

**Trial by Media: Public perception & impact on the justice system as influenced by global
media**

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Abstract

I will be exploring three case studies that details various intricacies of how the media influences juries, criminal process and the public narrative around justice and the legal system.

To begin, I will detail the Amanda Knox case and the international intrigue that resulted from the clashes between America, England and Italy. I will examine the Italian legal system, American versus British media coverage, resulting tabloid headlines and how it influenced global perception of defendants, including how Knox herself utilized the media to take power back over the public narrative, and how various pop culture representations of Knox influenced public perception around guilt and innocence.

Next, I will examine the case of Aileen Wuornos, branded as the first female serial killer, and how the United States criminal system, pre-trial publicity, historical context and newspaper and television coverage influence prosecution and defense tactics, and how post-trial narratives influenced the legacy of Wuornos and women in the criminal justice system.

Finally, I will study the recent defamation case of Johnny Depp v. Amber Heard. In this case, I will examine the intrigue around court cases and celebrity marriages, how the media treated both Depp and Heard, the impact of social media and real time broadcasting from the courtroom on the jury, and public fascination with this specific case.

All three cases will further research and investigation into the psychological impact of the media on juries, public opinion, the “trial by media” phenomenon, and how, quite frequently, public perception and jury perception of criminal justice is skewed and influenced by media coverage.

The past & present of the “fourth estate” in the courts

Court Journalists & Media Coverage

According to the federal court system, journalists are currently permitted the same amount of access to court proceedings as the rest of the public. However, historically, camera access was not always allowed to cover court proceedings. In 1946, Federal Rule of Criminal Procedure 53, part of the Federal Rules of Criminal Procedure established that year, stated that “electronic media coverage” of court procedures, at the time exclusive to photographs and audio broadcasting of judicial proceedings was not allowed (United States Courts, 2023). In 1972, the prohibition was expanded to civil cases as well as criminal, effectively banning the use of any media in the courtroom.

However, in 1988, Supreme Court Chief Justice Rehnquist appointed an ad hoc committee on allowing cameras in the courtroom, and, in 1990, the recommendation of the committee was adapted, allowing a pilot program that would allow electronic media coverage, including radio, in courtrooms in six district and two appellate courts (United States Courts, 2023). Broadcasting, however, was still banned, with some exceptions, as the policy stated: “A Judge may authorize broadcasting, televising, recording, or taking photographs in the courtroom and in adjacent areas during investitive, naturalization, or other ceremonial proceedings. A judge may authorize such activities in the courtroom or adjacent areas during other proceedings, or recesses between such other proceedings, only: (a) for the presentation of evidence; (b) for the perpetuation of the record of the proceedings; (c) for security purposes; (d) for other purposes of judicial administration; or (e) in accordance with pilot programs approved by the Judicial Conference of the United States” (United States Courts 1990).

Following the electronic media pilot program, in 1991, a separate ad hoc committee was formed to create a three-year pilot program to test the viability of photo and video cameras in the courtroom in the Second and Ninth Circuits and the U.S. District Courts for the Southern District of Indiana, District of Massachusetts, Eastern District of Michigan, Southern District of New York, Eastern District of Pennsylvania, and Western District of Washington (United States Courts, 2023). However, in 1994, the committee concluded that the intimidating nature of the cameras in the courtroom could add undue pressure to witnesses and jurors, and the program concluded (United States Courts, 2023).

In 1996, the Judicial Conference authorized that each court of appeals could decide individually if photo, audio and broadcast cameras would be allowed for coverage of appellate arguments (United States Courts, 2023). However, the committee urged each circuit court to strongly discourage the use of cameras in the courtroom. In 2010, another pilot program was launched in district courts, where the use of livestream and broadcast cameras could be the jurisdiction of the presiding judge (Hetzl & Strickland, 2023). At the end of the six year program, in 2016, the Judicial Conference decided not to alter the policy, allowing cameras in courtrooms to remain at the jurisdiction of the presiding judge, with the following stipulations: “A judge may authorize such activities in the courtroom or adjacent areas during other proceedings, or recesses between such other proceedings, only: 1) for the presentation of evidence; 2) for the perpetuation of the record of the proceedings; 3) for security purposes; 4) for other purposes of judicial administration; 5) for the photographing, recording, or broadcasting of appellate arguments; or 6) in accordance with pilot programs approved by the Judicial Conference. When broadcasting, televising, recording, or photographing in the courtroom or adjacent areas is permitted, a judge should ensure that it is done in a manner that

will: 1) be consistent with the rights of the parties, 2) not unduly distract participants in the proceeding, and 3) not otherwise interfere with the administration of justice” (United States Courts, 2023).

In 2020, two emergency recommendations were adopted by the judicial committee in terms of accessibility due to the Covid-19 pandemic: a two-year pilot program to evaluate livestreaming civil or bankruptcy cases of public interest and an emergency resolution to allow media and public accessibility to federal courts due to social distancing orders (United States Courts, 2023). Proponents of the use of cameras and press in courtrooms state that the First Amendment rights of the press are being restricted when it comes to lack of access in terms of court proceedings, as well as violations against the Sixth Amendment’s rights to a fair and public trial, and the 14th Amendment’s due process clause (Hetzl & Strickland 2023). Opponents say that the pressure and stress of the cameras and media presence is more likely to elicit untrue and disingenuous responses from witnesses and defendants, especially in criminal proceedings, and more likely to result in public speculation and division around the court process, with a lack of respect to the institution (Hetzl & Strickland, 2023).

High-profile criminal trials, such as OJ Simpson and Alec Murdaugh, continue to reinstate the conversation around the rights and accessibility of the press to court proceedings, and no firm and final guidance is currently in place for proceedings. The Supreme Court, for example, posts audio of oral arguments following court sessions, but video and photo cameras are largely not allowed. Reporters are allowed in the court, however (The Supreme Court, 2025).

Jury Impartiality & Media Coverage

Is it truly ever possible to have a purely impartial jury? In the age of mass communications, mass media, social media and the prevalence of information, sensationalized cases and coverage spread like wildfire through news outlets, social media and other public forms of discourse.

To combat some of the fears surrounding the true depth of impartiality in jury verdict, jury sequestration is sometimes employed to remove a jury from the potential impacts of bias from general exposure to the public. When juries are sequestered, they must live together, alone, in a hotel, away from family and friends (Smith, 2024). Sequestration cases usually occur when the defendant is a very highly known public individual or with highly publicized crimes, and judges ask potential jurors during jury selection, sequestration is feasible for them to be able to serve on the jury, especially for those with family obligations (Smith, 2024).

The OJ Simpson murder trial, for example, had a sequestered jury, where the twelve members were unable to return home for eight and a half months, half of the time Simpson had served before and during his trial (Stockman, 2016). Jurors were not allowed to lock their doors, go for a walk alone, talk on the phone without a monitor present and eat alone. They were allowed a list of two news channels that did not carry coverage of the trial and a list of court-approved media (Stockman, 2016). This was all in an effort to combat the possibility of them receiving outside information about the trial, to ensure that their perceptions of the trial were not influenced by outside discourse.

The impacts of the press on impartiality in trials have been felt since the 1800s, however. In 1807, Aaron Burr stood trial for treason on the grounds that Burr was accused of intending to

entice the Western states to secede from the Union and colonize new states with support from England (Bomboy 2016). Newspapers carried extensive stories of Burr's guilt, and, as a result, Burr's attorneys asked Chief Justice John Marshall, the presiding judge, to ensure juror impartiality, which set the precedent for juror selection for 150 years (Teach Democracy, 2019).

Marshall wrote that jurors should enter trials with their "minds open," and without "strong and deep impressions which will close the mind against the testimony" (Teach Democracy, 2019). Marshall wrote that jurors that did have knowledge, called "light impressions," of a case were capable of being impartial, but he also warned judges against granting jury positions to individuals who claimed to have the ability to be impartial about a case despite having strong opinions (Teach Democracy, 2019).

