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McMartin preschool trials- Criminal law case

# Introduction

 The McMartin preschool trials was a case related to the sexual abuse of children in the daycare center. The case was filed in 1980 in the court of Attorney Ira Reiner. The hearing of this case held in Los Angeles district courts. This criminal case which included the charges of sexual abuse of children was filed against the McMartin family who at that time owned the daycare center. The family with some other administrative staff was charged against different acts of child abuse (Eberle and Eberle, The Politics of Child Abuse). The preliminary filing of the case held in 1983, arrests and pretrial investigation took place from 1984 to 1987. The trial finally ran from 1987 to 1990. The case lasted for around six years and the court ruled that no convictions were found, resultantly the charges were dropped in 1990. After the completion of the trial, it was noted that the case was the longest running and most expensive trial case in American judicial history.

# Discussion

## Los Angeles County District Attorney

The McMartin trials were held in the Los Angeles District Attorney, in California, United States. This court prosecutes the cases related to felony charges and misdemeanor crimes held within the jurisdiction of the county (Eberle and Eberle, The Abuse of Innocence). The district attorney at that time was Ira Reiner. In Los Angeles, some local cases related to a misdemeanor are prosecuted in city attorneys. The Los Angeles County district attorney was formed in 1852 and its jurisdiction falls under the government of Los Angeles County. This county district office is the largest county-level criminal court in the U.S (Eberle and Eberle, The Abuse of Innocence). The Los Angeles County public defender present in the court on behalf of individuals charged with a crime.

## Criminal court proceedings

 On March 22, 1984, five family members of the McMartin family and three teachers of the child care center were charged with one hundred and fifteen counts of child abuse. When the other forty-eight children were included in the trial case, the number of charges increased to three hundred and twenty-one. After twenty months of the preliminary charges, the prosecution which was led by Attorney Lael Rubin presented their theoretical views about the child abuse (Schreiber et al.). The testimony of the children presented in the court was inconsistent. Many criminal trial expert of that time believed that the children’s testimony has been influenced by someone. After two years of presenting the initial testimony, the new district attorney appointed called the evidence as incredibly weak (Schreiber et al.). The district attorney after the initial hearing right after the appointment dropped the charges against the McMartin family, however, some teachers were kept still in the custody.

### Perjury confession witnesses

 During the trials, George Freeman who was one of the witnesses in the case was called in the court. He agreed and testified that Ray Buckey (one of the McMartin family member) had confessed to him the acts while sharing the cell (Schreiber et al.). The witness, later on, tried to flee the country but confessed in other criminal cases that he manufactured the testimony in exchange for fair treatment. The court later on ruled that just in order to guarantee the testimony in the McMartin case, Freeman will be granted immunity from any previous charges.

### Dismissal and Acquittal

 After three years and two months of case filing, the court freed McMartin Buckey from all charges. The court ruled that Buckey is acquitted from all charges in all courts. He was freed from jail after spending more than five years in jail (Nathan). Buckey was also freed from the charges of 52 and 65 counts (Schreiber et al.). Nine jurors who were involved throughout in the case proceeding stated during a press conference that the court remained failed in finding abuse beyond a reasonable doubt. The prosecution then gave up and the case was adjourned.

 The criminal court proceeding was similar to the text in many ways. For example, the McMartin family was first alleged that they have committed sexual abuse of the children in their daycare. Committal proceedings were filed against the family and the administration including some teachers of the preschool. Different toy normal court proceeding, this case was not referred to a higher court, for example, the Supreme court in this case. The trail was run for five years and two months in the same district court. After running off the trails, the court decided to lift the charges from the McMartin family. Once freed from the charges, there was no need for appeals.

 The criminal court proceeding of the Los Angeles courts was different in many ways from the normal court. For example, the case was not referred to any superior court, the case lasted for more than the stipulated time period, and the government expenditure on the case was much higher compared in rest of the cases and finally the creation of hung jury. Two judges from the total nine were against the dismissal of charges from McMartin Buckey.

# Conclusion

McMartin trial case was very different in many ways compared to other criminal case proceedings. Right after the filing of the case, it rose to national level significance. The effects of this case even extended out of the Californian state. The daycare providers in the country resisted from touching or unnecessarily hugging the children. Several daycare providers closed their schools, following the fears of molestations lawsuits. The McMartin case taught many new lessons. This preschool trial suggested that pack journalism which normally goes in favor of the prosecutions damaging for the state judicial system. It presented new lessons about how a case can cost heavy to the taxpayers. The dismissal of charges from the McMartin family depicted the existing flaws in that time judicial process.

Works Cited:

Eberle, Paul, and Shirley Eberle. *The Abuse of Innocence: The McMartin Preschool Trial*. Prometheus Books Amherst, NY, 1993.

---. *The Politics of Child Abuse*. L. Stuart, 1986.

Nathan, Debbie. “Satanism and Child Molestation: Constructing the Ritual Abuse Scare.” *The Satanism Scare*, 1991, pp. 75–94.

Schreiber, Nadja, et al. “Suggestive Interviewing in the McMartin Preschool and Kelly Michaels Daycare Abuse Cases: A Case Study.” *Social Influence*, vol. 1, no. 1, 2006, pp. 16–47.