



# Jus Corpus Law Journal

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## Book Review: Limitations of Jury in Thirteen by Steve Cavanagh

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### INTRODUCTION: ABOUT THE AUTHOR

An Irish author Steve Cavanagh born in Belfast studied law at the age of eighteen. He holds a degree in Advanced Advocacy. He also on various occasions gives lectures on various legal subjects, but really, he just likes to tell jokes. He is married with two young children. His Eddie Flynn novels make him an international award-winning author. The novel named “the plea” won the pix polar award for the best international novel. Also “the defense” was nominated for the Ian Fleming steel dragger award for thriller of the year. He continues to practice law and is a co-host of a podcast named ‘two crime writer and a microphone’. All 20 countries have published Eddie Flynn novels. Steve is also involved in some high-profile civil rights cases, and in their spare time, he just wants to sleep.

### ABOUT THE NOVEL<sup>1</sup>

Eddie Flynn was a con artist. Then he became a lawyer. Turns out that he feels that the two are not that different. Eddie has a particular set of skills. He used to be a con artist, now he’s a trial lawyer, and those skills and techniques he learned on the street transfer into the courtroom

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<sup>1</sup> Steve Cavanagh, *Thirteen: The serial killer isn’t on trial. He’s on the jury* (Orion 25 January 2018)

seamlessly. That is a well which he comes back to again and again. But the most fascinating thing about Eddie is that he will always do the wrong thing for the right reasons. "There's a lot of heart in the books," he says, he wanted an emotional reaction and an emotional investment from the reader, and that all comes from Eddie. "Readers enjoy the twists and pace of my books," he added, but they LOVE Eddie Flynn. Thirteen focuses on the trial for a murder that occurred in Hollywood. He says the celebrity world is insular and yet how public it seems has always fascinated him. He wanted to write about Hollywood for a long time – the fixers of the politics of big movies and big movie stars, he saw a perfect opportunity to write about it. Another character Joshua Kane was said to be inspired by the silence of the lambs. The author says he wanted to create a character as terrifying, as charismatic, and as engrossing as Hannibal Lecter. Kane is his Hannibal. Only he's smarter, firm, and much more merciless and crueler. Joshua Kane, a serial killer, has targeted the trial of the century and starts trying until he gets to be an alternate – number thirteen – though that won't last long. Once actually on the jury, he will make sure to get the verdict to be guilty by any means. Cavanagh tries hard to show how Kane has stayed under the radar of law enforcement for years and manipulates the jury. The number thirteen becomes chilling kin as Eddie begins to put the pieces of the puzzle together. Cavanagh shows how intelligent Kane is being a killer but, he doesn't want anyone to feel sympathetic and or sorry for him. Kane's overconfidence plays a part in making the biggest mistake of conning a con man.

## **LEGAL ASPECTS**

The book starts with a murder in the house of a Hollywood actor, and Eddie Flynn as the second chair. Kane a serial killer wanted to be part of the jury to ensure that the verdict is guilty by killing the members of the jury until he is finally inside. And thus, making the book revolves around a serial killer is a part of the jury. And thus, shows how one can infiltrate a jury manipulate it from inside and outside. Giving limitations to a jury not only legally but also socially and morally.

## **METHODOLOGY**

The current research paper employs doctrinal and qualitative research methods as it aims to critically analyze the social influences on the psyche of the characters of the book 'thirteen' in detail. The paper also aims to study the limitations of a jury with reference to contemporary works. The interpretation of the works, reference, and critical analysis of the socio-political situation, psyche of the characters, all fall under the purview of doctrinal and qualitative research. Hence, the researcher has utilized the methodology of doctrinal research in the research paper.

## **LITERATURE REVIEW**

### **1. What are the Advantages and Disadvantages of a Jury Trial?**

“A jury trial may not always ensure the best outcome for every case. There are a number of disadvantages to having a trial by jury. As the people on a jury do not generally have a legal background, it is possible that they may not entirely understand complex legal documents or arguments, or in-depth forensic evidence. Every juror will also have their own personal biases, and this can affect their decision-making. Minority groups can be disadvantaged at a jury trial, as the majority of jurors are likely to be Caucasian. There is a good chance that, if there are minority members of the jury and the person being tried is also in a minority group, the prosecution will challenge those members and have them removed. During jury selection, each side is allowed to remove three potential members of the jury.”<sup>2</sup>

### **2. 15 Advantages and Disadvantages of the Jury System**

“This article states 15 advantages and disadvantages. For disadvantages, it states that since the jury structure was created by humans, there are moments of imperfection where innocent people slip through the cracks. This issue tends to take place more often when emotional cases get heard, especially in murder cases and violent felonies.”<sup>3</sup>

### **3. Limitations on Trial by Jury**

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<sup>2</sup> Ugur Nedim , *What are the Advantages and Disadvantages of a Jury Trial?* (Sydney Criminal Lawyers 2013)

<sup>3</sup> Louise Gaille , *15 Advantages and Disadvantages of the Jury System* (Vittana 2020)