However, in 1954, the guidelines for jury impartiality were altered due to a high-profile case that garnered an impartial verdict. Sam Sheppard, a wealthy doctor, stood trial on charges that he had murdered his pregnant wife in their home on Lake Erie (Case Western Reserve University, 1966). Press coverage, especially out of Ohio, was intense, and called for the immediate arrest and sentencing of Sheppard. Inflammatory headlines such as "GET THAT KILLER," published in the Cleveland Plain Dealer in 1954, "THE FINGER OF SUSPICION," published in the Cleveland Press in 1954, and "TIME TO BRING BAY SLAYING INTO THE OPEN," published in the Cleveland News in 1954, represent a sample of the headlines spread about the case (UMKC, 2017).

The court proceedings were referred to as a media "circus," and the judge did little to prevent bias in the jury or exposure to the skewed perception of the press (Teach Democracy, 2019). As a result, Shepard was found guilty, and appealed the decision on the grounds that he had not been granted a fair trial. His appeal was escalated to the Supreme Court, in *Sheppard v.*

Maxwell, where the Supreme Court acquitted him of charges under a retrial (Sullenberger, 1966). The Sixth Circuit Court of Appeals reversed the decision, and, upon further review, the Supreme Court granted him certiorari in an 8-1 decision stating that his verdict had been unjustly skewed by the media publicity around the case. He was later found not guilty under a retrial, emphasizing that the media effects had directly impacted his jury trial and skewed his outcome.

As a result, new standards were implemented to ensure impartiality, mainly the practice of changing venue. When a crime has been committed in an area that received heavy media play, the judge can grant a motion to change the venue of the trial and move it to a different location of the state for neutrality (Department of Justice, 2010). This strategy works the most frequently in cases that have received a significant amount of local play in the news but have been largely overlooked by national media. Other remedies include continuances, where trials are delayed allowing time for the press coverage to settle, no-comment rules, also called “gag rules,” that prohibit attorneys from speaking about a case outside of the courtroom, and through instructions and occasional sequestration (Teaching Democracy, 2019).

According to a study by the Pew Research Institute published in 2024, nearly 98% of American adults use cell phones, and 68% use at least one social media networking platform. Regardless of access to social media, high profile criminal cases are likely to make their way to the awareness of potential jurors via cell phone: 86% of adults in America reported receiving some sort of news from their mobile devices.

What does such easy access to information do to a criminal trial? There have been numerous documented instances where the access to media coverage has skewed or ruined the verdict of a criminal trial. In *Dimas-Martinez v. State*, a 2011 murder case, an Arkansas Supreme Court overturned a jury verdict due to a juror’s involvement posting his opinions on the case on

Twitter (Traksos-Hart 2022). The juror was warned repeatedly to stop his Twitter activity as it may compromise the integrity of the case and the verdict, but the juror did not, ultimately leading to the conviction being overturned.

Similarly, in the case of the Boston Marathon Bomber, *United States v. Tsarnaev*, a juror, nicknamed Juror #286, repeatedly shared posts about the attacks and those relating to Tsarnaev on Twitter, and then lying on a *voir dire* form about these posts to still have a seat on the jury. She was not dismissed since the posts occurred a year before the trial began, but the level of those opinions on her neutrality as a juror is questionable (Traksos-Hart, 2022).

Legal scholars and lawyers have long called for more stringent *voir dire* processes to ensure juror neutrality – calling for more distinctive questioning relating to when they were exposed to media about a trial, how much media they were exposed to and where they were exposed to it can accurately ensure that their neutrality is genuine (Traksos-Hart, 2022).

Public Opinion & Trial By Media

Public opinion plays a critical role in the judiciary system. Often viewed as a fraught balance of powers that puts the fate of a defendant in the hands of peers that oftentimes have little to no experience in the law through jury duty calls, public opinion plays a heady role in ensuring that the judicial process is viewed as trustworthy and just (Hanych, Smekal & Benak, 2023).

Somewhat of a double-edged sword, it is crucial for the justice system to remain engaged with the media both in terms of trustworthiness and transparency as well as relevance. An important hallmark of precedent in the judicial system is ensuring that cases serve as guideposts for future cases, something that is difficult to apply to a public context if access to judicial

proceedings and information is not provided to the media. Judges must learn how to work alongside the media (Hanych, Smekal & Bena, 2023).

Further, there is a powerful tie between the media and the public that endures despite recent downward trends in media consumption from legacy media news sources. The media, fundamentally, exists to inform the public. Couple that with the importance of public opinion on the judiciary system, and the implications of media's role in judicial proceedings can often explain both juror impartiality and public interest in cases that are considered high profile.

Media and journalism have long been referred to as the Fourth Estate or the Fourth Branch of government, representing an important check on all forms of government and power – including the judicial branch (Hanych, Smekal & Bena, 2023). . It represents an honorable commitment that journalists are supposed to uphold to the truth, the power of transparency, and the right that the public must be informed about the decisions and actions of their leaders.

In Canada, Supreme Court judges were frustrated and critical of media coverage of their actions and proceedings. To better foster education and understanding about their jobs and the role of the judicial process, the Court hosted workshops and activities for reporters to better understand their work. This initiative led to a better assortment of coverage that was favorable to both the press and the jurors, both who reported having stronger understanding of the other's work and commitment to ethics in practice (Hanych, Smekal & Bena, 2023).

However, part of the media's role as the Fourth Estate involves publicizing crimes and trials of public interest, especially when the defendant emerges as a public figure, or the crime they are on trial for is considered especially horrific, heinous, or dramatic. Trial by media, officially, is the practice where the media begins a separate investigation into the criminal

actions of a person, oftentimes to drum up more public engagement with a story, thus boosting the media's position and revenue, which oftentimes lead to unfavorable public opinion against the accused (Verdarero & Cawi, 2023). Trial by media as a concept has negatively impacted life in and out of court for the accused and acquitted, and villainized people who have not yet stood trial for what they are being accused of. Tabloid sensationalism, or the desire to craft a flashy headline that will paint a well-known individual as a ruthless and cold-blooded villain has led to the almost storytelling-esq practices of trial by media (Fielder, 2022). The interest of the media, and as a result, the public, is almost always tied to the entertainment or news value of a particular trial, whether that be due to the crime committed, the players or the situation (Verdaeror & Cawi, 2023).

From *Suits* to *Law and Order*, the genre of courtroom drama has long prevailed on cable television as a style and mode of entertainment that everyday non-legal experts were interested in watching. Public fascination with courts as sources of entertainment has spread to the network TV channel *Court TV*, which has broadcast more than 700 trials since 1991, when started (Johnson 2003).

The peak of *Court TV*'s ratings occurred around the OJ Simpson trial, and they have played a role in elevating the entertainment value of court proceedings in states where judges are lenient in admitting cameras to the courtroom (Johnson 2003). Other programs such as *Judge Judy*, *The People's Court* and *Divorce Court* have all furthered the public's entertainment interest in court proceedings (Johnson 2003).

Between social media prevalence, the public's desire for sensationalized stories about highbrow players in the public sphere, and the proliferation of the courts as entertainment, the scope of public access to court proceedings, trial by media, and the pressures that public opinion

places on the court system, represent a tension between the media, the public and the judicial system.

The media's effect on psychology

One of the most steadfast psychological effects that play a role in the skewed decision making by jurors in cases where they are exposed to a significant amount of biased media is the availability heuristic. The availability heuristic, as it pertains to media impact on juror opinions, is where the brain can more easily recall information that has been previously presented to them, often leading to a tendency to jump to conclusions based on prior information (Platania & Crawford, 2012). Overall results from studies on the impact of the availability heuristic in court proceedings have found that the way that information is presented – including the form of media, the headline and text used, the language surrounding the information, and the prevalence of information – can severely impact a person's normal judgement (Platania & Crawford, 2012).

