

# Change of Venue Survey: An Analysis of Appellate Court of Murder Trials

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## Background

- In 1991 four LAPD officers (three of whom were white) were caught on camera beating Rodney King, an African American man. The trial was moved to Ventura, a predominantly white county with strong ties to the police, and all four were acquitted. Soon after the L.A. riots engulfed the city.
- A trial may be transferred to another district when the right to an impartial jury is violated. This may happen as a result of extreme media scrutiny, resulting in the defendant's filing for a *change of venue*. Judges have nearly absolute freedom in determining whether to grant the motion and choosing the trial's new location (Weisberg, 1993).

## Hypothesis and Current Study

- The current study surveyed State appellate murder cases from all 50 states, occurring in the years 2000-2020, where a request for change of venue was made.
- We coded for the race of the defendants, and we predicted that White defendants would be more likely to be granted a change of venue than other races.

## Methods

### Materials & Procedure

- The primary archival source used was the Nexis Uni Database (<https://www.lexisnexis.com>).
- We utilized cases from January 1, 2000 through December 31, 2020.
- Each case was thoroughly examined to ensure that the defendant had requested a change of venue and had been charged with murder. This yielded a total of 1,821 cases across 50 states.
- The following variables were examined: case name, state, date, whether or not change of venue was granted, name of the original county, name of the new county (if applicable), political views of the original county, political views of the new county (if applicable), whether or not the defendant was a police officer, whether or not the victim was a police officer, race of the defendant, race of the victim, and trial verdict.

## Methods Continued

- On some occasions, race of the defendant was disclosed in the information found on Nexis Uni. Otherwise, photos of both the defendant of each case was searched for on Google.
- Using photos found on Google, race of the defendant and victim of each case was judged by the two research assistants who did not collect the data of that case. If the decisions regarding race made by each research assistant did not align, a final judge who did not work on any of the cases was brought in to determine race.

## Results

- National success rate of *change of venue* motions for murder cases was 23.5%.
- The number of *change of venue* motions and success rates by state vary widely. Below see the distribution for the ten states who utilize the practice most and their corresponding success rates.



Figure 1. Total Number of change of venue motions and success rates for the ten states of greatest use.

\*Percentages indicate success rates in each state.

- A Chi Squared test of independence was performed to examine the relation between race and the likelihood of being granted a *change of venue*. The relation between these variables was significant,  $\chi^2(1, N=821) = 3.983, p = .046$ . Effect size = .103.

## Results Continued

- The success rate for white defendants is 26.4% (60/227) and for black/latinx defendants is 17.6% (16/143). White defendants were significantly more likely to be granted a change of venue than black and latinx defendants.

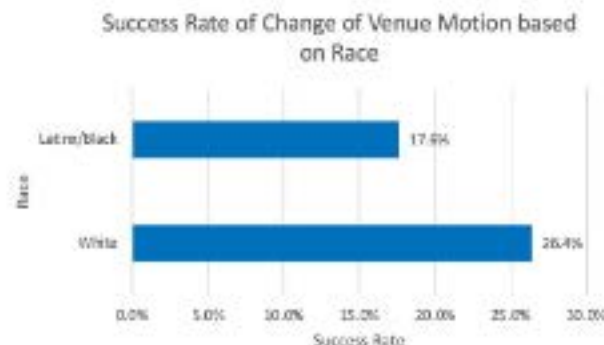


Figure 2. Bar Graph displaying success rate of granting change of venue based on race.

## Discussion

- The present survey detected a statistically significant difference in the success rate of receiving a change of venue for White defendants, compared to Black and Latinx. This suggests the presence of a racial bias within the U.S. judicial system.
- Since only appellate court trials were analyzed, all defendants examined were found guilty. Further research investigating whether the granting of a change of venue can significantly impact the trial outcome is needed.
- Further research is needed to explain why States present different request and success rates in granting the motion.

## References

- Weisberg, S. M. (1993). Out of the frying pan or into the fire? Race and choice of venue after Rodney King. *Harvard Law Review* 106(3), 705-722.