

**Murder, Media, and Mayhem:**  
The Metamorphosis of California Murder  
Cases to International Media Sensations

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“Sometimes the power of the media, the power of the movie, can be very subtle and great.”  
*-James Blatt, Attorney for Jesse James Hollywood*

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## **I. Abstract**

This project seeks to explore how and why certain cases are sensationalized, by tracing the movement of the cases through various media outlets. By following the development of cases through the legal system into the news media, the semi-fictional world of dramatized television, and even onto the silver screen, factors explaining why (or why not) a case becomes a sensation will be explored. Aside this, I will shed light on cases that did not achieve a high level of notoriety but are similar in a number of ways to those that did. I will do this in order to attempt to discover what exactly the media is looking for in a high profile case. Additionally, I hope to investigate just how fact-based news coverage and non-fictional, dramatized programming really is. I also wish to explore fictional incarnations of cases. Many fictional programs that focus more on storyline and less on accuracy of the legal method, base their stories off of real cases. Sometimes the names are the same, and other times they are changed completely. I will examine these fictional accounts in relation to news coverage and other dramatized accounts that are, perhaps, more biographical. I seek to discover just how the media warps a case as well as why one case is privileged over another one that is very similar. From this, I hope to draw normative conclusions assessing the various implications these factors have for society based on standing theories of criminology.

## **II. Introduction**

The media is omnipresent and inescapable. With that comes an incredible flow of information. At the click of a button on a remote control we are flooded with images of what is happening hundreds or even thousands of miles away. Of course, we cannot be privy to every event, even with the aid of the media. Choices are made. What we see has been selected by someone and deemed important enough to be broadcast. When it comes to murder investigations

and, subsequently, trials, the spectacle can reach unprecedented proportions. Scott Peterson, Charles Manson, and Jesse James Hollywood. All three of these names set off alarm bells in the minds of most of the general California public, as well as for those across the nation and the world. At the very least, one or two names will be absolutely recognizable, even to the most out of touch citizen. Why? Because the media machine took these heinous murderers and turned them into sensations. Again, why seems like a good question and something I seek to answer.

I am struck by the pervasiveness of the media, but also the gripping way that it can portray a case. I, myself, am, for lack of a better word, a sucker for all murder television. To me, there are few programs more interesting than those that delve deep into the personality of perpetrator and victim and detail the proceedings from the second the murder is convicted to the moment the verdict is handed down. The fixation of the media on the goriest, most macabre cases can be seen as perverse, but due to the rise of shows like *CSI*, *Law and Order* (in all its incarnations), *Dateline*, *Mystery Detectives*, and movies on networks like *Lifetime* and others, it is a perverse infatuation shared by many.

However, many of these programs are fictionalized. They might be “ripped from the headlines,” but even those headlines might be stretching the truth. I wish to investigate how we make sense of this, and how critically we should assess media’s representations of cases. My research questions, which will illuminate this point, are:

*How does the media highlight the proceedings of a California murder case? How does a case metamorphose as it is translated from the original case through the national and international news media to the fictional world of television and cinema? Are there similarities between the cases that might explain why they have been chosen from the plethora of murder cases in California? What societal effects do these celebrated cases have?*

### **III. Literature Review**

#### *i. A Theoretical, Legal Approach to the Media*

In order to understand how the media propels cases through various facets, an understanding of some theories of the media and its relation to criminology, law, the legal system, and justice needs to be understood. Although, semantically, many theorists writing on crime, law and the media differ, there tends to be consensus that media is extremely important in the shaping of our culture, views toward law, order, and even specific crimes. This isn't meant to be surprising—our society is subjected to mass media almost constantly. As Ray Surette asserts, “In practical impact, the mass media tend to be more important in societies like the United States because other organizations and institutions must depend on the media to disseminate information from and about them” (Surette 7). We see this occur every day. Generally we recognize it most in the form of advertisements, as commercials directly, and often aggressively, try to target the viewer and get him or her to buy their product. However, we see the media relay important information from the government, about history, about travel, about survival. “Law is arguably another domain that is being place[d] under the influence of spectacular society,” Lieve Gies asserts (Gies 12). “Because we get no more than a glimpse of the events of the world firsthand we depend heavily on the social reality created by the media” (Surette 7). We are limited in our viewing of “the real world.” As singular beings we are unable to witness every little event that takes place firsthand. However, at the click of a remote control or computer mouse, every bit of minutiae is available for consumption. Whether or not we consume factual information or sensationalized fodder, though, is worth interrogating. Ray Surette tries to resolve this with his theory of social constructionism of the media.

Social constructionism is an endemic theory within the sociological framework. Surette describes it as, “People create reality—the world they believe exists—based on their individual knowledge gained from social interactions with other people. People then act in accordance with their constructed view of reality” (Surette 5). Unpacking this further, though the media might be infiltrating our most intimate of spaces and affecting our views, it is instead us, the viewers that take from the media and morph our own views. These views are then applied to life. At once we see that Surette’s theory is both empowering and, paradoxically, disempowering the viewer. We make determinations, but those determinations are narrow and might propagate the naïve worldview that each and every individual has based on their interactions with others, including the media. In tying this back to my own research questions, the theory of social constructionism is an important way of analyzing, perhaps, why the media chooses the cases they do. Most people will not have come into contact with a serial murderer or have, themselves, killed someone. Therefore, the media is able to shape their viewers’ ideas of who a murderer really is. He can be vilified and the public will likely not question it. In a way, it’s a form of social control. The more heinous things they broadcast, the more harsh the punishment, the more likely it is to deter others from doing the same thing. Emile Durkheim best exemplifies this idea.

Durkheim’s idea of the “collective consciousness” is a good way of supplementing media theory with criminology. Collective consciousness is the set of morals or values that society sees as very important to function in an ethical way. This theory is most often applied to punishment. As Durkheim puts it, “we should not say that an act offends the common consciousness because it is criminal, but that it is criminal because it offends the common consciousness” (Durkheim 49). To extend this to my project, an offense to the common conscience would likely garner a more visceral response from viewers, a response that incites them, and makes them want to

watch further. Therefore, it would make sense that media outlets publicize mostly heinous crimes and crimes that we as a meet with the most disapproval. As a result, and in keeping with Durkheim's theory, society then looks to punish. Durkheim cautions that, "For there to be a punishment there should at least be some proportionality between the punishment and the wrong" (Durkheim 50). This is where the media's meddling becomes rather problematic. The jury who decides the fate of the convicted is sequestered and kept from the media. However, the general public is not. So often there seems to be outrage over convictions, or lack thereof, and length or harshness of sentences. This could be due to the media's hyping up of cases to the point where the general public has lost sight of the facts and is only interested in the sensation. Therefore, the public becomes outraged at an "incorrect" sentence because they aren't seeing it as proportional to the crime committed. Perhaps the best example of this is the Trayvon Martin case. While Zimmerman, the accused, was put on trial and subsequently exonerated, there was still a great degree of public outrage. In reality, his sentence might be a proportional sentence to the *actual* crime that took place. No matter what, though, within the eyes of the legal system he is innocent, while the public tends to see him as quite guilty. We see this take shape in the form of social and cultural change in the next theory.

Another important theory is that of "tabloid justice." Tabloid justice is a term that refers to when the "mass media, in both their traditional and emerging forms, focus predominantly on the sensationalistic, personal, and lurid details of unusual and high-profile trials and investigations. In short, a great deal of legal news has become a vehicle for entertainment, rather than for public education or for the reporting of breaking events with real public meaning" (Fox, Van Sickle, and Steiger 6). Combining this with Surette's social constructionism view, we see a rather dangerous situation take shape particularly because "As the distributors of social knowledge, the



media also legitimize people, social issues, and social policies for the general public. And though the media do not control the process of cultural change, the fact is that in large industrialized nations with hundreds of millions of people, cultural change without media involvement does not occur” (Surette 11). Though somewhat paradoxical, this drives home the idea that though people technically direct social and cultural change, the media is one of, if not the most important drivers behind it. George Gerbner’s “cultivation theory” helps better illustrate this. “Cultivation theory in its most basic form, suggests that television is responsible for shaping, or ‘cultivating’ viewers’ conceptions of social reality” (University of Twente). Should it project mainly falsities, we could be building cultural assumptions on dangerously incorrect grounds. “Gerbner argues that the mass media cultivate attitudes and values which are already present in a culture: the media maintain and propagate these values amongst members of a culture, thus binding it together” (University of Twente). Cultivation theory provides a rather interesting potential for real positives from media exposure. It acts as a sort of rallying cry. Media broadcast binds people together through exposure. If media coverage is truly a reciprocal relationship wherein the powers that be are catering to the general public as a means by which to obtain viewers, then, as the cultivation theory suggests, the people have quite a bit of agency in determining the trajectory of media coverage. At the same time, this binding of people within members of a culture helps explain, perhaps, why murder cases garner so much attention. In a similar vein to the collective conscience, no matter the culture, murder is unacceptable and its publicizing draws people together to rally against the offender. By analyzing the news as well as dramatizations, we can see this take shape, even through the narratives presented, whereby communities often rally around the family of the victim to provide support.

*Fact or Fiction in the News*

Hypothetically, the news is supposed to consist of unbiased reports of the happenings in our world, free of sensation that we would see in dramatic television. Additionally there is the “tenet of conventional media philosophy: [that presents] “two sides to every story” (Chancer 262). This hypothetical world, though, is not the one we inhabit. Rather than objectivity:

“In the contemporary world of journalism, newsworthiness appears to be determined by the interaction of two factors: competition with other news media, and the internal goals of media organizations, which are often linked to the existence and perceived desires of a specific target audience or market. Portrayals of social reality reflect the subjective judgments of news organizations in their representations of human nature, social relations, and the norms and structure of society” (Fox, Van Sickle, and Steiger 11).

When it comes down to it, news media is a competition. It is who can get there first and who can get the most viewers. As David Altheide puts it, “Since television must sell commercial time to be profitable, its managers’ goal is to deliver the maximum number of viewers to advertisers” (Altheide and Snow 65). So theoretically speaking, the news media’s objectivity is compromised by monetary motivations—in order to field commercials and bring in revenue, it is imperative to obtain viewership. To obtain viewership, the news has to be appealing, and unbiased, factual reporting, apparently, does not appeal to the general public in the way the sensational does.

With respect to the legal system and my inquiries, “On examination, entertainment and news media are remarkably similar in the distorted construction of criminality they project” (Surette 60). There is hype surrounding the crime and the details there, but less about the case proceedings. This is due partially to restrictions on courtroom access, but also because the “real world” courtroom lacks the pizzazz of the *Law and Order* world and therefore is less attractive to mainstream viewers. Of course, the fictional courtroom is also utterly factually flawed. News media, due to its desire to garner viewership and beat out other stations does not necessarily highlight the facts in a case. People don’t, generally, want to watch jury instructions or sit through jury deliberations in silence. The stations will cut away and replay the more sensational

proceedings. This is problematic because, “as most television viewers are not regularly involved with the criminal justice system as offenders, victims or representatives, news programs and drama productions that promote their realistic nature give viewers more exposure to crime and the criminal justice system than they experience in real life” (Eschholz). Now not only are the “actors” (offenders, victims, attorneys, etc.) being distorted, the very institution of the legal system is. Public perception, shaped by television programming, is garnering a view of the legal system, but not necessarily a view that reflects reality. As my research continues, I hope to normatively conclude whether this really is detrimental or innocuous.