The availability heuristic's ability to wreak havoc on court proceedings determines on the repetition of information and the severity of information presented (Platania & Crawford, 2012). If the information in a trial is boring or confusing to non-legal scholars, the prevalence of dramatic and simple breakdowns of case facts in the news can impact juror opinions. If the information is being repeated a lot in the media and press, an overexposure to coverage of any given tone can prove to be harmful to juror bias. Even the most impartial news possible can contribute to skewed perspectives under the availability heuristic, as over exposure to news and publications surrounding any given court case can harm jurors by constantly reinforcing any subconscious bias they have to or against the accused before being presented with the evidence in court.

It is not just news media that influences jurors through the availability heuristic. The rise of true crime television shows and podcasts has led to a steep increase in juror bias because of the availability heuristic skewing jurors towards unfair verdicts based on a storage of information in their brains skewed towards dramatized court processes (Curran, 2024).

While previous crime-based media relied strictly on narrative incidents and cases, the rise in true crime media has led to an explosion in popularity of real cases that are often the grisliest, the messiest, and the most dramatic out of the United States and other countries (Curran, 2024). The prevalence and expansion of true crime places a real danger on future juries, who will begin using their availability heuristic of true crime narratives to base their opinions on assumed information presented in cases they have been exposed to.

According to a random survey of 484 adults conducted in 2024, Americans who had more exposure to true crime media were 48% more likely to perceive that a defendant was guilty, without any information surrounding evidence or the case (Curran, 2024).

The availability heuristic is not the only psychological phenomenon impacting jury decisions. The Story Model psychological theory states that humans are more likely to form decisions about fellow humans based on the narrative that is the most aesthetically pleasing to their brain in story format (Cato, 2022). This is part of why the defense and prosecution do their best to create and craft stories in court – painting the defendant as either a villain or an innocent – but it also impacts jury decisions based on all external narrative stories they have picked up (Cato, 2022). If jurors are exposed to news media that paints the defendant as a villain through a particularly compelling headline or coverage model, as discussed in the forthcoming Amanda Knox case analysis, that story is more likely to influence juror opinions.

“The Ice Maiden” – Amanda Knox, International Tabloids & Italian Law

Overview of the case & the Italian legal system

Amanda Knox was an American college student from Seattle who chose to study abroad in Perugia, Italy, in the fall semester of 2007. Knox was considered adventurous, and wanted her time in Italy to broaden her horizons, including in her sexuality and sexual experiences. As such, she immediately began dating Raffaele Sollecito, a local man, and working at a pub down the street from her shared apartment complexes to earn some extra money to support her semester in Italy (Mitchell 2024).

Knox lived with three other women – Filomena Romanelli and Laura Mezzetti, two young law students, as well as Meredith Kercher, a fellow exchange student from the United Kingdom. While initial reports claimed that Knox and Kercher had a good relationship while living together, everything was ruined the night of November 1, 2007.

As her alibi goes, Knox spent the night with Sollecito on November 1. She returned to the apartment once, around 9 p.m., before heading to Sollecito’s apartment to spend the night. Early on November 2, Kercher returned home, and, as her alibi goes, she noticed that the front door was unlocked, there were bloodstains and an unflushed toilet in their shared bathroom, including what appeared to be a bloody handprint on the wall, as well as Kercher’s bedroom door being locked.

Knox then left the house, and did not call Romanelli until around midday to explain that she was worried that something had happened to Kercher. Following the call, Knox and Sollecito went back to the apartment and tried to open the door unsuccessfully. Her mother advised her to call the police, which she did.

The *carabinieri*, local Italian police and the only task force for any kind of criminal proceedings in Perugia, regardless of size or impact, arrived at the house and broke down the door, to find Kercher's body with her throat slashed. Knox's behavior following the discovery of Kercher's body disturbed prosecutors and the world: she was seen embracing and kissing Sollecito outside the house, doing cartwheels in the police station and purchased lingerie with Sollecito that week (Ducan 2019). The grisly nature of the crime soon captivated the world. Knox's involvement and lack of action around calling the police became a hotly contested topic in American, Italian and British media.

After the initial arrest on Nov. 6, Knox testified several times that the interrogation she faced from the Italian police was brutal and demanding, and so, after her arrest, she signed a confession form saying that she was in the apartment and an accomplice while her boss from the pub, Patrick Lumumba, killed Kercher (Ott, 2025).

The structure of the Italian legal system is unlike that of the American legal system. In Italy, cases can be retried as many times as the government sees fit to bring new charges and suits forth. The entire court case process in Italy can be arduous and slow, and the trial of Knox and Sollecito did not begin until fourteen months later, in June of 2009. She remained in Italian prison the entire time (Ott, 2025).

The investigation immediately focused in on Knox and Sollecito, although Rudy Guede, an acquaintance of the downstairs neighbors who was later found guilty of the murder, became a suspect as soon as the DNA on Kercher's body matched his. He fled the country but was extradited for an expedited trial in 2007, admitting to having consensual sex with Kercher the night of the murder and being on the premises when the murder occurred. He was later found guilty of the crime after being tried in 2008 (Mitchell 2024).

Following a months-long trial where the already-convicted Guede testified that Knox and Sollecito were at the crime scene the night of the murder, Knox and Sollecito were convicted of the murder on December 9, 2009, more than two years after the crime had been committed (Ott, 2025). Their defense lawyers immediately began preparing an appeal. The appeal did not reach the court floor until June 27, 2011. Knox had still not left Italy and remained in prison . That year, following inconclusive evidence coming to light about the validity of the DNA collected, the conviction was overturned on Oct. 3, 2011, and Knox was exonerated and returned to the United States for the first time in nearly four years.

However, in 2013, Italy's highest court, the Court of Cassation, ordered a retrial of the case, and on January 14, 2014, Knox and Sollecito were once again found guilty of the crime (Ott, 2025). Sollecito was mandated to surrender his passport, and Knox, living in Seattle, would be extradited to Italy if the conviction was upheld. Following a second overturn by the appellate court, the convictions were once again overturned in March of 2015, eight years after the murder of Kercher, and they were once again found not guilty. In 2019, Italy was ordered to pay damages to Knox by the European Court of Human Rights due to the treatment of Knox during preliminary investigations, where she was forced to sign a confession without understanding the terms she was signing, and also subjected to verbal harassment at the hands of the police (Ott, 2025).

However, the saga was not fully over. The court did not overturn the conviction against Knox accusing her of slander of Lumumba in the initial interrogations, where she accused him of murder in an effort to save herself, before the conviction of Guede. Knox had returned to Italy multiple times following her exoneration, even taking a weekend trip with Sollecito, who she had split with, to a Tuscan town they had wanted to visit during her initial study abroad trip. In June

of 2024, she returned to Italy as the retried slander case reached the floor, and was reconvicted of slander. In January 2025, the Italian Supreme Court, the Court of Cassation, upheld the decision, effectively ending the line for hope of Knox fully clearing her name (Ott, 2025). She will be forever cleared in the eyes of the Italian legal system of the charge of murder, but will continue to carry the charge of slander against Lumumba.

American, British & Italian Media Coverage

British tabloid media coverage of the case quickly spun out of control. Fueled by outrage over the death of Kercher, and the perceived “perfect crime” as Daily Mail journalist Nick Pisa put it, international tabloid and reputable reporters soon descended on Perugia to report on the criminal proceedings. Perugia, as a small town, did not have the infrastructure to support the international media presence that exploded onto the city.

For American media, most news organizations ran the Knox story as the trial progressed as a leading story daily, with outlets like CNN and local Seattle papers sending representatives to Italy to report on the proceedings (Zampano, 2019). Knox, despite her family’s urging, did not contact the American Embassy in Rome until after she had already been arrested (Mitchell, 2019).