“The criminal justice process would not be able to cope with the volume of work and the expense would be huge. There are two ways in which the prosecutor may play a role in determining the proportion and number of jury trials: by playing a direct role in selecting the mode of trial, and plea-bargaining. In some jurisdictions, the court has a say in determining whether there should be the possibility of trial by jury. Magistrates will take into consideration the nature of the case, their sentencing powers, and other factors set out in the relevant legislation. It is relatively uncommon to give the accused the right to determine the mode of trial. The present trend in the common law jurisdictions is towards further reducing the number of jury trials by increasing the scope of these limitations. These attempts to cut costs are often very controversial and portrayed as an attack on the integrity of the institution of trial by jury. The gap between jury practice and jury ideology can be difficult to manage because the legitimacy of the varying regimes is always vulnerable to change”.<sup>4</sup>

#### **4. Advantages and Disadvantages of a Jury**

“Some disadvantages that are mentioned in the table are perverse decisions, Jury tampering, Radical views/bias, Media coverage may influence jurors, Lack of understanding, Secrecy of the jury room.”<sup>5</sup>

#### **5. Not the Right People: Why Jury Trials were abolished in India**

“The writer says that attempting to explain why jury trials were undermined systematically and then abolished entirely during the first decades after Independence is of greater importance. The jury system was a foreign transplant; it was unduly complicated, lengthy, and expensive; communal suspicions and fears warped jury decisions; and, caste differences inevitably affected jury verdicts, as did class position. Nanavati came from a respectable Parsi family as did Blitz’s founding editor, R. K. Karanjia. Nanavati’s victim, Prem Ahuja, on the other hand, was a Sindhi, an outsider and social climber, a wealthy and immoral philanderer, who was less than welcome in elite, cosmopolitan Bombay. Nanavati shot and killed his wife’s

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<sup>4</sup> Peter Duff, *Limitations on Trial by Jury* (International Review of Penal Law 2001)

<sup>5</sup> Rachel, *Advantages and Disadvantages of a Jury* (Get Revising 2017)

lover. He then turned himself in to the local police and was put on trial for murder. Although many states had moved already too severely to limit or eliminate jury trials, the Bombay Sessions Court administered one of the few jurisdictions where juries were still employed in serious criminal cases. The case has achieved the status of the last jury trial in India.”<sup>6</sup>

## ANALYSIS

A jury is a group of people who decide the answer to a question in a courtroom. A jury is a group of people who decide the answer to a question in a courtroom. Usually, this question is whether a person is guilty or innocent of committing a crime. A jury may also be responsible for deciding a penalty for the person if he is found guilty. Some of the limitations that a jury has are perverse decisions, jury tampering, radical views, media coverage, lack of understanding, the secrecy of the jury room meaning no way to know how a particular decision came into appeal, it is also time-consuming. Perverse decisions making a decision a normal or rational person won't make as we see in the book a serial killer is a part of the jury. Making perverse decisions being a problem in the court. Next, jury tampering, which means influencing the jury members through illegal means. We see in the book that Kane killed people who were supposed to be part of the jury to secure his position which led to jury tampering. Media coverage may influence the jurors. As we know the case in the book was about a Hollywood actor being accused of killing his wife and chief of security that led to a lot of attention-grabbing by the news platform due to various reasons like TRP. The case was being fought even after 1 year of the murders. According to the timeline, it was after a year the jury was made and no one can be sure of who is influenced by the news and social media influence. Even if it is tried to check that through various exams and cross-questioning by both the defense and prosecution it leads to another limitation that is time-consuming and that is exactly what the case in the book also faced. There cannot be any guarantee that a person is who he says he is and this book completely takes its essence. How Kane executed every part of his plan to be on the jury is beyond describable. He was able to fool the postman caring the jury summons carefully select his target and kill him. His delicacy of the man was on point,

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<sup>6</sup> J Jaffe, *'Not The Right People': Why Jury Trials were Abolished in India* (Socio Legal Review 2020)

not only he copied his clothes but also the way of sitting and talking was taken into consideration. Not only had that he also kept an eye on who the defense wanted to be a part of the jury so that he doesn't leave any place for mistake. There was this one person who Kane was doubtful that he can be a juror instead of him and he did not even hesitate to kill him to secure his space. Even when he got his place on the jury he manipulated the jury's decision from inside. A jury is manipulated even from the outside. "The jury, in any court case, is expected to reach its decision based upon a critical analysis of the evidence brought up at trial, and only that evidence. The aggressive, indiscriminate prosecution, the poor quality of investigation and defense representation, that the jury deliberated only two and a half hours before delivering a guilty verdict, but the jury's verdict may have been colored by other factors. These result in perverse verdicts, which refers to the jury's capacity to deliver verdicts according to conscience rather than by taking the law and evidence into account. The case of Ponting showed how these verdicts undermine not only the rule of law but the oath sworn by jurors to give a true verdict according to the evidence too. Even though the judge directed that the defendant committed an offence, the jury found him not guilty. In addition to this, the case of Young shows another weakness of using jurors. In this case, some of the jurors tried contacting one of the defendant's victims and proceeded to influence the jury to unanimously convict the defendant. The question here is not whether this was the correct verdict or not, but that the verdict was reached through internal influence rather than direction by the judge and evidence."

## CONCLUSION

The paper gives thorough abstract and introduction about the author, novel, and the legal aspects which the book refers to which is the limitations of a jury not only legally but also socially and morally. The paper uses doctrinal and qualitative methods for research. It also reviews around five different articles and journals. Then the paper does an in-depth analysis of the book to show the instances when the limitations we discussed are also represented in the book. Thirteen being a book about a serial killer on the jury also shows how he got his position

there and how his motives influenced the jury many times. Thus, helping in better understanding of the limitations that the jury may have.