### *Dramatized Crime and Justice*

It is important to delineate info-tainment, also referred to as television reality from dramatic fiction with respect to crime and law television. “Within the smaller subgenre of murder narratives, television true crime appears in three major forms or types: the crime documentary or reenactment programs, the forensics-driven detective fiction programs and the crime drama that makes use of real stories for plot” (Murley 109). Info-tainment is based entirely on real events and often includes reenactments of crimes that actually took place as well as victims or perpetrators views and opinions. “Television reality programs are especially hard to categorize because they blur the line between news and entertainment” (Fishman and Gray 3). While these programs try to stick to the facts, there is a certain degree of sensation underpinning them.

“The genre of reality crime is a long way from journalism. Program producers repeatedly step outside the bounds of accepted journalistic practice when they mix interviews of real victims and investigators with reconstructions of events using actors, when they film reconstructions from subjective camera angles, when they use music to heighten tension, and so on. To be sure, some of these techniques have found their way into local television news programs, but they are controversial among journalists” (Fishman and Gray 11).

The world of the television show exists in a bit of a limbo between the news (though the news is rarely objective either), and the utterly fantastical. The true nature of crime and law is more like paperwork, less like heated adversarial trials, and certainly not rife with attractive celebrities.

### *Punishment, Politicization, and Society*

With respect to Capital Murder Cases, specifically, the topic of the death penalty is, without a doubt, a “hot topic” throughout the proceedings. Exploring reasons why this is so, lead down a winding road from politicization of punishment to tropes of the scaffold to the most basic criminological theories. Situating these different aspects provides a broad background for how punishment “works.” However, in forthcoming sections, we’ll see that the cases I have chosen transcend the often rigid theories of criminology.

### *California Punishment*

As all of the cases in my project took place in California, an understanding of punishment in the state is absolutely necessary. While ‘punishment’ tends to be, at its base, decently similar across states and even nations, there are certain aspects of California’s system that make it rather unique. In “Understanding California Sentencing,” Kara Dansky breaks California’s timeline into different eras of punishment. “Statehood” from 1850-1916, “the Indeterminate Sentencing Era” from 1917-1976, and the “Determinate Sentencing Era” from 1977 until the time the article was published in 2008 (Dansky 45).

Most of the “Statehood” period can be categorized as laying the foundation for a penal system. However, one key aspect that differentiates California is its “determinate” form of parole. That is, prisoners in California could be set free before their determinate sentence was up. The state did this with the intention of reducing overcrowding and (Dansky 58). While this period is important in the development of the California penal system, the proceeding two eras

are far more relevant and even somewhat explanatory as to the reason why, perhaps, cases in California are able to garner so much attention.

The “Indeterminate Sentencing Era” began as a brief revision of the penal code that allowed for more rehabilitation of criminals and indeterminate sentence ranges (Dansky 59). The “Determinate Sentencing Era” by contrast, began with a lengthy document delineating crimes into categories and providing determinate sentences for each (Dansky 65). This direct contrast in as many years is rather indicative of California’s punishment system. It’s ever-changing and there’s a certain ephemeral nature to laws and statutes. As a state that relies heavily on voter opinion in the form of Propositions, the laws tend to reflect the values of society--something that shifts generationally.

Today we have a moratorium on the Death Penalty and the Prison Reform Legislation Act is forcing California to shrink the population of its prisons. However, “tough on crime” attitudes are still favorable to voters. This can be explored through the figure Jonathan Simon refers to as “Prosecutor in Chief.”

*Prosecutors in Chief -- The Politicization of Punishment*

“The prosecutor has long been a unique and important officeholder within the American systems of justice and government [with] a special claim to represent the local community as a whole” (Simon 32). What Simon goes on to explain is the relatively new innovation of the local prosecutor as a political figure. They have to be elected and “serve the people.” This puts us at a very strange crossroads. The branches of government are inextricably linked to one another. No longer does the law operate autonomously. The federal system of checks and balances and judicial review doesn’t quite exist in lower level courts. Instead, the District Attorney is tasked

with garnering high conviction rates and putting the so-called “bad guys” behind bars. Should they fail to do this, their job is, quite literally, at stake.

This is a pivotal theory for my project, specifically. District Attorneys in need of reelection will seek to gain positive public opinion by punishing those who have committed heinous crimes. These crimes also tend to receive the most notoriety, even though they account for only a small portion of actual crime. Logically speaking, prosecuting those who have unpaid parking tickets is far less notable than putting away a rapist or murderer. A District Attorney can tout these victories in front of voters. An important note to make as I travel through each of my cases, is the surrounding political situation of the city and county where the crime took place (and/or where it was tried, since these are often different). Katherine Sasson and Theodore Beckett tie this idea to the media:

“We argue that prominent politicians declared war on crime and drugs as part of a broader political and economic strategy aimed at rolling back the reforms of the 1960s. Their efforts in these areas were successful, in part, because of the media's receptivity to the tough-on-crime rhetoric and eagerness to amplify its core messages. The capacity of politicians and media to shape popular policies, however, is not unlimited. Although not the driving force behind the new punitive policies, the public was, for the most part, receptive to the assumptions and images upon which they rest” (Beckett and Sasson).

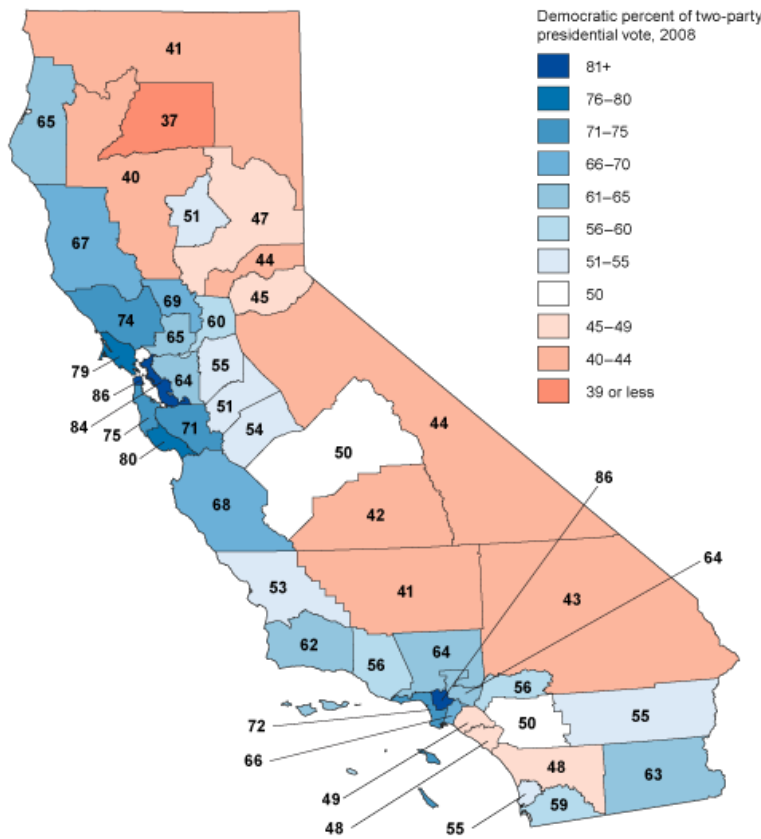
This theory will be key to the entirety of my project and a unifying factor in my case exploration.

### *Geographically Tough on Crime*

Tying in closely with the political situation is the geographical location of where the crime took place and was tried. California, in particular, varies immensely by county in terms of political leanings and, subsequently, how to handle punishment. Looking at a visual image published by the Public Policy Institute of California gives us an interesting basis.

Red is more conservative and blue more liberal. These correlate pretty directly with so-called “tough on crime.” Theodore Beckett and Katherine Sasson allege “conservative politicians have worked for decades to alter popular perceptions of crime, delinquency, addiction, and poverty, and to promote policies that involve “getting tough” and “cracking down”” (Beckett and Sasson 44). The regions where conservative politics dominate will tend toward harsher punishments and

higher conviction rates, as well.



Interestingly, we see a strong east-west divide in California.

Coastal regions tend to favor more liberal, democratic policies, while inland counties are more conservative and republican.

This plays a pivotal role in the justice system because of the ability to petition for change of venue. Indeed, in some of the selected cases we will see just that, or at the very least, an

attempt at that.

Politically, this divide creates a very interesting dynamic when the case reaches the media. On one side are the advocates for harsh punishment and retribution, while the other side, the more liberal faction, will tend to favor a more rehabilitative approach to punishment and even, possibly, appeal for some sort of leniency. Now the media can play to emotions. This is

something I look to elucidate within my research, exactly what transpires when the media pits coast against inland and liberal against conservative.

### *The Wedding Cake Model*



Samuel Walker’s “Wedding Cake Model” (pictured above) acts as a visual representation of the crimes that come through the legal system. At the bottom, the largest part of the cake, are the misdemeanors. These cases receive little attention for they tend to be minor and require little more than a fine to be paid. Above that are less serious felonies. These tend to be non-violent, or committed by someone with no prior record. Less serious felonies make up a significant portion of cases, but far less than misdemeanors. Serious felonies are relatively infrequent and range from rape to murder to other very serious violent felonies. Atop that layer of the cake are the cases I am most interested in: the so-called ‘celebrated cases’ “involving the famous, wealthy, or



powerful, or the not-so-powerful who victimize a famous person. Also included in this category are unknown criminals whose cases become celebrated either because they are brought before the Supreme Court for some procedural irregularity or because they involve media events” (UNCC). As this image signifies, these cases are extremely rare, relatively speaking, hence why I want to pay special attention to them, and see how, exactly, they come to be.

#### **IV. Methodology**

##### *Design Elements*

I intend to carry out my research in a quasi-experimental manner. After speaking with Professor Musheno and consulting Schutt’s textbook, this seems like the best way to undertake my research. Since quasi-experimental projects are earmarked by “subjects [that] are not randomly assigned to the comparison and experimental groups,” this will suit my project very well (Schutt 206). I have handpicked my cases, both the comparison and experimental groups, so an experimental project would not suit my needs. Additionally, a completely non-experimental project does not seem apt, as I am comparing in order to expose variables and make conclusions. Within the framework of the quasi-experimental, I will be using a nonequivalent control group design. This is because I am designating my experimental and comparison groups (sensational vs. not sensational), prior to carrying out my research. I will use aggregate matching with my cases to make sure that the “comparison group matches the treatment group in many ways but differs in terms of exposure to the treatment” (Schutt 207). Since I highly doubt those involved in the case chose to have their case become famous or acted in any way to promote it, aggregate matching is the best way to go about comparing my research groups.