Despite being an American citizen, the largest proportion of the media attention directed at Knox came from British tabloid press. Outlets like the *Daily Mail*, *The Independent* and *The Telegraph* latched onto the story and elevated Knox’s ordeal to an international scandal. Headlines like “Weeping Foxy is freed to make a fortune,” from *The Daily Mail*, “Meredith who? Grinning from ear to ear, Knox flees back to U.S while a heartbroken family start again on

a quest for justice,” from the *The Daily Mirror* and “Foxy Knoxy back in her lover’s arms,” from *The Daily Mirror* paint an example of the types of headlines garnered from the scandal.

A string of later-regrettable choices by Knox only exacerbated the media’s fascination with her ordeal. Originally possessing a MySpace account where her username was “Foxy Knoxy,” allegedly a callback to Knox’s prowess at soccer, the Italian press found the account and latched onto the narrative as Knox as a “*Volpe cattiva*,” or “the wicked fox” (Duncan 2019). British press also got hold of the nickname and adopted the “Foxy Knoxy” persona in the British tabloid press, as part of a larger narrative calling Knox a sex-crazed young girl embroiled in drugs and scandal.

One of Knox’s admitted prime objectives in studying in Italy was to gain sexual experience, something that she told friends upon departing for her trip. As a joke, a friend gave her a pink vibrator as a parting gift, and Knox threw it into a see-through toiletry case, to be hastily unpacked in her bathroom with Kercher (Duncan 2019). Prosecutors later revealed that Kercher had reflected to friends that the vibrator, and larger pattern of Knox’s sex obsession made her very uncomfortable, leading the prosecution to claim that there had been tension between Knox and Kercher around the subject of sexuality.

Knox also told friends that she was “embarking on a campaign to have casual sex” while in Italy, and, while in prison, was diagnosed with oral herpes and mistakenly diagnosed with HIV (Duncan 2019). In another thoughtless decision, Knox made a frantic list of all of her sexual partners in Italy and protection used in her diary, which was confiscated by Italian police and sold the writings to the Italian press (Duncan, 2019). The media incorrectly reported that Knox had slept with seven men over a period of weeks in Perugia instead of seven in both the United

States and Italy over the period of a few years, contributing to the sex-crazed maiden narrative running rampant in both the press and the prosecution's arguments (Duncan, 2019).

Another decision reported by the media was Knox's errand with Sollecito to a store called Bubble a few days after the murder, before their arrest, to purchase new underwear as her apartment was blocked off as part of the crime scene. Knox purchased a pair of red underpants with a cartoon cow on them, and the Bubble CCTV footage was sold to the Italian and British media (Duncan, 2019), which contributed to the already compounding narrative against Knox.

When all was said and done, prosecutors were able to use the media's coverage, which had exploded into a frenzy, exploiting the story of Knox as one of a sex-crazed young woman who had murdered Kercher in a sex game gone wrong, fueled by drugs and reckless insanity, to compound the case against her. Italian opinion of Knox was one of extreme distrust, and protestors showed up when the court overturned the case (Duncan, 2019).

Even Knox's fashion choices contributed to the media play. During the trial, headlines splashed across the media scene calling Knox "obnoxious" and "psychopathic" when she wore a pink oversized sleep t-shirt decorated with the Beatles' lyrics "All you need is love" (Duncan, 2019). In fact, for most of the trial, especially in the colder November months, Knox appeared in court in a t-shirt or hoodie and jeans. During the last week of the trial, Knox opted for white slacks and a lime green blazer, a more conservative and professional approach to her court wardrobe, and *The Times of London* ran a headline stating "Amanda Knox's switch to a more sober style of dress may have come too late."

American press also weighs in on the fashion debacle, with fashion journalists noting that she should have dressed that way for court from the start (Duncan, 2019).

Similarly, the Italian press calls Knox's new trial look a "nice gesture to *la bella figura*," referencing "the beautiful woman," an Italian standard of beauty, behavior, actions and character for women (Guida, 2013), while also stating that her new look was "not enough, and everyone knew it" (Duncan, 2019). The *Bella figura*, Italy's ideals for a woman's character, behavior and personality, placed Knox at direct odds to most of the country, including the jury's ideals for women's behavior (Guida, 2013).

Knox was thrust under a microscope by the media, but none proved to be more critical than the tabloids. Chief amongst them for their attacks on her appearance, character, behavior and involvement in Kercher's murder remained the British tabloid press. The Meriam-Webster definition of "tabloid" states that they "feature stories of violence, crime, or scandal presented in a sensational manner."

Unlike traditional journalism that abides by stronger senses of ethics, professional guidelines and a commitment to accuracy and the truth, in theory, tabloids rely on sensationalized situations and oftentimes seek to characterize public figures in outlandish ways to sell more copies. Tabloids survive and rely on capitalizing public interest over current dramatic phenomenon – and they are especially prominent in the United Kingdom. Publications like *The Daily Mail*, *The Sun*, *The Daily Mirror* and *The Daily Express* represent a small selection of British tabloids.

The three personas of Amanda Knox by way of the three chief countries of media and tabloid coverage emerged and very seldom changed in perspective: in ultra-Catholic Italy, Knox was portrayed as a sexual deviant. In Britain, she was a sex-crazed killer, and in America, she was a naïve young woman severely lacking in life experience (Bleakely, 2019).

According to research completed by Bleakely, 90% of British media examined portrayed Knox as “cold” and “unaffected” by the murder of Kercher. Knox’s American nationality was also used by the British tabloid press in exemplifying narratives around her character, with every British article examined by Bleakely referencing Knox’s nationality, with 60% of them mentioning it in passing and 20% of them severely correlating Knox’s behavior with her nationality as to illustrate a broader point about American promiscuity.

In America, coverage did not necessarily purport that Knox was innocent, rather, the coverage focused more on her personality, considering Kercher, Sollecito and others involved in the case “foreigners,” and drumming up more homeland support for Knox as a wide-eyed young girl caught up in an international web of drama (Bleakely, 2019). Some scholars have concluded that, based on the varying narratives purported by differing media landscapes, Knox very well may have been found not guilty if she had been tried in America, based on the exposure the jury would have received to media surrounding the before the trial (Harrington 2025).

Coverage of Knox in America focused on her “wholesome, girl next door” appearance, thanks in part to her father’s immediate hiring of a public relations specialist to combat the headlines and media play stateside (Bleakely, 2019). Press access to Knox’s immediate family was limited to those that would guarantee positive coverage, and the narrative in the U.S press quickly became that Knox was a typical white, conventionally attractive sorority sister, and that someone who represented that archetype was incapable of committing such a crime (Bleakely, 2019).

While all global coverage might not influence a jury in a specific case such as this one, such widespread play by international press and tabloids contributes to an increase in public sensationalism surrounding the criminal justice process, and contributed to a caricaturizing of

Amanda Knox that forever shaped public and jury perception of the most grisly and seemingly “made for TV” cases on trial.

Knox’s utilization of the media to change the narrative & Stillwater

Following her release and subsequent retrials, Amanda Knox remains a controversial figure in the Italian, American and British media circuits and a controversial figure in the Italian legal system. Desperate to take her life back after the eight-year ordeal and a perpetual writer, Knox’s return to America saw her become a journalist for *Westside Seattle* and pen a memoir about her experiences in Italy before turning towards activism for the wrongly accused through The Innocence Project.

Since, she has penned countless essays for major and minor news organizations about her perception of current events through the lens of her experience in Italy, such as a 2020 essay published in *Medium* titled “The art of being lost – What my wrongful murder conviction showed me about how to get through 2020.” This, like many of her similar essays, focuses on an individual way to reclaim the public narrative following the court proceedings. In her writing, Knox attempts to rephrase the public perception of the events in Italy by relying on the assumption that the public will want to hear and believe that her version of events is the truth.

