felony charges for handing out jury nullification fliers

"He's going straight to jail today," Booher said, according to WMXI.

Wood was arrested in 2015 after handing out a pamphlet from the Fully Informed Jury Association (FIJA) entitled "Your Jury Rights: True or False?" while standing on a public sidewalk in front of a courthouse in Big Rapids.

Prosecutors argued that Wood was trying to influence potential jurors before they heard a case against Andy Yoder, an Amish man who was accused of draining a wetland that was on his property.

Yoder took a plea deal that day and the case never went to trial. Wood said he did not know Yoder, and he only wanted to inform potential jurors that they had the right to vote their conscience over the law.

Wood initially faced a felony charge for obstruction of justice and a misdemeanor for attempting to influence jurors. His bond was set at \$150,000, but he was released after posting 10 percent of the bond or \$1,500.

The felony charge, which carried a possible five-year sentence and up to \$10,000 in fines, was dropped last March. Then, in June, a jury of six found Wood guilty of attempting to influence a jury, which, according to Michigan law involves someone who "willfully attempts to influence the decision of a juror in any case by argument or persuasion, other than as part of the proceedings in open court in the trial of the case."

The FIJA website argues that Wood was not discussing any particular case with anyone, therefore, he was not trying to influence the jurors.

Wood's attorney, David Kallman, argued that his client was only trying to educate the public about the rights jurors have and "judges don't tell you about."

"He exercised what he believes are his free speech rights, did it out on the sidewalk before this court, and that because of that, that deserves 45 days in jail, let alone one day in jail?" Kallman said, according to WMXI. "I totally disagree with that."

Nathan Hull, the assistant prosecutor for Mecosta County, however, argued that Wood was not innocent.

"This is not a person who made a one-time mistake, he hasn't demonstrated that he has kind of shown that he realizes now the significance of what he's done, in fact the testimony shows the contrary," Hull said, according to WMXI.

Kallman told WMXI that he plans to appeal the misdemeanor conviction.

John Hogan
@JohnHoganDone

Keith Wood gets 6 months of probation and 8 weekends in jail for distributing fliers outside Big Rapids courthouse in jury tampering case.



5:24 AM · Jul 22, 2017

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John Hogan
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Mecosta County jury finds Keith Wood guilty of jury tampering for distributing pamphlets outside courthouse. @wzzm13



8:41 AM · Jun 2, 2017

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