Another deeply important factor within my project is time. As my project partially details exactly how a case transforms through the media and how it compares to those that do not, I

understand how necessary it is to keep a strict timeline in the cases' proceedings. My treatment of time will be longitudinal as "in longitudinal research, data are collected that can be ordered in time" (Schutt 177). This will prove imperative, as mixing up the order of time within any of the cases could really jeopardize my conclusions.

### *Methodological Approach*

My approach will be largely qualitative simply because, as Schutt puts it, "the focus on text—on qualitative data rather than numbers—is the most important feature of qualitative analysis" (Schutt 321). My project would be almost impossible to quantify in terms of numbers. As I will explore in the data section, sensationalism has no baseline numerical value. Of the characteristics described in Schutt's book, my project is most resonant with that of "an orientation to social context, to the interconnections between social phenomena rather than to their discrete features" (Schutt 282). I want to contextualize the sensationalizing of these cases within a broader social view. Therefore, this framework is geared very nicely toward my project. I will be exploring many pieces of data in a small sample of cases, which, according to Schutt, is a marking of a qualitative project. Upon further consideration and comments on my previous drafts of methodologies, I do not think I will be engaging in quantitative research. My project relies less on similarities (what would be coded factors in a quantitative project), than on eccentricities. I am seeking to find differences between cases that are similar in a number of ways, but differ in terms of media attention. There is no way to code for differences, since I have no idea what they might be. Additionally, I worry that coding for specific factors will bias my research, as I will assign based on my preconceived notions. The more open ended qualitative strategies seem better suited to pursuing my research and developing unbiased conclusions based on my findings.

My research will be highly variable-oriented. Variable-oriented research is “research that focuses attention on variables representing particular aspects of the cases studied and then examines the relations among these variables across sets of cases” (Schutt 396). This is, quite literally, exactly what I am trying to do with my project. In terms of case comparisons, variable-oriented research is going to be the best way for me to account for the interrelationships between sensationalized cases as well as the similarities and differences between sensationalized and not sensationalized cases. With this framework I am able to look at distinctions and likenesses, which will be key in developing conclusions since one of the things that made me interested in this topic is that cases can be very similar and still receive vastly different treatment by the media. Variable-oriented research within a qualitative framework seems like the best methodological and analytical approach to exploring these cases.

#### *Data Sources*

For choosing my sensationalized cases, I relied on purposive sampling. Since I limited my parameters to white, California males convicted of homicide, it was imperative that I purposively selected as opposed to relying on using a probability or another method of nonprobability sampling. My initial cases are those that have received a high degree of media attention. Media attention is not quantifiable in a numerical sense. That is, there is no magic number of news stories or dramatic reenactments that suggests a case is or is not sensationalized. To borrow from Justice Stewart, you just “know it when [you] see it.” While Justice Stewart was talking about child pornography, his premise is applicable to media sensation. When someone references Charles Manson, a majority of the population will know what he did and, perhaps, some of the more sordid details of his crimes. When one says “Gerard Schaefer” hardly any people will know that, around the same time as Manson, committed a string of brutal rapes and

murders of young women in Florida (Kotz). Why some, like Schaefer, remain obscure murderers is at the crux of my research. While Schaefer is an interesting example, due to his geographical locale, he will not be included in my project.

Since notoriety alone could just reflect the fact that *I* have not heard of these criminals, I will also be basing my selection of lesser-known cases on the amount of news coverage they receive and, perhaps, how it is reported. I want to look at how the details are presented and evaluate them in comparison to the better-known cases. I want to see if there is some sort of detail in the sensationalized cases that propels them to becoming media fodder, or if selection of cases really is random. Additionally, I want to compare across sensationalized cases. Since no two murders will be the same, it will be interesting to evaluate the similarities and differences and, hopefully, find some sort of connection.

The cases I have chosen to study as sensationalized are that of Charles Manson, Jesse James Hollywood, and Scott Peterson. After surveying news coverage and fictional television programming, I believe these have enough notoriety and sources to provide for fruitful analysis. Specifically, I will be looking at court transcripts, as those will be the raw data from the proceedings, as well as local, national, and international news coverage. After analyzing those sources, I will move to dramatized and fictional programming. I will watch those and analyze the differences in everything from the names of those involved to the trial proceedings. I hope this variable-oriented research will lead me to be able to make normative conclusions about the media's mutating of homicide cases. For cases that did not become sensationalized, I will rely on the court transcripts or even just the case report, as well as any relevant news stories. I don't anticipate a lot of dramatizations or fictional programs, but if there are any, I will also watch those. With these cases, I've been researching through LexisNexis trying to keep my controls of

geography, race, and gender standard. In some cases, though, I anticipate having to use “equivalent” locations. That is, areas similar in terms of politics and wealth to where the sensationalized crime took place. This has proven difficult, though, because, as expected, the cases live in obscurity, so I have to really scour databases for them.

## **V. Findings and Analysis**

In this section, I will explore my sample cases and their less publicized counterparts in order to answer the questions of how media highlights a murder case and how it metamorphoses as it goes through the media. Primarily, I seek to expose certain anomalies, not necessarily retell the stories of each case. This is due to a theory by Beckett and Sasson that states that “Journalists define news as that which is out of the ordinary.” Therefore, I will focus on two or three factors the media fixated on, and highlight them within the section. In addition, I will provide a brief description of how various Local, National, and International news sources covered the cases. Additionally, I will look at fictional and semi-fictional portrayals of the murders. Then, I will move to comparable cases. That is, cases that received relatively little coverage within the media. All of this will tie together in the “Synthesis and Limitations” section to show a number of different factors that propel a case to celebrity which will, in turn, lead to a normative conclusion of how the media’s involvement can dictate aspects of the legal system.

All the while, I will backdrop these cases against Beckett and Sasson’s *The Politics of Injustice*, as they devote quite a bit of time to findings about the media’s portrayal of criminals. Importantly, the endgame of my project is slightly divergent from theirs. They seek, more, to uncover specific resonance between crime narratives and key elements of discourse on crime. I am more interested in the substantive effects of the media’s representation on the legal system and surrounding policy. So while Beckett and Sasson’s findings are of the utmost importance to

my project on the level of the case, I wish to take them a step further and even, within my conclusion, dispute some of their assertions.

## **i. Charles Manson**

### **a. Background**

Charles Manson is easily one of the most notorious murderers of all time. After a checkered past fraught with short stints in prison, Charles Manson moved to San Francisco where he obtained a following of like-minded people. They, then, relocated to Southern California to pursue a career in music. When they moved to Spahn Ranch in the San Fernando Valley Region, though, they became less of a musical group and more of a cult. They dubbed themselves “The Manson Family” and were driven by the amalgamation of values Manson preached. Most importantly, though, was Manson’s prediction that, based on the Beatles’ song “Helter Skelter”, a race war was impending and the blacks were going to kill all the whites. His followers, though, would survive by going underground, to a city of gold in Death Valley. This, of course, never happened, so Manson turned to murder (Rosenberg).

On August 9th, 1969, Charles Manson directed four of his followers to kill Terry Melcher, a man who had been instrumental in barring Manson from the music industry. Unfortunately, Sharon Tate and Roman Polanski were renting the house. Manson’s followers murdered Tate and her unborn child. Polanski was in Europe for work. The next night, the terror continued. Manson’s followers broke in and killed Leno and Rosemary LaBianca (Rosenberg). In October of 1969, Manson and his followers were apprehended, and the trial began in June of 1970. Manson showed up to trial with an X on his head and chose to defend himself. In January of 1971, Manson and his followers are found guilty of murder. On March 29, 1971, Manson is given the Death Penalty. However, in 1972 with the decision in *Furman v. Georgia*, the

sentences of death for each of the defendants are commuted to life in prison. Manson has not been granted parole and continues to show no remorse for his actions (CNN Library).

## **b. Media Coverage**

Charles Manson is, arguably, the most celebrated murderer in California history. This is notable for my project in that the crime he committed took place well before the Mass Media Machine came to fruition. There was paper news and television at the time, but not on the scale that we see today. However, to this day, there is a fixation with the Manson case. Countless television shows have taken the “cult leader murderer” trope and run with it. Additionally, there have been a bevy of biographical programs and movies devoted to chronicling the horrendous crimes Manson committed. For this section, I will be sticking to relevant coverage surrounding the case during its proceedings from 1969-1972 from *The Los Angeles Times*, *Time*, *CBS*, the *BBC*, and other sources with a focus on each of the witnesses at the trial and how they illustrated and directed public opinion about the case, the Manson “family”, and how Manson’s behavior was construed during the trials. Additionally, I will analyze one of the movies written about the Manson slayings, specifically the members of his “family” and an episode of *Law and Order: SVU* that seems to emulate Manson’s crime and even, at one point, directly references him.

### ***News Media Coverage***

Since the trial of Charles Manson and many developments in the case since then have been chronicled in nearly every imaginable newspaper, globally, it is somewhat unnecessary to detail exactly how the coverage was shaped. What is, perhaps, the most interesting part of the news coverage is how sensational it was and still is and how that resonates with Manson’s behavior. To clarify that a bit, Manson chose to represent himself at trial and did quite a few rather crazy things in the process. This will be something I parse out more in a forthcoming

section. Needless to say, though, one could spend years reading Manson coverage, not only because so many sources covered it, but also because his infamy has spanned over forty years.

Looking at the media climate at the time, it makes sense that this crime would receive quite a bit of coverage. This era is when the color television was just beginning to be widely used. Television was rapidly becoming an important source for news. Indeed, a simple search on Youtube returns droves of footage from the trial and from coverage; something we actually tend to lack in modern trials due to rules of privacy. Print news was still in its heyday at this time. As evidenced by the volumes of *Los Angeles Times* and hundreds of other newspapers, articles dedicated to the Manson trial, the coverage of the case was far from scant. Additionally, since the internet was still decades from being invented, there was no united source of information. That is, a “Google search” could not be done. Instead, each newspaper was responsible for providing its constituents with reports, which led to a plethora of different articles mostly focused on the same aspects. Additionally, this prevented laypeople from adding comments that I would be able to access. As we will see in later analyses, user comments and sentiments about the trial provide an interesting interplay in how the media can alter the opinions of your average citizen. Gleaning information about public opinion in the Manson case is somewhat difficult, though, by no means impossible. There is far more coverage of The Manson “Family” and Manson’s bizarre behavior, both of which seem to be drivers of how this case received so much publicity--besides the fact that the crimes committed were utterly heinous.

If we use Beckett and Sasson as a backdrop, we see the impetus of their argument in action. That is, the messages of those who favor punitive actions against criminals tend to be propagated through the media. Manson exists before the time Beckett and Sasson focus on, yet many of their points regarding the politics of “tough-on-crime” befit him, as we will see in this



section.