Knox’s 2020 essay connects her feelings of being “perpetually alone” in jail in Italy to a shared feeling by the rest of the country in light of the global pandemic, painting her as a relatable wronged figure and attempting to reframe a bit of the story (Knox, 2020).

Knox has written reflective essays about the belonging of name and identity following the ordeal, saying that she felt like a caricature of a crime following her experience in Italy, and the emotional weight she has grappled with upon her return to America. She sought to make

sense of a character the media and the courts concocted for her, and where that left *her*, the person underneath the situation (Knox, 2021).

While her efforts have attempted to reshape the public perception of her status as a defendant in Italy and as an exoneree, the nature of the crime and the proceedings went so far as to inspire the movie *Stillwater*, starring Matt Damon, which premiered in 2021.

The movie was, in the words of its director, directly inspired by the Amanda Knox story (Katz & Collette, 2021) and follows a father chasing down his estranged daughter in a Marseilles prison after being jailed for an accused murder of her roommate. In the film, Damon's character seeks to solve the crime himself to prove his daughter's innocence, but the court and criminal justice proceedings as well as the nature of the case are directly drawn from the public spectacle surrounding Amanda Knox.

Knox's response to *Stillwater* was to sit down with various media sites, including *Vox* and assert that she had no knowledge or involvement with the film, once again restating her innocence and disapproval of her story being fictionalized for consumer consumption (Katz & Collette, 2021).

Her utilization of access to the media – both through interviews and self-publications that consistently reaffirm her innocence, her distrust in the Italian legal system and her general severe disapproval of the public proceedings around her case, highlight a trend of Knox utilizing her access to the American media circuit to skew public perception of her innocence and the process of the Italian courts.

Such high-profile, easy-to-sensationalize cases present a direct harm to both current and future juries, who often follow these cases as if they were fictionalized entertainment and not a

real story. Tabloid coverage, sensationalism and drama often feed into court proceedings, which alter lives and legacies, not just verdicts.

“The First Female Serial Killer” – Aileen Wuornos, media-based prosecution strategy & legacy

Overview of the case

Aileen Wuornos made headlines in the 1990s for being branded by the media as the first female serial killer. Wuornos was born to teenage parents in 1956. Her parents separated shortly after her birth, with her father going on to be a convicted child molester who later committed suicide (Bankston 2023). Wuornos’ mother abandoned her and her brother in 1960, and the siblings were adopted by her mother’s parents. During her time living with her grandparents, Wuornos reported being sexually molested by her grandfather, and reported that her grandmother struggled with alcohol abuse (Bankston 2023).

Wuornos was sexually active from a young age, and, allegedly, one of her foremost sexual partners was her brother. She gave birth to a son in 1971, with her brother allegedly being the father. That same year, Wuornos’ grandmother died of liver failure, and her mother accused her grandfather of murdering Wuornos’ grandmother (Bankston 2023). As a result of the accusation and death, Wuornos and her brother became wards of the court, however, Wuornos dropped out of school and of the care of the courts, supporting herself by prostitution. Her brother died in 1976.

Wuornos’ history of petty crimes began in the 1970s, including sanctions for drunk driving, disorderly conduct, assault, shoplifting and prostitution (Bankston 2023). Wuornos hitchhiked to Florida, where she began to run her alleged prostitution ring along the Central

Florida highways, outside of Orlando. While in Florida, her criminal record grew to include armed robbery of a convenience store, auto theft, and passage of forged checks (Bankston 2023). She always traveled with a pistol, reportedly hit her boyfriends and had restraining orders taken out against her and was known to be violent and aggressive (Chesler 2021).

In the fall of 1989, Richard Mallory, an electrician, sought out Wuornos for sex in Florida. Two weeks later, he was found shot dead in the chest. Over the next year, six additional men were found shot dead, all by a .22 caliber pistol along the Florida I-75 highway (Chesler 2021). In the fall of 1990, Wuornos became the person of interest in the case when she attempted to pawn off belongings of two of the dead men. Wuornos attempted to use aliases at pawn shops, but her fingerprints matched the items, which were traced back to the crime scenes (Bankston 2023). Upon arrest in 1991, Wuornos confessed almost immediately to the killings, although she did so without a lawyer present (Chesler 2021). She claimed that she was acting in self-defense, and that the men were attempting to rape her.

Being represented by a public defender, Wuornos' trial was skewed from the start, especially in ultra-conservative Ocala, Florida. The case's prosecutor, John Tanner, previously served as a spiritual advisor to Ted Bundy. Tanner believed that prostitutes were "evil," and was a longtime friend of the judge presiding over the case (Chesler 2021). Based on her criminal history, Wuornos displayed a lack of understanding of the criminal procedure or system. Her distrust in those defending her led her to be hostile and standoffish towards her legal team.

In Florida especially, serial killer trials are treated differently on the basis of sex. Wuornos was quickly branded by the media as "the first female serial killer," something that will be explored further in later sections. Ted Bundy, on the other hand, asked for a venue change to Miami, Florida, for his trial and was granted it. Wuornos' attorneys requested a venue change,

due to the intense amount of press heating up surrounding Wuornos' notoriety in central Florida and not granted the change (Chesler, 2021).

Wuornos was never offered a life sentence without parole. No evidence was presented that would have proved that she killed at least one victim in an act of self-defense. She was found guilty of murder just one hour and thirty-one minutes, five days after the case began in court. The jury recommended to sentence her to death by lethal injection in just one hour and forty eight minutes (Chesler, 2021). Wuornos was executed in Florida in 1992, and became the first woman to be sentenced to death and executed in the United States.

'The Damsel of Death' & trial publicity

Much like Amanda Knox, upon her arrest, Wuornos became a national sensation. The news of the crimes, the grisly reality of a woman slaughtering men on the side of the Florida highway, and her reality as a prostitute led the media to immediately brand Wuornos as 'the damsel of death.'

Media fascination around the Wuornos case almost turned biblical in both nature and metaphor when being published and examined. An article in the Palm Beach Post stated "Look into her reptilian eyes and you will see a bottomless pit of sin as she cackles at her victims and grabs her crotch," (Brodowicz, 2024). Other Floridian newspapers believed that granting Wuornos the death penalty was the only way to restore the balance that "god intended" for the world. The coverage spurred so far out of control in terms of bias against Wuornos before the trial that The World-Herald in Nebraska ended up printing an apology for the skewed and biased coverage they had been printing and asking for those involved with the Wuornos case to exercise neutrality in the jury verdict (Brodowicz, 2024).

Initial pre-trial coverage, especially broadcast coverage, focused on the possibility for Wuornos to find some way to monetize the experience and ordeal that had happened to her. As a person of public interest and great notoriety, television news talk shows in Florida cautioned that Wuornos might find time to “be starring in the movie of the week ... or finding time to write an autobiography when she’s locked behind bars?” (Brodowicz 2024). As the initial proceedings were publicized, especially in Florida, public outcry continued to surround seeking the death penalty, although most if not all news outlets interviewing commenting lawyers emphasized that the penalty and decision of what justice to seek was not up to the media, the public, or any lawyers involved in the case.

The documented process of reporting on the Wuornos case often followed a simple script: broadcast news would open with a brief overview of the case or trial, often through a moralist or psychological or cultural lens. Following the introduction of the case and general moral values, the anchor present would usually make a remark about Wuornos not understanding the severity of the case ahead of her, or the legal system in general. Following that assertion, a montage would play that focused on the shellshocked Floridian community reacting to the number of men shot in such a short time in an otherwise gentle and peaceful area. After all of that discussion, the legal proceedings would be mentioned, alongside the pressure on the judge to determine the severity of punishment on Wuornos. Very few media stations fixated on the idea or possibility of innocence (Brodowicz, 2024). The reports concluded with an overzealous warning about the possibility of further victims, and what the dangerous potential derived from a female serial killer could mean for the future of a tiny community. The reporting around this case was not objective, and represented a willingness to sensationalize and dramatically portray the Wuornos case ahead of a final verdict (Brodowicz, 2024).

