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Letter: Tsarnaev trial should not be in Boston

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Posted: Monday, February 9, 2015 12:05 am

To the editor:

Dzhokhar Tsarnaev deserves a fair trial for his alleged role in the Boston Marathon Bombings of April 15, 2013.

However, this will not be possible if the trial is held in Boston. I believe the federal Judge George O'Toole Jr. who rejected for the third time recently the defense motions to move the trial, is imperiling the opportunity for justice to be applied because impaneling a fair and impartial jury is near impossible at ground zero — Boston.

Here is where Tsarnaev and his older brother Tamerlan — killed days later — committed crimes against humanity in retaliation against the United States for its role in prosecuting wars in Iraq and Afghanistan.

The proximity of those in the region who live here to the defining tragedy and the harrowing events that followed over a few days after — the murder of an MIT police officer, street shootings, a lockdown and terrorization of an entire neighborhood in Watertown — has been potentially seared in the minds of the persons being evaluated to adjudicate the case as jurors.

What makes the risk of a miscarriage of justice even more dramatic is that the same jury that will pass judgment on the degree of complicity, if it is realized, will be charged to apply the standard of punishment to include either death or life in prison.

This risk is lessened if a jury is impaneled in a region of the country that was not directly affected by the traumatic events. Otherwise, if the trial is held in Boston an impartial evaluation of the evidence will be impossible by those who likely were galvanized alongside many others in a collective movement of solidarity and defiance against anarchy known as Boston Strong.

Judge O' Toole is subscribing to a tentative theory that, by culling 70 potential jurors and with interventions by both prosecutors and a defense attorneys, a fair and impartial body of 12 jurors and 6 alternates will be realized. This is flawed thinking, because the likelihood of some of those jurors who will harbor resentment or be strongly moved by a bias of forgiveness after being indirect victims (or know victims) may not be sufficiently discovered in the impaneling process despite the rigors being promoted by the judge.

In the end, the instability of the process can produce an unwanted result. It is possible that either the degree of guilt — if guilt is determined — may be excessive or insufficient, and the subsequent sentencing if applicable may not be appropriately aligned.

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Norm Paperman Feb 10, 2015

Sound more like the letter writer is afraid that justice WILL be done if the trial is held in Boston.

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John Hurd Feb 10, 2015

Right. Boston is off-limits for this trial. The best place for it would be Houston, TX. People in Texas understand how important the rights of a mass murderer are. I vote for Houston.

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@peabodyessex

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pic.twitter.com/LFeODmVyZ6
Retweeted by Arianna M.



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