### ***Public Opinion***

In 1972 the internet was nothing more than a distant figment of the imagination. Today, many people will not think twice about adding commentary to an article or story either on the website itself or via Facebook. The prevalence of Twitter, too, presents people with the ability to add their own opinions to news stories. When Manson's case was in the news, though, this was not an option. People could be interviewed on news reports or write opinion pieces for newspapers, but the luxury of instantaneous commenting to a global audience was not an option. Besides making research slightly more difficult, this is not necessarily a bad thing. Indeed, it probably meant people interacted with one another in person far more often and could not hide behind the anonymity of the internet--the anonymity that is often cited as producing the most venomous of comments from otherwise friendly people. We could also conjecture, then, that the media might have had just the slightest more ability to dictate the sentiments of your average citizen, since, when reading an article, he could not just scroll to the bottom and see dissenting opinions. We see this most clearly in the fundamental distaste toward the hippie movement that develops in response to the Manson family.

Manson, outside of being a murderer, was also a quintessential hippie. He lived on a "Ranch", which really was more of a commune, with his "family" where they did a number of psychedelic drugs and smoked heavy amounts of marijuana while free-spiritedly having sex and making music. Professor Rupert Goldsworthy cites that, "In the wake of the Tate-LaBianca murders, all hippies were cast in popular conceptions. No longer just cast by the media as harmless, peace-loving, communards, hippies were now seen as potentially murderous sinister cult members" (Goldsworthy 115). Lloyd Chiasson affirms this opinion: "The peace/love flower

children optimism of the midsixties seemed to be degenerating into something evil” and even goes on to assert that, in a quote attributed to Joan Didion, “Many people I know in Los Angeles believe that the sixties ended abruptly on August 9, 1969, ended at the exact moment when the words of the murders on Cielo Drive traveled like brushfire through the community” (Chiasson 206). This is startling. Quite literally, these statements suggest that the effect of Manson’s murders were profound. It is rather sensical, though. What Manson did was so deeply antithetical to what “real” hippies valued that he had, essentially, denigrated what they stood for. For the general public, these hippies who were a little strange to begin with, could now be orchestrating terrible murders. *The Los Angeles Times* capitalized upon the growing apprehension toward members of the hippie movement: “A housewife sees a long-haired hitchhiker, hesitates, and drives by. A bearded man walks into a store and the clerk asks, only half in jest, “Did you have anything to do with the murders?” A shaggy couple walking in the hills is chased away with a shotgun” (Roberts). Obviously, this is sensationalist coverage. However, it does, for us, show the public opinion and sentiment surrounding Manson and his crimes: that of collective fear, and even a bit of shock. The shock would be in response to the cataclysmic nature of his crimes, given that it happened in a well-populated city by people who did not begin life as hardened criminals. In the next section, though, we will turn to the true perpetrator of the crimes, Charles Manson, as his narrative and portrayal is tantamount to how these sentiments developed and how, even today, they are propagated.

Beckett and Sasson would likely look at this in an intriguing way. Since, as they put it, “One of the most noteworthy characteristics of contemporary crime news has been its tendency to focus on the rarest types of crime” is coupled with “the mass media [being] the main source of the public’s information about crime” we see an interesting interplay develop, particularly with

respect to Manson (Beckett and Sasson 76, 73). Obviously, all hippies are not going to start an uprising. Also obviously, the vast majority of people have no reason to worry about Manson or any copycat variant. However, the nation still was afraid. This is the conclusive power of the media dictating public opinion.

### ***The Man, Himself***

Manson's actions were, undeniably, heinous. His very appearance, too, was rather bone chilling at times. Therefore, many a news source interviewed him or capitalized upon these characteristics. Examining Manson while being interviewed and in court helps show why the public was so rapt with the case as well as how the media portrayed Manson.

On the internet, there exists a veritable cornucopia of interviews with Manson, ranging from immediately after he was put in prison to the present. Interestingly, what he says, in terms of content, changes very little in this span of forty or more years. How he looks changes somewhat. He always has the swastika carved into his forehead and looks to be in desperate need of a shower. He has a long beard and shaggy hair—a very signature Manson look. Content wise, he dwells on his childhood. Manson came from a broken home. He did not know his father, and his mother was an addict. He went to reform school and lived in the system for quite a while (Interview with Charlie Rose). Each interviewer presses on this. They dig deep into Manson's childhood and try to get him to connect his checkered past with his ruined future. This, quite possibly, is why Manson continually postures himself as the "other." "I'm the other half of your society, so you can ride your bicycles and do your things, I went to reform schools and orphanages" he says in a courtroom interview (Youtube). While this, logically speaking, lacks truth, it is an interesting appeal to the pathos of his viewers.

Alarming, Manson, with the dead eyes and swastika carved into his head, constantly preaches love and peace and acceptance of one another. In an interview with Dennis Wilson he says, “As long as there’s hate in your heart there’s hate in the world” (Youtube). We would, perhaps, expect to see this plastered across a greeting card at Hallmark or on a motivational billboard, not coming from the mouth of one of the most notorious killers of our generation. This is tantamount to Manson’s mystique. His preaching of hackneyed hippie ideals act as paradoxes against what we would expect of a murderer. For the most part, he’s rather soft spoken. Yet, at times he says terrifyingly odd things. In the interview with Penny Daniels, he cites that he “runs an underworld.” This, obviously, is alarming. Especially when coupled with the contention that he is “allied with certain awarenesses of the devil” (Interview with Charlie Rose). Empirically speaking, Satanism is a religion. Many people worship the devil, but few are instrumental in the murder of at least seven people.

Manson maintains his innocence in every interview. In one, he concedes that he cut off a man’s ear, but aside from that, he is absolutely unyielding in his insistence that he is not a murderer and, instead, was tried by the media. He says, “We were tried by the news media, not the courtroom” (Youtube), Manson cites in an interview with Penny Daniels. He goes on to state that “they [the news media] were sellin’ it, we had to pay the price for it” and that “[he doesn’t] want the attention, [he] just want[s] to play music.” Now, I do not want to suggest that Charles Manson’s testimony is gospel or even contains an iota of truth, but citing the media as a reason why, perhaps, his case went the way it did seems a fair assessment. The case truly gripped the nation and, in all reality, is cited as ending an era of peace and love. However, the media should not be charged with all the guilt. Manson and his family, though they say they did not desire the

intense media scrutiny acted in ways that seemed to indicate the opposite. Examining Manson's courtroom actions helps to parse this out a bit more.

In court, Manson acted as his own attorney. Since he concedes he never received a formal education, "I never went to school, so I never grew up in the respect to learn to read and write so good" (Court Transcript) particularly in law, it is unsurprising that he would do some relatively strange things. Taking a close look at the court transcript proves this. This is from the monologue he gave during closing arguments, as it exposes his chilling theories and helps elucidate exactly why he became such an important figure.

But I'm only what lives inside of you, each and every one of you. These children, they take a lot of narcotics because you tell them not to. Any child you put in a room and you tell them, "Don't go through that door," he never thought of going through that door until you told him to go through the door. You go to the high schools and you show them pills and you show them what not to take, how else would they know what it was unless you tell them?

This is a chilling sentiment. Manson, at once aligns himself with everyone, but most poignantly: children. This seems to be a common theme for Manson. He likes including himself; making himself seem like an average guy, not a megalomaniacal killer.

I can stand here in front of this court and smile at you, and you can do anything you want to do with me, but you cannot touch me because I am only my love, and it is all for me, and I give it to myself for me, because I look out for me first and I like me, and you can live with yourselves and your opinion of yourselves. I know what I have done.

Manson has the uncanny ability to turn his own crimes into the crimes of everyone. While he, perhaps, isn't the most credible, he is rather convincing in his earnestness. His last line, perhaps, is the most chilling of his entire testimony: "Prison's in your mind ... Can't you see I'm free?" Part of what makes all of his testimonies and monologues so scary is the general sense that we are not acting in a deterrent or retributive manner. This man killed seven people, yet even in prison he feels free. How do we make him suffer accordingly? This is the Manson mystique and

the Manson persona. Even in punishing him, he lords over us his personal freedom. We can never truly punish him, and that, perhaps, is what is most disgusting for our moral compass as humans.

### ***The Manson Family***

In a televised CBS report immediately after the arrest of the Manson family, gives a short detailing of the family and their dwelling at Spahn's Ranch. Though the clip is in black and white and of nearly unbearable quality for a modern day viewer, it provides images of a somewhat idyllic nature. The backdrop is your average ranch—horses, mountains, and trees. However, stranger things such as beds in random parts of the woods and shoes covered in dirt left outside for ages ruin the pastoral nature. Additionally, they report that the Manson family was “heavy” users of drugs. They interview a “Mrs. Mike Armstrong” who talks about how they would “smoke dope, steal cars, and just sit around and sleep” (NBC). KTLA, too, covers the family on video. The shot begins with sheriffs cuffing the members of the cult and leading them into jail. After a brief interview with an LA County sheriff, the footage shifts back to the men on their trip to jail. Very intriguingly, we see the reporters with their cameras trying to get close-up shots of these men. It isn't quite as enormous a frenzy as more recent trials have spurned, but the same fervor to catch the perfect shot of the family members is present. The Manson Family members speak not a single word in the entire video, perhaps adding to their intrigue. The video ends with creepy shots of some of the Manson Family staring directly into the camera, devoid of emotion.

When members of the family (who, apparently were not tied to the murders, as they are not apprehended) do actually talk, it is arguably scarier than when they stare, dead eyed, into the camera. In one video, after the verdict was read, three of the women are surrounded by a

veritable mob of reporters. She asks “Are you proud of yourselves? Are you guys proud of the system where man cannot defend himself?” When the reporter retorts that it was an “eight month trial” they will have nothing of it, accusing the trial of being “nothing but prosecution.” They still preach of the impending “revolution.” Though Manson was convicted, his followers still fervently believed in him. It is this, as well as the fact that none of the family members have been all too forthcoming, that made them so mysterious and scary.

The so-called “family” members were the actual murderers in this case, yet Manson is the notorious one. Indeed, save for Linda Kasabian, it’s likely that very few members of the general public will be able to name any Manson family members. On one hand, this can be attributed to Manson being their puppetmaster and therefore the one who holds all the guilt. On the other hand, it seems we, as “normal” people fear them even more than we fear him. Why? There is little to differentiate any of the Manson family, prior to meeting Manson, from any of the general public. Sure, they might have been more into drugs, but they were literally just normal San Franciscans. Manson found them, though, and did not just make them his followers, but made them *kill* for him. That is chilling. To think a person could be convinced so quickly to do such heinous things shocks our conscience quite a lot, and indeed, might very well be what propelled this case to celebrity status. As I will analyze a bit later, a movie was made about the Manson family in 2003. Though it is far from a cinematic marvel, it certainly elucidates some interesting sentiments toward the members. Given that it is highly impressionistic and not entirely accurate, though, it must be taken with a grain of salt as a testament to the enduring imprint of Charles Manson and the Manson Family.