No efforts were made to remove the jury from access to media or information surrounding the Wuornos case. Headlines branded her the “damsel of death” – and the prosecution caught on. The State of Florida’s attorney that was prosecuting Wuornos often used the nickname in opening and closing statements, and continued to subconsciously reinforce the bias that the jury had already formed against Wuornos due to the media exposure (Airlie 2023).

Wuornos’ court-appointed lawyer was inexperienced, and when she asked for a new one, her request was denied. Neither the media, the prosecution nor the defense mentioned Wuornos’ violent upbringings or mental health issues in court or the press, even though such a claim could have earned her a plea bargain (Airlie 2023). It was crucial, due to gender stereotypes, for the prosecution to do everything they could to degrade Wuornos to nothing more than an inhumane devil, something that was moralistically and individualistically abhorrent to a polite society.

In the end, her trial was quick and the jury decidedly unanimous, and Wuornos was sentenced to death. Newspaper headline hawked that justice had been served by the jury and the judge, and collectively continued to spur the narrative that the highways of Florida had been spared from a coldblooded and ruthless killer who would have continued to seek out “innocent” men and murder them. The consideration that Wuornos had had to engage in sex work to survive was never discussed by the media, and this case was used to further stereotypes and negative influence around prostitution as a way to support oneself (Airlie, 2023).

“Dead Ends,” “Aileen: The Life & Death of a Serial Killer” and post trial-media

During the entirety of Wuornos’ trial, journalist Michael Reynolds covered her case for the Miami/Caribbean bureau of national news outlet, *Reuters*. He compiled his writings into a book, titled *Dead Ends*, and re-released the novel following Wuornos’ execution in 2004. The

sub-headline of the book is classified as “the pursuit, conviction, and execution of female serial killer Aileen Wuornos, the damsel of death (Reynolds, 2004). In addition to the splashy sub-headline, the cover of the book features a grinning image of Wuornos in a prison jumpsuit, accompanied by a quote of hers stating “I killed so many guys. Like, I feel guilty, you know? Other times I’m happy. I feel good. Like a hero”” (Reynolds, 2004).

Reynolds as an author was also billed as a leader in true crime for his representation of Wuornos in his book. Published by the St. Martin’s True Crime Library publishing group, the inner flap of the book bills Reynolds as a “leader in true crime,” rather than an independent journalist who had been reporting on the case from an objective lens for one of the most respected news organizations in the world. Instead of billing Reynold’s work as that of a respected journalist, the publication of the Wuornos story by Reynolds represents a system geared towards sensationalism and one that used the access of a journalist to sell the most copies possible of a story that had captivated headlines.

Such corruption of the media’s place in investigations and the courtroom and continued to prey on the puritan views of the early 2000s (Ollayos, 2017). Continuing to further the media frenzy from the trial that capitalized on a society that viewed the possibility of a female serial killer vile and abhorrent, as well as one that crucified women who engaged in sex work. Reynold’s placement and timing in re-releasing his book following the execution of Wuornos, when the conversation had been reignited surrounding the morality of the death penalty, the crux of femininity and the treatment of women in the legal and judicial system, continued to spur the narrative of Wuornos as an evil and sick being, which increased the potential for negative bias in future juries of female-instigated murder cases (Ollayos, 2017).

There was never any discussion as to if the publication of *Dead Ends* and other media was disrespectful to Wuornos' memory, or any warning on how the sensationalism of such media, purporting to be the truth, might subconsciously influence bias towards other female perpetrators of crimes. Indeed, *Dead Ends* was one of many pieces of media that has been released to further sensationalize the story of Wuornos and her story. Documentarian Nick Broomfield worked with Wuornos to release two very different films cataloguing her story, sexuality, and the dollar value of sensationalism in her story.

Broomfield initially worked with Wuornos during her trial and in prison in his first film, "Aileen: The Life and Death of a Serial Killer." In the first film, Broomfield worked to secure a rare interview with Wuornos, one of the only few journalists, documentarians or other media professionals who was able to do so. He also interviewed Gov. Jeb Bush of Florida, as well as her best friend, Dawn Botkins (Ramsey, 2003). The entire aim of Broomfield's first film appears in part to be to humanize Wuornos – he takes the viewer to her hometown of Troy, Michigan, and speaks to her mother, who affirms that she is simply glad Aileen's execution will soon be over, and her entire nightmare will be finished (Ramsey, 2003).

Aileen herself supported and felt seen by Broomfield's work on the film. In prison, she wrote to Botkins saying that she had written to Broomfield to thank him for his work, and offer him any other opportunities to interview her "for free," (Diamond, 2019). She also told Botkin that "since Nick's documentary ... I am finally getting the break I need," potentially because of the concentrated effort by Broomfield to elicit honest and humanizing answers in his interviews with Wuornos. Broomfield's objective in telling the first part of the story, indeed, may have been

to skew some of the intense hatred away from Wuornos and show more of her backstory, instead of focusing solely on the killings (Diamond, 2019).

Wuornos strongly objected to the “serial killer” narrative purported by the press and other media, her letters to Botkin suggest – in her eyes, her actions had been justified, and a means to end in terms of the trauma that she had sustained from a young age. For Wuornos, killing the men that she killed was, instead, a way to even the score (Diamond, 2019). It was partly why she seemed to gravitate so much to Broomfield as a director – he was seeking to paint the full picture of Wuornos, instead of the “half-truth” version most aspects of coverage focused on.

However, during his work on his second film, “Aileen Wuornos, The Selling of a Serial Killer,” Wuornos turned on Broomfield, claiming to Botkins that his characterization of the men that she murdered as victims had finally severed the trust she had placed in him (Diamond, 2019). However, ten months later, Wuornos wrote to Botkins claiming that if Broomfield had any desire to come and interview her further, she must accept no less than \$6,000 up front before agreeing to the interview. As the execution neared, Wuornos assured Botkins that if Broomfield would pay, Wuornos would allow Broomfield to continue to interview her leading up to the execution, and even capturing it on camera.

Broomfield’s second film focuses intensively on the effort by defense attorneys to overturn the conviction due to Wuornos’ demonstrated lack of sound mind and body. The final interview of the documentary features Wuornos, a day before her execution, railing against the system that had led her to this place, and also claiming that the prison system had tortured her and used “mind control” tactics to shape her behavior and performance in prison, as well as in

her trial (Broomfield, 2004). Broomfield himself comments that it is hard to believe that Wuornos was truly of sound mind and body to face execution and the charges against her, despite Gov. Jeb Bush's medical examiners assuring the state that she was in fact mentally capable of standing trial. The second film received higher accolades and reviews than the first and was watched more times. Unlike his first film, the second documentary was released in six movie theatres across the country, and grossed Broomfield \$97,362.

While not strictly journalistic in nature, this media represents reporting and sensationalism of inherent bias against females committing crimes, which had already been purported and spread during the entire Wuornos trial. Sensationalism of drastic crimes like these harm both the news media and greater media landscape as well as the continuation of justice through the criminal system – if cases like Aileen Wuornos continue to garner such commercial and financial success, what does that commercialization do for the innocent and guilty? How can increased media coverage continue to harm those on trial through the perpetuation of implicit bias? These are questions that legal scholars, lawyers and the media will continue to have to evaluate as the prominence of true crime sensationalism, coupled with the everlasting presence of social media, continues to grow.

