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Assignment One- Case Brief Pt.1

1. Dubzinski’s shirt stated the following words: “Kourts, Kops, Krooks.” The political message intended to correlate courts and cops to the Ku Klux Klan and associated them as crooks.
2. Dubzinski was found in contempt during a motion hearing.
3. The trial judge requested the two other spectators and Dubzinski to remove the shirts or leave the court room. Dubzinski refused.
4. In a pretrial hearing there was no jury to be prejudicially influenced by the message on Dubzinski’s shirt, accordingly there was no unfair trial.
5. Fundamental rights are a group of rights that are identified in the constitution and the bill of rights (or are interpreted under due process) that are recognized by the Supreme court and are protected against government infringement.
6. In the two separate cases of Warriner and Dubzinski, the most distinct difference is that the defendant in Warriner disrupted the court room by shouting and throwing his fist in the air, by that reason his actions were not constitutionally protected. On the other hand, Dubzinski sat silently, wearing a shirt depicting a political message.
7. The courts must balance the first amendment rights, which is the right to free speech, and the constitutional right of to a fair trial. If the free speech suggests an impending risk than the constitutional right to a fair trial is given prominence.
8. The appeals court affirmed the decision. The court of appeals established that the shirt was not an imminent threat and therefore was protected by the first amendment. However, agreed with the trial court and affirmed the contempt order. The case law which was used in the courts: Warriner, Norris and Franklin made it clear that Dubzinski was not posing a threat to a fair trial, as he was merely wearing a shirt at a pretrial and sitting silently. However, because Dubzinski refused to obey the orders of the judge he is in criminal contempt for the reason that the judge needed to restore order in the court and maintain the courts respect.
9. The following activities can pose a serious and imminent threat to a fair trial: shouting or chanting loudly in the courtroom, having loud protests in a group, showing physical aggression, influencing the jury as spectators with political messages that may cause bias or sway the jury’s decision.
10. In the future if there was a case similar to Dubzinski I think the judge should not be affected by it and should allow the spectator to sit in the pretrial.