### ***The Manson Family (Film)***

It is important to differentiate “The Manson Family” film from the actual Manson

Family, as the film is rather speculative and fills in a lot of the blanks the news media could not fill in. The film is, by no means, a high budget endeavor. It begins with folk-y music and shots of flower bouquets before quickly turning to gruesome murder scenes while a woman's voice says: "it'll make Nazi Germany look like a picnic." From there it jumps to a scene of flickering lights and obvious drug use. Finally, after five and a half minutes of seizure-inducing cinematography, we flash to an office scene where two men (investigators, we later find out), are chatting about the Manson case. After this, a detailing of what the Manson family did (or at least what the makers of this movie *thought* they did) is presented. In scenes full of nudity, drugs, and violence, we see the cults affinity for group sex and LSD. Additionally, we see the uprising of the culture of fear that spurred the murders. They go from being relatively peaceful hippies smoking pot and following the man they think is Christ to cold-blooded, brainwashed murderers in a matter of minutes. They detail each murder the family carried out in utterly gruesome detail. Finally, after they are apprehended each talks about how they "all are imprisoned." The movie closes with a drug deal between some street kids. One of the kids happens to be wearing a Manson shirt. This turns into a shootout, which then turns into the murder of the detective we met at the beginning of the film. Photos are then shown of the serene scenes from the ranch and the credits roll.

The most salient portion of the film, with reference to the media, comes after the apprehension of the family. Everywhere they go cameras are following them. They are asked about their "Christ." However, differently from the Youtube news coverage, they say *a lot*. They yell, chant, scream, and say that they won't give up until they are all free. While this very well might have happened, it is not in any accessible footage.

For the sake of my research, the storyline actually matters very little. Rather, what makes this movie notable is its presentation. It is shot in a sort of mock documentary style. That is, each



family member describes certain portions of the story and adds his or her feelings to it. It is an interview. They are talking directly to *us* the viewers. Since it is fictional, we cannot trust it as fact, but we can extrapolate that this is what we crave. We want to hear the details from the mouths of the family. We want a one-on-one interview with them. This is what would sate our desire to figure out exactly how they became brainwashed by this loathsome figure. Another point of interest within the film is after their apprehension. As each talks about his or her unending love for Manson, one says, “you make more bogus books and movies about him”. This is important. These media sources act as threats. Quite literally, the books and movies are villainous. They do not (in the eyes of his followers) accurately capture who he is. Of course, in Manson’s case, even if he is painted rather incorrectly, he was undeniably guilty of his crimes. The media bias here would not have too much of an effect, but for other cases, condemnation through various facets of media could be a very dangerous thing.

***Law and Order: SVU -- “Charisma”***

*Law and Order: SVU* is a wildly successful dramatic, fictional, television program that chronicles “members of an elite squad known as the Special Victims Unit” within the New York Police Department. Again, the show is fictional, though they base many storylines off of real cases. In “Charisma”, the eighth episode in their sixth season, a very young girl shows up at the hospital, nine months pregnant. From there, it is discovered that she had been a member of a cult whose leader, Abraham, was a violent rapist and child molester. Once police come to apprehend him, he orders the eldest of his many children to kill everyone in his compound. While the storyline is very divergent from the Manson case, the cult leader, “Abraham”, is a carbon copy of Manson’s aura.

We meet Abraham when he opens the door to police. He has long hair and a gaunt, sunken face. He talks quietly, but convincingly. Once police go inside to investigate the massacre, they see that he fancies himself a deity. “Christ” is written all over the walls. Later on, a video of Abraham’s “teaching” is shown. He preaches, like Manson, a culture of fear and instills paranoia within his followers. The psychologist in the show, chimes in at this point and says that this is what bonds them together and makes them fervent followers, this manipulation through fear. When the detectives interview him, it is obvious that the actor is trying to emulate Manson. He speaks in a similarly chilling way, devoid of any remorse, empathy, or sympathy. The most interesting parallel is that Abraham is also not the proverbial trigger man, and his involvement with the underage girls cannot be prosecuted on account of a lack of legal documentation of their dates of birth. The Captain in the department even directly states: “Charles Manson wasn’t present for the Tate murders but he was still convicted.” This did set an important legal precedent. A man did not actually have to kill to get the death penalty.

This episode is important in that it provides us with some idea of what propelled this case to celebrity. Since there are a decent amount of divergences from the actual Manson case and the show is for entertainment purposes, exclusively, what makes the proverbial cut is actually very important to take note of. The scraggly, disheveled appearance and terrifying demeanor, perhaps, are of special import. As we explored before, a lot of Manson’s instillation of fear within the population was due to his scary appearance. Additionally, his ability to make people follow him to the point of committing murder is an extremely important part of the Manson persona. As this episode of *SVU* portrays, the people are not necessarily dumb--simply brainwashed by a culture of fear and a man who deified himself. Self-deification, too, is something worthy of entertaining the masses. Not many people are bold or insane enough to declare themselves holy and an even

smaller proportion within that get people to believe them. While these things are entertaining, they are also factual in Manson's case. This, perhaps, adds to why he has become ingrained into pop culture and received so much media attention.

While this story is not claiming to be a copy of Manson's crimes, the emulation speaks wonders about what, exactly, propelled Manson to stardom.

### **c. Comparable Case**

Finding a killer as heinous as Manson who wasn't publicized would be a nearly impossible task, though Manson's personality absent of his crime has been cited quite often as a source of his celebrity. Of course, one thing that propelled Manson to stardom was the fact that he murdered Sharon Tate, a celebrity. Robert John Bardo also murdered a celebrity, yet he is far less well known. Therefore, it seems fruitful to compare the two and see, perhaps, what led to the incredible amount of publicity Manson garnered.

Robert John Bardo was, by no means, absolutely ignored by the media. There are plenty of articles detailing his crimes, but the scale of reporting is not comparable to Manson. Also, Manson still lives on in infamy, where Bardo is relatively unknown by younger generations. Bardo was a serial stalker. He had stalked another celebrity before her death in a plane crash before turning his attention to Rebecca Schaeffer. He obtained her address from a detective agency and paid her a visit. When she asked him to leave, he obliged and then came back and shot her to death (Murderpedia).

Obviously, there are quite a few divergences between Manson and Bardo, the most obvious of which being that Bardo acted alone and was the proverbial "trigger man". One would think this would create more hype, but Manson's ability to persuade others to do his bidding is, perhaps, one of the most chilling parts of his case. Additionally, Manson had multiple victims.

Bardo was caught relatively soon after killing Schaeffer.

Interestingly, Bardo received the most coverage in prison, where a fellow inmate stabbed him. This is a commonality between Manson and Bardo. Though Manson has not been physically assaulted in prison, he has garnered a lot of coverage. Manson's eccentric nature seems to have differentiated himself from Bardo and a bevy of other individuals who murdered celebrities. Manson is a very charismatic individual and is, obviously, capable of high levels of persuasion. Bardo is a crazy stalker, or at least that's how the media, scant as it may have been portrayed him. This, of course, is notable in that that is very likely why Bardo didn't reach Manson's level of celebrity. Bardo was insane in a clinical sense, so he was more pitiable. Manson was crazy in a rather lucid and terrifying way. Manson's agency was undeniable. He knew what he was doing. He knew it was wrong, and yet, that is likely the driving factor in why he did what he did. He wanted to create his Helter Skelter. Bardo wanted to end the life of a woman he couldn't possess. Even though this is largely speculative, there is no doubting that these crimes are of similar bone-chilling severity, but Manson's personality propelled him to the strange stardom he achieved. Bardo's propelled him to a mental hospital and, morally speaking, to fixate on a man's crime who is being treated within a hospital as clinically not-of-sound-mind is not in keeping with society's standards of decency.

#### **d. Discussion**

##### ***i. The Death Penalty***

An extremely important aspect of the Manson case is his sentence. Indeed, one of the most notorious killers of all time was given the Death Penalty, but had his sentence commuted, a point of contention in the larger debate against the abolishment of the Death Penalty.

The 1972 Supreme Court case of *Furman v. Georgia* put a nationwide moratorium on the

Death Penalty and commuted sentences for a number of individuals on death row. The holding was as such:

“The Court holds that the imposition and carrying out of the death penalty in these cases constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments. The judgment in each case is therefore reversed insofar as it leaves undisturbed the death sentence imposed, and the cases are remanded for further proceedings” (Furman).

There are some important distinctions that need to be made. First, this case does not permanently abolish the death penalty. Rather, it simply rules that the death penalty in its current (1972) incarnation is an infringement upon the Eighth and Fourteenth Amendment. This is due to a proportionately high rate of black offenders being given the death penalty. In addition, the imposition of the death penalty upon offenders was deemed arbitrary. Some were getting it, while others were not. In his concurrence, Justice Douglas writes:

“In a Nation committed to equal protection of the laws there is no permissible "caste" aspect of law enforcement. Yet we know that the discretion of judges and juries in imposing the death penalty enables the penalty to be selectively applied, feeding prejudices against the accused if he is poor and despised, and lacking political clout, or if he is a member of a suspect or unpopular minority, and saving those who by social position may be in a more protected position” (Furman).

It is this “selective application” that spurns the moratorium on the Death Penalty. The Court was decidedly split on this case. The majority ruled by only a 5-4 margin and the dissents read somewhat like concurrences. That is, most of the dissenting justices, ideologically, oppose the death penalty, but Constitutionally find it permissible.

However, Charles Manson was not a wrongly executed black man. That might be a blunt way of putting it, but considering the fact that he not only collected a clan of otherwise sound minded people, but also instilled in them a malice and utter lack of reverence toward human life that led to his dictating to them to murder at will, even a person staunchly opposed to the death penalty might be swayed to see its imposition in this case. Indeed, a judge and jury did in 1971

when they sentenced Manson and three other female defendants to death. Given *Furman*, though, Manson and his co-conspirators had their sentences irreversibly altered to life in prison. Perhaps even more perversely, at the time the only option was life in prison with the possibility of parole. As a result, Charles Manson actually comes up for parole relatively often. If there is any question of why Manson remains in the news and is, quite literally, a paragon example for death penalty supporters, it is because of the statements he has made at parole hearings: ““I am special. I am not like the average inmate. I have put five people in the grave. I’ve been in prison most of my life. I’m a very dangerous man’” (Martinez). Not only do his statements reveal a startlingly lucidity and awareness of the crimes he committed, they explicate the perverse sense of pride he has toward the crimes he committed.

The majority of commutations in *Furman* were not quite as contentious as Manson, but, in ruminating on policy as well as socio-legal consequences of Supreme Court legislations, this is a somewhat startling decision. A mere *year* earlier, the nation was gripped by the Manson case, and sentiment toward retributive punishment was high. In Manson and his family’s case, the truest form of retribution would be to die as heinously and brutally as possible, just as their victims did. However, the Supreme Court still ruled, essentially, in his (and 600 other hardened criminals) favor. This, perhaps, is a crowning moment in the Court’s history. As, ideologically speaking, the Court is supposed to determine cases based solely on the Constitution and past precedents without the bias of societal influences, we can champion *Furman v. Georgia* as doing just that. This, then, actually seems to be a rare instance wherein media coverage did *not* dictate legal ramifications. No matter how many terrifying things Manson did that were broadcast internationally, the Court still commuted his death sentence and he still is heard for parole. While

pervasive media tactics might rather conclusively affect the views of the public, the courts, at the very least in this case, still maintain their procedural dogma.