#justiceforjohnnydepp – Depp v. Heard, trials in the age of social media

Background:

In 2009, actor Johnny Depp met actress Amber Heard shooting “Rum Diary.” The two actors became linked as a couple in 2012, getting engaged in 2014 and married in 2015. In 2016, just one year after their marriage, Heard filed for divorce from Depp, including a filing for a temporary restraining order to block his access to her (Gorzlancyk 2022). In August of 2016, the divorce was settled without formal court proceedings, and Depp and Heard released a joint statement that claimed that statements made during the divorce proceedings were untrue. During the proceedings, Heard had claimed that Depp had assaulted and abused her, and Depp had claimed that Heard was a “gold digger” (Gorzlancyk 2022). It is likely that these statements were rescinded as part of the settlement reached between the two parties.

Following the explosion of the #metoo movement in 2017, Heard became an ambassador for the American Civil Liberties Union’s women’s rights movement. She published an op-ed piece in the Washington Post titled “Amber Heard: I spoke up against sexual violence — and faced our culture’s wrath. That has to change.” She does not directly name Depp in the piece, however, the timeline of alleged abuse she was claiming aligned with their relationship (Gorzlancyk 2022).

In 2018, a United Kingdom tabloid, *The Sun*, published an article that called Depp a “wife beater” (Gorzlancyk 2022). Depp sued *The Sun* for libel, claiming that the published words had damaged his reputation and slandered his character, and were untrue, matching with the proceedings of a libel case.

However, the defense called Heard to the stand when the case went to trial in 2020, and she stated fourteen times in which her husband had abused her, giving credibility to the truth of

the statements that *The Sun* had published against Depp. Due to the nature of her claims made under oath, the courts sided with *The Sun* (Gorzlancyk 2022).

While the UK case was ongoing, Depp sued Heard in Virginia district court over the claims made in the *Washington Post* article published in 2017. The title and four statements made by Heard were cited by Depp as being defamatory, however, one statement, claiming that tabloids and photographers followed Heard around for months after her domestic abuse claims against Depp were made, was thrown out before the trial as the actions of the press could not be directly tied to any potential domestic abuse by Depp (Gorzlancyk 2022).

Heard counter-sued Depp in August of 2020, over comments that his lawyer made to Heard on his behalf. In Tweets and other statements, Depp claimed that Heard's allegations were "fake" and "a sexual violence hoax." Both suits reached trial at the same time, in April 2022 (Gorzlancyk 2022).

Called to the stand as witness was Laurel Anderson, Depp and Heard's marriage counselor, who claimed that both parties had been "mutually abusive," and that Heard had often been the instigator of fights, especially in the therapy room, and testified that Heard had acted violently to prevent Depp from leaving the sessions (Honderich 2024). Other plaintiff strategies brought forth by Depp's team included an expert witness forensic psychologist claiming that Heard suffered from undiagnosed borderline personality disorder and histrionic personality disorder, both which are defined by an extreme fear of abandonment (Honderich 2024). Heard's team claimed, instead, that she suffered from post-traumatic stress disorder at the hands of Depp's treatment.

Other scenarios dredged up in the proceedings included Depp's alleged long term substance abuse, a fight between Depp and Heard in Australia in 2015 during Depp's filming of a *Pirates of the Caribbean* film that ended in him losing the tip of his finger, and testimony directly from Heard surrounding the death threats she had received following her divorce and subsequent court proceedings against Depp (Honderich 2024). Called to the stand for Depp was also Kate Moss, British supermodel, whom Depp dated in 1998, to dispel a rumor that Heard had purported that Depp had physically assaulted both Moss and Heard during their relationships. Moss affirmed that Depp had never physically abused her.

In the midst of a trial already gaining widespread international headlines, Depp's lawyer, Camille Vasquez, a relatively unknown celebrity defense attorney known for her sharp objections – most famously hearsay – when cross examining Heard and other witnesses. Her performance in court went viral online, and she became the chief defender of Johnny Depp in the public's eye (Honderich 2024).

All of this sought to answer a simple question – who was the monster in the marriage? Depp had often claimed that when he was drunk or high, a monster would emerge out of him, and Heard claimed that that “monster” persona was present the entire marriage. Depp counter-claimed that the reason he continued with the monster narrative was that Heard continuously called him one (Honreich 2024).

On June 1st, the jury decided that Heard had defamed Depp, and awarded him \$15 million total in damages. Heard was also awarded \$2 million in damages, claiming that Depp and his attorney had defamed Heard in the proceedings. Upon the final verdict, Depp praised the jury for

“giving him his life back,” and Heard claimed that she was “heartbroken” by the decision, viewing it as a setback for women who speak out against domestic violence (Gorzlancyk 2022).

#justiceforjohnnydepp & public perception of the parties

The entirety of the Depp v. Heard case was publicly televised on *Law&Crime Network* for free. As such, clips from cross examinations, direct examinations, testimonies and interrogatories spurred more than 23 million individual streams of the court proceedings across the world. *Depp v. Heard* attracted more global viewers than Derek Chauvin’s 2021 trial to determine if he was guilty of murdering George Floyd (Pilgrim, 2022).

At the time, TikTok’s content policies permitted videos from being longer than 3 minutes, and, within days of the trial beginning, clips and video edits of the proceedings went viral on TikTok, accompanied by #justiceforjohnnydepp. While the hashtag gained rampant popularity across all forms of social media, it was the most popular on TikTok, gaining 21 billion views on videos with the hashtag (Pilgrim, 2022).

Politically, media analysts including Brooke Gladstone, host of the “On The Media” podcast produced by New York Public Radio and Michael Hobbes, the host of a podcast called “Maintenance Phase” discussed the trial.

According to Gladstone and Hobbes, the only quarter of the entire global media landscape that was committed to defending Heard in their coverage were the farthest left-leaning and most liberal organizations. Hobbes observed that right-wing figures attempted to call Heard a liar, and left-wing figures attempted to rationalize the situation as “complicated,” and noted a reluctance from liberal publications to actually delve deeper into the subject, noting that the

flashy headlines and clickbait topics being spurred by the trial were inherently geared towards Depp instead of Heard, contributing to a hostile public culture, and one that consistently diminished Heard's story (Hobbes and Gladstone, 2022).

During the legal proceedings, #IStandWithAmberHeard had gained only 8.2 million views, compared to the 15 billion that Depp's hashtag received, according to NPR.

A large amount of the public discourse, according to sociologist Nicole Bedera, who was interviewed by NPR mid-trial, following Depp's case as the plaintiff being presented first, was that Depp was by far the more recognizable actor. Bedera emphasized that, especially given his fame in the *Pirates of the Caribbean* franchise, a lot of fans would not like to feel uncomfortable supporting the franchise and character if it turned out that Depp was really a "bad" person (Rascoe, Tsioulcas 2022).

Bedera also emphasized the organization of men's-rights groups, and noted that they simply needed a catalyst such as this high-profile case to be able to galvanize their movement in internet spaces that were gaining a lot of traction and interaction, which contributed to the prevalence of information and organized support on behalf of Depp in the public discourse (Rascoe, Tsioulcas 2022).

Legally and sociologically, part of the issue surrounding Heard's standing in the court of public opinion spurred from her not being the "perfect" victim. The claims by Depp that Heard was not a "true" victim because she used violence against him as well immediately shaped the internet narrative to claim that Heard was not the "perfect" domestic abuse victim, and therefore undeserving of public sympathy (Spiteri-Staines, Kertesz, 2022).

In domestic violence cases, especially in those in which women are bringing forth claims against male perpetrators of violence, social schemas exist that support the claims and beliefs that women who have been abused have to have been physically or severely emotionally degraded and harmed, and very often would they have the power, standing or wherewithal to fight back verbally, let alone physically. The testimonials that Heard had become violent with Depp in response to his actions, or, in his claims, completely separate from any actions he took, immediately discount public schemas of what a domestic violence “victim” would be (Spiteri-Staines, Kertesz, 2022). All of this played into a larger issue surrounding her standing in the court of online public opinion, and contributed to the negative media play that Heard received over Depp in the entire court proceedings.

