**Criminal Justice**

Name

Institution Affiliation

Course

Instructor

Date

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**Question One**

In applying Barker v. Wingo's balancing test to the prosecution's motion to postpone the trial, the court should examine the following four factors: the duration of the delay, the longer, the better; the cause of the delay, including if it appears to be intentional or if the reasons are justifiable; The right invoked by the defendant, and if this was repeated; and Prejudice to the Defendant, looking at whether the hold-up damages the defense, creates anxiety for the Defendant, or leads to an extended pretrial detention period (Barker v. Wingo, n.d.).

**Question Two**

Depending on how the previously mentioned elements are interpreted, postponing the trial may violate the defendant's Sixth Amendment right to a speedy trial (Singh & Khan, 2021). Even so, if the delay is excessive, unnecessary, and causes prejudice to the defendant, it constitutes a violation. To this effect, if the delay is not prejudicial to the defendant, is of short duration, and is anchored on the collaboration of the case, the judge might decide that it does not violate the defendant's constitutional rights. In this process, the availability of resources, cost, and suitability of the resource play crucial roles in determining the final decision.

**Question Three**

The newspaper has constitutional rights guaranteed by the First Amendment to cover trials, which was upheld in Richmond Newspapers, Inc. v. Virginia. It ensures the openness and responsiveness of the judiciary processes, thereby enhancing public trust in the law. The trials open to the public represent a cornerstone of democracy as the people get to observe the enforcement of justice. This privilege is not unrestricted, though, and the court may choose to limit it if it feels that the press's presence would negatively impact the defendant's right to a fair trial or encourage a decline in the standards of propriety in the courtroom (Richmond Newspapers Inc. v. Virginia, n.d.).

**Question Four**

The implication of allowing television cameras in the courtroom is not entirely without some potential problems (Garcia-Blanco & Bennett, 2021). The first is that cameras may distract the trial participants, starting from witnesses and juries and ending with attorneys and the judge. The witnesses might develop cold feet and avoid giving evidence, while the jurors might feel pressured by the public scrutiny and thus bias their verdict. Secondly, people may act in front of the cameras, which is also unsuitable for orienting the trial as a serious process. Furthermore, televised trials would be detrimental because some of the participants' rights, such as the privacy rights of the defendant, victims, and witnesses, may be violated. However, in exercising this principle, one must ensure that prejudice prevails in determining the defendant's right to a fair trial and dignity in the court.

**Reference**

Barker v. Wingo. (n.d.). *Oyez*. Retrieved August 26, 2024, from https://www.oyez.org/cases/1971/71-5255

Garcia-Blanco, I., & Bennett, L. (2021). Between a ‘media circus’ and ‘seeing justice being done’: Metajournalistic discourse and the transparency of justice in the debate on filming trials in British newspapers. *Journalism*, *22*(1), 176-195.

Richmond Newspapers Inc. v. Virginia. (n.d.). *Oyez*. Retrieved August 26, 2024, from https://www.oyez.org/cases/1979/79-243

Singh, A., & Khan, S. A. (2021). A Public Defender Definition of Progressive Prosecution. *Stanford Journal of Civil Rights & Civil Liberties*, *16*(3), 475-488.