## ***ii. Trigger Man***

In the crimes for which he was punished, Charles Manson did not kill a single person. California's most notorious killer, then, would be more accurately described by a titular change to 'California's most notorious conspirator'. That, by no means, though, absolves him of his crimes. However, it does present us with an interesting legal conundrum: what exactly does our system *do* with Manson? Logically speaking, we have the answer to this question, as it has already been done. Manson and his accomplices were sentenced to death by a trial of their peers. Hypothetically speaking, though, if this trial were to happen now in 2014, death penalty legislation since 1971 would have made it far more difficult for him to be on death row.

Many a death penalty theorist has cited "evolving standards of decency" and a move in the direction of more European sentiments as reasons why we see an increasing trend in the abolishment of the death penalty by American states. Indeed, there are now eighteen states without the death penalty and more, like California that have it on the books, but seldom carry out an actual execution. California is in an interesting place at present, as a moratorium has been placed until the state can assure that the person being executed does not suffer in excess of what the 8th Amendment permits. However, with reference to popular culture and the media, a certain deference toward punitivity is very prevalent. That is, there are a plethora of television shows, like *Law and Order*, devoted to the apprehension and eventual punishment of those who break the law. These shows are wholly inaccurate, procedurally speaking, but they are entertaining and provide laypeople with a certain degree of access to the legal system.

Rectifying these competing cultural aspects through the character of Charles Manson

might seem rather strange. However, this concept that he was not the “trigger man” and was, evidence suggests, not even present at the crime scene but is still, without a doubt, an absolutely sinister individual almost perfectly elucidates a certain paradox. We see (literally, through the television) a terrifying individual with a swastika carved into his forehead and are told that he is an utter danger to society, yet we also champion our legal system as being meticulous about proving innocence. Well, the paradox here is that Manson did not kill his victims. Even if he did convince his followers to do it, they were never deemed insane. They were, by all means, functional human beings. Conspiracy to commit murder is a crime, but it carries a lesser sentence than death, nowadays.

A case could be made for Manson being wrongly accused of murder and instead being guilty of a lesser crime. However, this is where the media and social norms come in. No one is going to try and free Manson. Save for people who quite literally have no contact with the outside world, there are likely no adults who have not seen a photo, interview, biography, or other source about Charles Manson. Every person knows he is a danger to society and therefore, we can comfortably allow him to be convicted of, perhaps, a slightly more egregious crime than what he technically committed. Here we see the pervasiveness of the media acting in a very helpful way. Certain information being dispersed widely might, in this case, be keeping a man who has shocked the conscience of the public repeatedly, in the prison cell that where he belongs.

## **ii. Scott Peterson**

### **a. Introduction**

In this section, I will briefly summarize the case of Scott Peterson before moving on to relevant media coverage. While hundreds of pages could be written detailing all of the



information different outlets of media provide, I will focus on three key aspects of their coverage: how they approach the highly public nature of this case, how they play on the emotions of the reader by inserting the reaction of family and friends, and their coverage of reactions of viewers and laypeople within the case as a condemnation of the perpetrator—the so-called “Court of Public Opinion”. I will, then, move to an overview of a similar case, that of Evelyn Hernandez who was murdered in a similar fashion as Laci Peterson but received little to no media coverage. I will close with an analysis of the ramifications of this media coverage, that of Laci and Conner’s Law and identification with the perpetrator, victim, and victim’s family.

## **b. Background**

Laci Peterson, wife of Scott Peterson, was reported missing in Modesto, California on December 24, 2002. At the time, she was eight months pregnant. Nearly four months later, on April 14, 2003, the remains of a fetus washed ashore at Point Isabel Shoreline in Richmond, on the Eastern side of the San Francisco Bay. The next day, a female body washed ashore and soon after was identified as Laci Peterson. On April 18, 2003 Scott Peterson was arrested for the murder of his wife and unborn son. The case went to court in 2004 in San Mateo County.

The History Channel website provides a useful timeline:

Soon after pleading not guilty to the charges, Peterson retained the legal services of well-known celebrity attorney Mark Geragos. His trial began on June 1, 2004. Over the course of the next 19 weeks, prosecutors introduced 174 witnesses and hundreds of pieces of evidence designed to paint Scott Peterson as a cold and heartless man who continued to lie and cheat on his wife even as he appeared on television feigning despair over her disappearance. They pointed out how he referred to himself as a "widower" even before his wife's body had been found. The prosecution's case was hampered, however, by the fact that they had no eyewitness to the crime and had not found a weapon. Meanwhile, Geragos worked to convince the jury of an alternate scenario in which someone else had murdered Laci while she was walking the dog, then framed Scott after learning of his alibi from the news. Peterson did not take the stand.

The jury, down two people who were removed, deliberated for seven days. On November 12, 2004 Scott Peterson was convicted of the first-degree murder of his wife and the second-degree murder of his unborn son. On March 16th, 2005 he was given the Death Penalty. He awaits execution at San Quentin.

### **c. Media Coverage**

Media coverage for this case takes a rather interesting shape. Since it is a relatively recent case, the mass media machine really took hold of it, turning Peterson into a celebrity and propelling the case from the docket to television movies and even an Act in the name of Laci and Conner, the respective victims. In this section, I'll trace how this took shape. In the interest of abstaining from repetition, I will not be parroting the background information and the facts of the case as described above. Rather, I will focus on three key aspects of their coverage: how they approach the highly public nature of this case, how they play on the emotions of the reader by inserting the reaction of family and friends, and their coverage of reactions of viewers and laypeople within the case as a condemnation of the perpetrator—the so-called “Court of Public Opinion”. I chose these three factors as they will tie rather closely to the other cases I am examining and based on the bevy of articles published, these three aspects stood out as common themes. Throughout this section I will incorporate the theories of Beckett and Sasson as, interestingly, Scott Peterson diverges quite a bit from their explications of who is usually picked up within the news media.

#### ***Local Coverage: Modesto and San Mateo***

Of the myriad news sources I examined, *The Modesto Bee*, without a doubt, has the most information. This is rather unsurprising--the couple was from Modesto, a relatively small town in Northern California's Central Valley. Modesto's population comes in at 208,107, making it the

16th largest city in California but still cites its “small town charm” as a draw (City of Modesto). Unsurprisingly, then, when one of its residents disappeared around the holidays, *The Modesto Bee* latched on to the story and never let go. Even now, eleven years later, *The Modesto Bee* has every article organized by stage in the case: “Disappearance and arrest”, “The preliminary hearing”, “Heading towards trial”, “The trial”, “Five years later”, and even “continuing coverage” from the present. Additionally, they’ve published myriad videos, letters, and court documents.

Interestingly, local San Mateo paper, *The San Mateo Daily Journal* was not quite as interested in the case as *The Modesto Bee*. Their coverage began a month into the case, on January 25th, 2003 and detailed the goings on in the case just about weekly. that is, until the case moved to San Mateo. At that point, the coverage, though still modest, became much more frequent. There were articles two to three times per week about the major developments in the case. There was little embellishment on the facts. Just really straightforward reporting. This is really noticeable when compared to *The Modesto Bee*. Perhaps the *Daily Journal*, in being late on picking the story up, did not want to jump into the media circus or was outshined by other papers. Either way, it’s a curious observation that they, despite being the closest paper to the trial, really did not make a point of covering it in a sensational fashion.

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### ***National Coverage***

#### *The Los Angeles Times*

Los Angeles is largely regarded as a media mecca. Given that San Mateo and Modesto are both, simply, a drive away, it is unsurprising that *The LA Times* extensively covered the entire case. Their coverage began a mere three days after the story broke in Modesto and from there ballooned into a main story in their paper. The vast majority of their coverage was purely fact-based, but there was a number of Opinion pieces, and even a series of articles highlighting media involvement that, perhaps, added to the celebrity of the case.

## *CNN*

*CNN's* coverage of the Peterson trial can be described as nothing short of painstakingly thorough. Indeed, it seems every word said about the trial was broadcast by CNN. However, not all of their content is entirely original. They usually cite that one of their correspondents “contributed,” but mostly they’re using Associated Press articles. This is rather unsurprising, given that CNN is a major news outlet and operates on both the internet and on television. Television coverage mostly echoed their online reports. In many cases, what they publish online are the very transcripts from “correspondents.” However, they would occasionally create “panels” where analysts or advocates would come together and argue about Peterson’s innocence on television. This is, of course, rather striking, as it gives the audience a chance to join the proverbial debate. However, at the same time, these people were heavily biased in one way or another, so the simple fact of “liking” a panelist could easily sway a viewer to feel one way or another. We see in the articles, as well, that CNN is a network big on speculation.

## ***International Coverage***

International coverage is more scant than, perhaps, what I would have expected. Calling this case an international sensation is not necessarily incorrect, as media outlets abroad did pick it up, but they certainly didn’t share the fervor Americans did. The only news outlet that covered the full story for the international media, that I, after exhaustive search, could find was the *BBC*.

The *BBC* was not incredibly detailed in their reporting of the Peterson case. They reported, primarily, on the verdict and sentencing. There was actually very little regarding any proceedings within the trial. Additionally, the *BBC* was rather interested in the policy implications of the trial: rights for fetuses and accompanying laws. This was striking. In many domestic reports, reporters refer to the case as an “international sensation.” In all reality, it was

not. Yes, the BBC did cursory coverage, but those overseas certainly were not as tied to the television for every development as we in America were. The BBC even cites the case as having “shocked and captivated America” (BBC), but is rather mute on its grip on the rest of the world. This, too, implies a very interesting phenomenon in American media coverage: a self-centeredness. It seems the media, and population at large, made assumptions as to the importance of the case abroad when, really, it received little more than a mention. This could be because we, as Americans, have different values than those abroad. For one, we are far more punitive. Europe has abolished the death penalty, while we still have it and even embrace it. Where, criminologically speaking, we are very interested in retribution, European nations are more rehabilitative (Garland). This is pure speculation, of course, but it seems the likeliest of reasons why Americans tend to fixate more on brutal, capital crimes.

### ***Media Coverage By the Media***

A rather curious phenomenon is *The Modesto Bee*'s coverage of the media at the trial. From the outset, a central theme of the articles was the frenzy in the media: "It's amazing and interesting that this case is getting this much coverage," said Longden, who commutes to Modesto from Brentwood, in Contra Costa County. "Even in the Bay Area, this is all anybody wants to talk about. I went to a family get-together for Easter, and that's all we talked about for at least an hour" (Phillips). This, of course, has legal repercussions. Very early on in preliminary hearings, the question of a fair trial given the local media hype was raised. "Even Mayor Carmen Sabatino, doesn't think Peterson can get a fair trial in the city. He told a TV interviewer that a crowd at a jail booking at midnight Friday "indicates the jury pool in this community might be tainted'" (Brown). Attorney for Scott Peterson, Mark Geragos, agreed, citing, "The widespread, pervasive and negative nature of the media reports surrounding this case [as] having made it

impossible to seat a fair and unbiased jury in Stanislaus County” (Geragos). His motion was subsequently approved and the circus took to the road.