In other socio-political spheres, conservative and right-wing advocacy groups decided to take the case of *Depp v. Heard* to push traditional, masculine and conservative values that undercut the entire internet power around the #MeToo movement. *The Daily Wire*, a conservative media outlet, spent between \$35,000 - \$47,000 on Facebook media promoting articles about the trial. *The Daily Wire* is the second most popular media outlet on Facebook (McCool, Narayanan, 2022).

All of the articles included a clear journalistic bias against Heard, and most of them included factual inaccuracies, intended to drive the public to such biased and incorrect reporting against Heard to strengthen the cultural values that would be supported by Depp’s public favor.

Television & TikTok’s impacts on the trial

The TikTok algorithm's rapid spread of information surrounding the trial and the proceedings fostered a lucrative market surrounding content creation around the trial and public perception of the justice system in this specific instance.

NBC News reported that a 15 year old TikTok creator, named Jacob, caught wind of the fact that videos about the Depp-Heard trial were going viral, and switched his content, which was focused on video games, to videos focusing on edits of the trial. He gained 10 million viewers and followers as a result of his new content (Tenbarga, 2022).

Other creators usually focused on K-pop and other entertainment spheres also shifted their content production in light of the virality of the trial, and gained thousands if not millions of views and followers. Data revealed that 93% of viral content around the trial was posted in support of Depp (Tenbarga, 2022), representing a lucrative online content creation market for specific videos skewed in a legal direction towards one famous party. All content creators said that once the trial was concluded, they would return to their original content and not stick with posting videos about celebrities, defamation proceedings or other legal cases (Tenbarga, 2022), which represents further skewing in the public consumption of the trial that highlight damages to the perception of the justice process.

Other analysis of non-journalistic media coverage of the trial found that true crime creators, body language experts, "expert" lawyers, and gaming streamers all jumped on the bandwagon to provide a besiege of coverage of the trial that was truly impossible to outrun and bled into many areas of public consumption (Kircher, 2022).

The jury for the Depp v. Heard trial was not sequestered, which meant that they had the same access to all coverage, content and social media impacts as the rest of the world viewing the content about the trial on TikTok (Kircher, 2022). TikTok consumption of the 24/7 livestreamed proceedings went so far to accuse Heard, while blowing her nose, of snorting cocaine while on the stand.

Arguments in favor of maintaining cameras in the courtroom, especially in a high profile case such as this one, argued that journalistic inherent bias could skew the information that the jury and the public would be receiving from their coverage, however, with the rise of TikTok and YouTube, short form content designed to attack one or both parties grew in popularity and in prominence across the internet (Hess, 2022).

In fact, the camera coverage in *Depp v. Heard* was so extensive, operated by CourtTV, filmed the proceedings from multiple angles, allowing multiple viewpoints of each moment, each reaction by each party, and each minor nuance. The camera system could also show the gallery, packed with Depp supporters wearing shirts and holding signs in support of the actor (Hess, 2022). The proliferation of videos allowed the spread of caricatures to grow – videos of Johnny Depp doodling on his notepad during the trial contributed to a narrative of him being a “charmingly unbothered bad-boy in court,” and contributing to what New York Times columnist Amanda Hess put as a “Depp playing the suave comedy hero and Heard pegged as the histrionic villain from an ’80s erotic thriller,” (Hess, 2022).

The social media buzz around the trial extended past Depp and Heard, including both of their counsel. Camilla Vasquez, Depp’s lawyer, gained internet notoriety for her performance in court, with many video compilations emerging of her fiery objections and her performance cross

examining Heard on the stand. Heard's lawyer, on the other hand, was branded a "Karen" by internet memes and videos (Hess, 2022). Other social media characterization of the parties involved branded Vasquez as being in an intimate relationship with Depp, noting the "gentle" way she interacted with her client, and also noting the "eye contact" between Depp and witness Shannon Curry. In these narratives, Depp is painted as the debonair film hero, and all of the women falling at his feet represent part of the hero-appeal he gained during the trial (Hess, 2022).

Economically, live streams of the trial garnered thousands of dollars a day between advertising and charges of up to \$400 to "pin" top comments to the livestream. Across each day of the trial, pinned comments were consistently displayed on livestreams, creating a truly lucrative economic model that brought in thousands of dollars to court streamers (Hess, 2022).

According to Hess, the prevalence of the trial livestream gives people the false belief that they can somehow influence the proceedings going on in court, which further stockpiles in belief when they are undoubtedly called for jury duty and find themselves actually able to influence what has been painted by TikTok as reality TV, instead of judicial proceedings (Hess, 2022).

The future of juries & social media

As social media continues to grow in prominence, both in terms of public consumption and as a way of transmitting journalistic information, it raises important concerns and questions for the legal profession as to the future impacts of social media on juries and the dangers faced by jury exposure to biased social media. Much like other forms of jury vetting to ensure unbiased

service on a jury, it is crucial that the legal profession continues to adapt and prevent damage from within the jury selection system.

In media psychology, the term “priming” refers to the phenomenon when humans are exposed to information that fits schemas they hold about the world – especially from sources and voices they trust and align with – they find it easier to accept, and further slot it into their beliefs and worldview, which can influence how they interact with the world (American Psychological Association, 2025). Social media keeps track of the articles and posts that users interact with and algorithmically feed content to them that continues to play into the frames and schemas that users hold based on the kind of content they have engaged with in the past (Kravitz, 2024).

Jurors are predicted, by legal scholars, to be just as susceptible as normal, non-selected individuals to biased social media coverage that might influence their verdicts, especially because they will be already piqued to search for information about the trial they are taking part in. And, in the case of high profile trials, it is crucial to ensure that new methods of jury selection are taken by both sides of the proceedings to ensure verdict security (Kravitz, 2024).

Legal experts recommend more intensive questioning of jury members before the trial even starts, designed to parse out any potential biases jurors might have been exposed to, and an increased amount of briefings given to counsel about the information being posted online for counsel to be able to adequately adapt questionings, as well as continuing to remind the jury of their commitment to impartiality, under threat of perjury (Kravitz, 2024), however, time will tell how effective any remedies are at counteracting the social media circus of information. I theorize that a few other ways in which jury impartiality can be ensured in the age of social media is by possibly introducing a digital sequestration – where jury members are mandated by the court to

disengage with social media networking sites during the trial to avoid possible bias and access to information that is skewed. Other possible ways in which neutrality can be promised in such cases include stricter oaths and clearer instruction by judges to juries about the dangers of exposure to social media to harmfully impact their verdicts. The age of social media also represents an age of increased access to bias, and new ways of voir dire and other methods of judicial oversight to juries are needed to ensure security of verdicts.

Conclusion: The future remains unclear for those influenced by media coverage of court cases

Everyone loves drama.

It's an inherent human emotion – the fascination around the outrageous, the speculation around what we find so inherently removed from our lives, the almost manic desire to understand what makes the macabre, the grisly and the unbelievable possible. As humans, we all hold emotions, beliefs, histories and connections to subjects, storylines and topics. It is part of what makes us such important consumers of news and participants in the judicial system – our backgrounds, beliefs and stories are supposed to influence the way we view the world, and the perspectives and experience we bring to both news consumption and jury procedures.

However, speculation, media circuses and the proliferation of biased information stands at a staunch disadvantage to harm the judicial system. As the expansion of cameras in the courtroom, the continued increase in news coverage to sensationalize and operate under a for-profit model of information seeking and the constant presence of social media, psychologically

and socially, the justice system stands directly at odds with the harm that can be inflicted on juries, and future juries, by exposure to biased content.

The fourth estate and the courts must continue to work together, and that means, in the future, continuing to ensure that public perception is as minimally skewed by media coverage of judicial proceedings as possible, to ensure the safety and validity of verdicts and to further instill faith and trust in the justice system which exists to serve the rights of every American.

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