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Ballew v. Georgia :: 435 U.S. 223 (1978) :: Justia US ... Georgia, 424 U. S. 931 (1976) (dissent from denial of certiorari). See also Paris Adult Theatre I v. Slaton, 413 U. S. 49 , 413 U. S. 73 (1973) (BRENNAN, J., dissenting).

Ballew v. Georgia, 435 U.S. 223 (1978)

The manager of an adult theater was charged in a state court with distributing obscene materials, a misdemeanor. Pursuant to state law, and over his claim that the Sixth Amendment right to a jury trial required a jury of at least six members, he was tried and convicted by a jury of five people.

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Ga.Const., Art. 6, 4, 1, codified as Ga.Code 2-3901

(1975); Nobles v. State, 81 Ga.App. 229, 58 S.E.2d 496

(1950). The Superior Court could have impaneled a jury of 12.

Ballew v. Georgia 435 U.S. 223 (1978) |

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BALLEW v. GEORGIA 435 U.S. 223 (1978) In Ballew v. Georgia, the Supreme Court unanimously held that a five-person jury in a nonpetty criminal case does not satisfy the right to trial by jury under the Sixth Amendment as applied to the states through the fourteenth amendment. Ballew involved a misdemeanor conviction for exhibiting an obscene motion picture.

BALLEW V. GEORGIA, 435 U. S. 223 (1978) - US SUPREME COURT ...

Though a criminal trial by a six-person jury is permissible under Williams v. Florida, 399 U. S. 78 , petitioner maintains that a trial before a jury of less than six is unconstitutional, a contention that the Georgia courts rejected.

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points The Fourth Amendment of the U.S. Constitution

limits the power of the police to make arrests, search people and their property, and seize objects and contraband, such as illegal drugs or weapons. These limits are the bedrock of search and seizure law and are

ultimately at the root

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The court also cited the earlier case of *McIntyre v. State*, 190 Ga. 872, 11 S.E.2d 5 (1940), a holding to the same general effect, but without elaboration. The Supreme Court of Georgia denied certiorari.