When the trial moved from Stanislaus County to San Mateo, the *Bee*'s coverage didn't wane. For quite a while the venue change was speculative. *The Modesto Bee* capitalized upon this angle speculating the pros and cons of each county's potential bid to host. Once Redwood City was chosen, they ran a feature on how, “John Anagnostou [president of the Redwood City Downtown Business Group and co-owner of a theater and adjoining nightclub a few blocks from the courthouse] could barely contain his excitement at the thought of a media swarm descending on this Bay Area city's quiet downtown for Scott Peterson's double-murder trial” (Cote). This sheds light on a relatively new phenomenon: profiting from criminal trials; fascination with crime and punishment fuels tourism. People wanted to see the man who was plastered across the television, and businesses in San Mateo profited from this. Along with this, the *Bee* reported that “Last week's [April 16, 2003] most-watched single program on cable, at just more than 5 million viewers, was Fox News' Friday coverage relating to slain Modesto woman Laci Peterson, including the arrest of her alleged killer, husband Scott Peterson” (Lowry). Television networks also repeat the benefits from the hoopla surrounding the Peterson trial.

*The Los Angeles Times* was not shy about creating frenzy with their coverage. Once the trial proceedings began, analysis became much more speculative, despite covering the actual going-ons very closely. They rolled out their opinion writers and analysts and created a number of sensational predictions and conjectures. Let's foray into this land:

We've been there before, but two weeks ago, when some TV pundits suggested that Scott Peterson's quivering lower lip -- captured on camera at his arraignment -- was a manipulated gesture aimed at hiding his guilt, we reached a new low. Cable TV commentators, the leaders of the media lynch mob, have saddled up again. Putting emotion and ratings ahead of professionalism, they have unleashed the hounds of hysteria and pillaged the 5th Amendment's guarantee of presumption of innocence (Fischer).

Immediately, a certain irony is visible. While *The Modesto Bee* tended to focus on coverage of the media, *The LA Times* lambasted it. This opinion is highly critical of the media, but is, itself media. While it seeks to highlight that a schism between the media and the legal system needs to happen, it also gives the very pundits it seeks to criticize the attention they so desperately desire. Fischer's sentiment is echoed in a later article: "Wood mentioned the incriminating coverage of murder suspect Scott Peterson as another recent example. "The media has literally almost created their own system of justice," he said. "The court of public opinion'" (Rosenberg). What Rosenberg, (or rather Wood), seems to be getting at in this statement is that media portrayals can dangerously imprint upon their audiences causing the general public to condemn someone before trial. In Scott's case: "countless TV news reports have portrayed his murdered wife as a victim more innocent than Snow White and Scott more evil than Snidely Whiplash" (Lindner). Due to a central tenet of the American legal system being a presumption of innocence, it isn't entirely wrong for these commentators to highlight this as problematic. Indeed, it is our right as Americans to be innocent until proven guilty. That cannot be neglected, even in the face of entertainment.

That entertainment, though, is worth money, and *The LA Times* interrogates that topic, at length.

If we want to reflect on what the nature of 24-hour cable news has become, consider who some of their major competitors on the Laci Peterson story have been. For example, there's the *Globe*, a supermarket tabloid that paid the dead woman's father \$12,000, according to *Vanity Fair*, for the family's pictures. Then, there's *Hustler* magazine publisher Larry Flynt, who gleefully informed Fox's Van Susteren that he hopes to purchase topless photographs of massage therapist Amber Frey, Scott Peterson's onetime lover. (Her reported asking price is \$100,000.) (Rutten).

Again, though, there's a bit of a paradox here. Without the "gleeful informing" by Larry Flynt, what would Rutten get paid to talk about? Seeing as his primary connection with this case is as



an analyst of the media within the trial, without its pervasiveness, he is effectively out of a job.

In another article he lambasts the media again:

Most contemporary coverage of the criminal justice system is "educational" in the same way the old stag flicks used to be, when pornographers bent on evading the law had to feign a "redeeming social purpose." So, they just had some guy they called doctor wear a white coat and look into the camera to introduce the fornication that followed (Rutten).

His articles, tongue-in-cheek opinion pieces, are hardly educational, either and, based on both tone and content are written for the entertainment of rather learned individuals cynical about the fact that trial coverage for Scott Peterson has persisted despite being largely uninteresting and his crime being rather conventional. Even Beckett and Sasson would allege that he is not the poster child for a sensation trial by media since "the news media have [...] been more likely to report instances of violent crime committed by strangers [leading to a portrayal of them as] outsiders rather than as friends or family members" (Beckett and Sasson 76). They also cite multiple victim cases, sex fiends, and drug crimes as being the most heavily publicized. Scott Peterson does not embody any of these—even the sex fiend. While he was having an affair with Amber Frey, something the media *did* capitalize upon, that too did not really act as the lynchpin for the unprecedented amount of coverage he received. It's a rather interesting question, though: where does one draw the line on media coverage? Alternatively, is pure entertainment worthwhile in otherwise very real arenas of legal cases? There is no concrete answer to this, but speculation would suggest that the media does inflict a certain amount of harm.

### ***Family and Friends***

Much like other news sources, CNN covered "poignant moments" in the trial that surrounded Laci and Scott's respective families: "Laci's mother, Sharon Rocha, walked in by herself, sat down, did not look at the Peterson family. At that point, Scott Peterson's mother, Jackie, came over and leaned down and hugged Sharon Rocha and said, 'I'm sorry'" (Dornin).

The family aspect is what CNN seemed to want to latch onto in their coverage. Given that Laci and Scott's families were, respectively, major players in every aspect of the trial, it is sensible that the media would choose that as something to cover. CNN seems to highlight it the most, indicating that it might be a point of interest for their audience. From the outset the family was highlighted, but soon they became the headline. As early as January 17th, 2003, headlines read: "Rusty Dornin: New shock for missing woman's family" and detailed the life insurance policy Scott took out on her and the fact that he was having an affair with Amber Frey (Dornin). Since the search began with a massive amount of pressure from Laci's family, it is relatively expected that the media would continue reporting on this factor.

As will be seen later, family and friends are capitalized upon as an integral factor within semi-fictional sources. That is, *Lifetime*, *Nancy Grace*, *Greta Van Susteren*, and other less-than-factual, highly speculative sources use Laci's family, and Scott's as well, as something to latch on to and play up as sympathetic characters. Of course, this ended up working very well for Sharon Rocha who had a relatively successful advocacy career and wrote a bestseller about her saga. An interesting media tactic was pitting Scott and Laci's parents as adversaries when in reality, for much of the time, they worked together to find Laci and even get justice for Scott. In media aired long after the trial, the families were highlighted the most. From Laci's mom celebrating Christmas ten years after her daughter's disappearance to Jackie Peterson dying without once visiting her son on Death Row, the news media still touts the families as entertainment.

### ***Public Opinion***

In looking at user's comments on the *Bee's* site, we can get a glimpse, both at their target audience and the response to the reports. *The Modesto Bee* even ran a feature article where

pressing questions and comments were shown and speculated upon. Most condemned Peterson or offered condolences to the family and complained about the fact that taxpayer money was being used to house him and appoint him a public defender (early in the trial). Others, though, interrogated different parts of the legal system. For instance:

“Plead insanity, Carmen

This letter is for the mayor of Modesto, Carmen Sabatino. I just watched you on Fox News, on Greta Van Susteren's show, and you said that you "did not believe that Scott Peterson could get a fair trial in Modesto."

Have you totally lost your mind? Holy cow! Thank God I live in Turlock and not Modesto! If you have that little faith in your city, the Stanislaus County Sheriff's Department and the court system, then it is time for Modesto to have a new mayor. You just made yourself the laughingstock of the country ... as if you already were not! Shame on you!” (Ellen Pitser).

To me, this comment revealed quite a bit about the general Central Valley resident’s feelings toward criminal justice and Scott Peterson, in particular. Firstly, *Fox News* is where Ms. Pitser is gleaning her information. *Fox News* is a heavily biased station that often relies on speculation and panders to a very specific audience: middle class, working, conservative leaning people in what could be called “Middle America.” However, obviously, *Fox News* was reporting decidedly well, or at the very least, factually, in this case. The trial, later on, *was* moved because Peterson could not have gotten a fair trial in Stanislaus County. What is interesting, though, is Ms. Pitser takes this as an affront to the community. A tainted jury pool is very problematic, but the legal system is structurally created to withstand that problem—a change of venue. It sheds light on the pervasive nature of the media, but it is no one’s fault that as a result of that, people in Stanislaus County will be implicitly biased against Scott Peterson. Ms. Pitser’s views evidence a decided lack of understanding of the American legal system and its jury procedures. This is where pervasive media can be a dangerous influence. If we speculate on Greta Van Susteren’s program, that Ms. Pitser watched, Van Susteren told her viewers that it was somehow shameful that

Peterson could not get a fair trial in Modesto then she constructed Pitser's views, as Pitser was otherwise naive of the legal system. Now, in this case it isn't harmful, it's simply a misunderstanding, but we could imagine cases where, much like propaganda, the media constructs more dangerous views and causes more misunderstandings. The media wields an interesting power that could potentially be dangerous.

Beckett and Sasson provide an interesting backdrop by which to examine public opinion surrounding this trial and, perhaps, provides an explanation for why a few of these comments say what they do: "There is evidence that the dominance of this way of framing crime-related issues has much to do with the media's tendency to define government and law enforcement officials as "authoritative" and "objective" sources" (Beckett and Sasson). So, if we go back to the comment condemning Carmen Sabatino, we see that this is because, as a government official, your average viewer will tend to hold him to a very high standard. He is an authority—or at least the media has made him that way, and when he starts to doubt the legal system, an institution of high importance, it is relatively unsurprising that people would be uncomfortable with it.

Other user comments revealed decided distaste for the media:

"What is unfortunate is what is going to happen in the upcoming months and when this case heads to trial. Both Laci's family and the family of Scott Peterson will have to go through a second hell. I cannot imagine the media scrutiny, the stress, the near constant harassment of the paparazzi. I wish that all members of the media would hold themselves up to the same high standards as most reputable newspapers" (Heather Paul).

There is a fundamental paradox in this comment, though. This woman is condemning the media as stressing the family, by writing to the media. This exposes the sort of perverse fascination surrounding this case in a similar way to the coverage of Manson. Everyone was, and still is, quick to condemn the media's relentless coverage, but when the media goes mute, people long for answers and more information. We see this in the excruciatingly thorough coverage by *The*

*Modesto Bee*. On one hand, the people involved are community members and, obviously, the surrounding community wants answers as quickly as possible. On the other hand, though, those involved are normal people who need to grieve and likely do not need to bask in the limelight provided by the media's coverage.

