

## BOOK REVIEW

John I. Thornton,<sup>1</sup> *D.Crim.*

### A Review of *Hung Jury: The Diary of a Menendez Juror*

**REFERENCE:** Thornton, Hazel, *Hung Jury: The Diary of a Menendez Juror*, Temple University Press, Philadelphia, 174 pp., ISBN 1-56639-394-9 \$14.95 (paper).

I have never met Hazel Thornton, although in the past few months, I have spoken to her on the phone a couple of times. We share the same last name, and apparently, the same great great grandfather. But until very recently, we were oblivious to each other's existence.

Now all of that has changed. Hazel has written a book describing her experiences as a juror in the first Menendez trial. (For those who might wish to be reminded, the trial lasted six months and testimony was taken from over 100 witnesses. The case ended in a mistrial, with the jurors unanimously voting for homicide but hung on the issue of whether the crime was murder or manslaughter. Following the mistrial, public opinion was sharp and polarized.) The book tells us something of what a rational and sentient person might feel when snared as a juror in a long criminal trial. The book documents the intermittent frustration, boredom, confusion, anger, disgust, abuse, and overall agony that Hazel and her fellow jurors experienced.

As someone who has been close to the criminal justice system for over three decades, I didn't think that I had a naive bone left in my body. I was wrong. In the process of reading Hazel's book, I have learned something more about the manner in which guilt or innocence is determined. It's unsettling. It would seem that in a trial of this kind, there must be about nine things that can happen to a juror, and eight of them are bad. The book tells us something about my lost cousin Hazel; it tells us something about what makes her tick, and what ticks her off. But it does much more. It tells us something about ourselves—it tells us how we—that is, those of us who operate within the courtroom setting—may be seen by someone whose opinion we seek to sway.

Hazel Thornton was engagingly innocent as she began her jury service. She was a *tabula rasa*—pretty much a blank slate upon which the attorneys and the witnesses could write. They wrote

poorly. Many of the players in the Menendez drama were weighed in the balance of Hazel's regard, and were found wanting. The forensic pathologist was "geeky and fidgety." After the prosecution's criminalist had testified concerning bloodstains on tennis shoes, Hazel confides to her diary that she had absolutely no idea what the prosecution's point was. Later she wondered whether the prosecutor realized what an idiot the jury believed him to be. In describing a psychotherapist, the term "unprofessional" is among the most charitable expressions used; he is also termed as a "slime ball," as a liar, and as "Dr. Weasel." Even the judge comes up for criticism. Hazel notices that his rulings on the admissibility of testimony seem at times whimsical and inconsistent, as if the admissibility depended "at least a little on how curious he is himself about the answer."

These comments cannot be dismissed as undigested karma, or the rantings of a deranged lunatic, or even the ruminations of a person with a cynical outlook toward life. They can't be dismissed at all. Hazel, we learn, has a responsible position and a degree in mechanical engineering; her diary attests to both a formidable intellect and a natural proclivity to look for the good rather than the bad in any given proposition. Those of us who have a role to play in the courtroom might well ask ourselves (or others, to make the game more interesting but then more dangerous) whether we are in fact geeks, or idiots, or liars, or capricious ninnies. Hazel holds up a mirror to the forensic agony that we call a courtroom, and the reflected image isn't altogether pretty.

Hazel's diary isn't the entire book, however. Following the diary part, there is a psychological commentary on the diary, written by Lawrence Wrightman and Amy Posey, Professors of Psychology at, respectively, the University of Kansas and Benedictine College. And the concluding portion of the book is a legal commentary on the diary, written by Alan Schefflin, a Professor of Law at Santa Clara University. These portions are quite well written, and position Hazel's diary squarely within a forensic context. These sections show that Hazel's observations should contribute to a constructive understanding of the workings of the criminal justice system.

At \$14.95, this book is a bargain. It is certain to entertain anyone with a professional interest in the courtroom, and should inform and enlighten as well.

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