*The Los Angeles Times* ran an article similar to *The Modesto Bee* where observers' opinions were highlighted outside of the courtroom in San Mateo. Shortly before this, in Modesto, they ran an article centered around the opinions of laypersons and those who were decidedly bothered by "the circus": "I wish the media would let Modesto get back to being Modesto," said Rebekah Markiss, 21, a waitress at the Mediterranean Grill just outside the orbit of the courthouse news scrum. "I wish they would stop blocking off the streets, hold the trial, reach a verdict and go home" (Johnson and Hanley). This article is rather intriguing as it highlights the effects that celebrity trials have on an otherwise sleepy town; the cost of entertainment for the masses, is paid by those living the closest. From here we will turn to a much different form of coverage, fictional.

### ***Fictional Coverage***

One of the opening lines from *The Perfect Husband*, a Lifetime Movie dramatically chronicling the case is "I've seen the statistics on the news" said by the man playing Scott Peterson when prompted about the murder of his wife. From there, the media becomes a driver in the plot. Whenever "facts" of the case need to be elucidated, be it the call to action for people of Modesto to join the search, a rundown of suspects, or the announcement that the bodies have been found, a character will just so happen to flip on the television and begin watching. The media is literally inserted into the movie in one of the most important roles: the narrator. This is extremely important. Not only is the media trusted by those closest to Laci, it is how the vast

majority of people became connected to the case. The media, even in this dramatized movie, wields a huge amount of power.

With the power of the media in mind, an analysis of how the plot unfolds and how some of the key characters are portrayed given that the movie was released prior to Peterson's conviction. Throughout the film, Scott is portrayed in a number of really interesting ways. At first, he is made out to be an outstanding citizen, half of the "perfect couple", and an upstanding citizen. When questioned by the police, though, his perfection starts fading away. He's rather abrasive and extremely defensive. He even gets somewhat belligerent with the officers questioning him (as is "standard procedure", they assure him). His character takes a turn for the negative spotlight, though, when Amber Frey, the mistress, appears. From the moment he is shown on the phone with her, his character takes on a dark air, almost as though this one moral flaw is absolutely catastrophic to the otherwise all-American, boy-next-door, god-fearing man he is painted as heretofore. Of course, this phone conversation also acts as the moment when doubt begins creeping into the mind of his family and friends. His mother, even, is shown in a dramatic scene talking about how she "just felt something was off" when he said that Laci was "missing" as opposed to not home, or out of the house. Scott also becomes incredibly selfish. He goes to Mexico, but comes back. He golfs. He still goes to work. He's aloof about his search. He never talks about his unborn son. All of these things are cited as major personality flaws. When he's arrested, he's at a golf course in Torrey Pines, a wealthy San Diego town, with a blonde goatee. As he packs his car with clubs, officers apprehend him. The next time we see him, he's being driven through a crowd of screaming people to his trial. People have signs reading "guilty" and his ex-best friend is dramatically eyeing him. The movie closes with Scott being escorted into the jail, and the barred garage door being closed right in front of him while the officers hold his

cuffed arms. Importantly, we don't see him in a cell, but the look on his face is menacing. This is the important part. Since this movie was released before his trial commenced, its sending a very clear message: Scott Peterson is a deviant who killed his wife and needs to be permanently imprisoned.

Amber Frey operates in a rather interesting realm. She is sort of the angelic catalyst. As soon as she sees the news of Scott she calls the police crying. She apologizes to the family of Laci and is portrayed as genuinely not having been aware that Scott was married. She is very cooperative with police and really seems to want to locate Laci, despite being in love with her husband. Amber pales by comparison to Laci in the angelic realm, though. Laci could not possibly be more lauded as beautiful, caring, wonderful, kind, and loved by all. She develops a cult-like following that feverishly searches for her. They talk about her return and what she'd want. When she is found, the reaction is startling. The news covers it and her mom begins *screaming*. It's actual rather terrifying of a scene, but one meant to resonate with the audience.

All of *The Perfect Husband* is aimed directly at the hearts of its viewers: women.

Lifetime quite literally touts itself as:

“A top television destination for women [that] offers the highest quality entertainment and information programming, and advocates a wide range of issues affecting women and their families. Like our audience, the network is evolving and changing with today's woman, offering shows that are contemporary, bold, vibrant and empowering” (thecab.tv).

This both affirms and complicates the characterizations. No matter what, Scott is a cold-hearted killer. No matter what, Laci is a blameless victim. However, Amber Frey is a rather complex part of this. The way she is portrayed is so utterly innocent one would think she was even a bit dim for never suspecting anything with Scott. This doesn't seem in keeping with a network touting its commitment to empowerment. However, if she was cognizant of Laci and was having a

legitimate affair anyway, that certainly wouldn't be bold or vibrant, or in any way a positive thing for women. So, Amber is a bit of a blank slate. She is more of a device in this movie than a real person.

Pertaining to the media's role in the film, and the propagation of the film *as* media, an interesting meta trope becomes apparent. Scott fears the media. He states this directly: "it's not gonna help, me talking to the press." He thinks that they will demonize him and make him out to be guilty of a crime of which he claims he is not guilty. This, of course, makes the skeptical viewer question just how much we can trust the piece of media that *we* are watching. For the most part, the movie sticks closely to the unfolding of the case. Laci's mother gives a press conference stating: "No parent should have to think about the way their child was murdered." This actually happened. Conversations, though, like those between Scott and Laci's best friends where they say things like: "they're [the media] going to take a perfect couple and make it into a horror show" and "these people come to town expecting the worst" seem to take a decisive stance against media portrayal. In many ways the movie both condemns Scott *and* the media, which, of course, is rather odd given that this movie is made for television--one of the very outlets of which the film is so critical.

#### **d. Comparable Case**

Evelyn Hernandez was a 24-year-old San Francisco resident at the time of her disappearance. She was pregnant and had a five-year-old son. "On July 24, 2002, Evelyn Hernandez's partial remains were found floating in the Bay, near the Embarcadero and Folsom Street. Her full term, unborn child and her son Alex have not been found" (True Crime Report). Already, we see parallels between Laci and Evelyn. There are divergences, though, that could possibly account for why Laci Peterson's case was the one to garner so much coverage. On a



purely topical level, Hernandez was a single mom with another child. The *SF Gate* quotes a friend of Hernandez's as saying, "This girl (Laci), she's white, they have money, and there is a family behind her," said Twiggy Dany, a friend of Hernandez, a single mother who moved to San Francisco from El Salvador when she was 14. "Who cares about Evelyn?" in an article that draws parallels between the two and tries to explain why Peterson's case got significantly more coverage (St. John). Interestingly, Laci is technically multiracial, not white, though she certainly was not a first generation immigrant from El Salvador.

In terms of media coverage, there is almost disturbingly little about the case. Given that a 5-year-old child is still missing, even if overshadowed by Laci Peterson, it still seems plausible the case would get even *a bit* of coverage. There were three news channels that covered the case: two local and one national. *People* also covered the case, interestingly, since that tends to be more of a tabloid style magazine. Starting with the national source, ABC broadcasted the story as an adjunct to their coverage of Laci Peterson. "There is no shortage of these cases. In California alone, some 17,000 other women were reported missing last year. And crime statistics show that the murder of women is on the rise" (ABC). This, of course, is really alarming, but also very stunning when the coverage surrounding Laci Peterson is considered. She is literally the one in *seventeen thousand* that garnered the spotlight. Moving back to the Hernandez case, though, once she disappeared, Herman Aguilera, the father of her unborn child, became the prime suspect. After he gave an alibi, though, he was cleared of involvement. *People's* coverage is interesting. It quotes a number of her friends and actually reads very differently than most of their other articles that tend to be about celebrities or other fodder. "Laci Peterson has a family," she points out. "Evelyn didn't have people to pressure the police and the media'" (Hewitt). While this might be slightly true, as we saw in the Peterson case, Laci's family was not always pleased

with the degree of celebrity the case reached as it really became intrusive. The last source that ran a story on the case was the local *SF Gate*. That article is notable in that it is largely and rather perversely coverage about Laci Peterson with little more than a mention of Hernandez. Even while trying to shift the focus from Laci's story onto another, the media just cannot let her go.

While it is impossible to conclusively delineate exactly what might have caused Laci Peterson to get so much attention and Evelyn Hernandez to get so little, given exactly what the media capitalized on in Laci's case and what Hernandez lacked, was a family. That is, a husband and extended support of grandparents. So, while much of Laci Peterson's case hinged on "the perfect family", Hernandez might have languished in obscurity because of her status as a single mother. Additionally, where Hernandez disappeared in the middle of the summer, Peterson went missing during the holidays-- a time of joy for all, making her disappearance all the more gruesome and exploitable for the media. From these two, very, very similar cases, we can glean that sometimes there is a simple element of entropy that will propel a case from obscurity to celebrity. In this case, it looks to be an element of family and the time the crime occurred. Unfortunately, the media can be an extremely important driver in justice, so Hernandez's case might very well never be solved.

## **e. Discussion**

### ***i. Laci and Conner's Law***

Perhaps one of the most important ramifications of the Scott Peterson trial (and conviction) is that of what has been dubbed Laci and Conner's Law, known more formally as the Unborn Victims of Violence Act of 2004. This law states that: "(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the

conduct takes place, is guilty of a separate offense under this section” (Findlaw). Put simply: killing an unborn child is now a federal offense if it occurs during the admission of another crime. This law was actually rather controversial at the time of its passing. This is due to the fact that it “recognizes an unborn child at any stage of development as a human person, at least for the purposes of legal protection from murder” (Byellin). This, of course, complicates arguments for the right of a woman to choose to have an abortion. Byellin continues that the definition of ‘unborn’ as a result of this law “exist[s] separately from the current one. What is abortion in one circumstance is first-degree murder in the other; the definition hinges only on the process, not the end result.” Though this might not have been the intention of those who pushed for the law, it is something the courts will need to rectify. Curiously, though, when signing the Act, reference was made heavily to Laci and Conner, but given that the law is under Federal jurisdiction, it would not actually apply to that case.

President Bush, when signing the Act, stated:

They have laid to rest their daughter, Laci, a beautiful young woman who was joyfully awaiting the arrival of a new son. They have also laid to rest that child, a boy named Conner, who was waiting to be born when his life, too, was taken. His little soul never saw light, but he was loved, and he is remembered. And his name is forever joined with that of his mom in this statute, which is also known as Laci and Conner's Law. All who knew Laci Peterson have mourned two deaths, and the law cannot look away and pretend there was just one.

Obviously, there’s a high degree of emotional pandering at play here. He fails to mention the fact that this statute would not change Peterson’s charges, sentence, or trial. The 1970 ruling in *Keeler v Amador County* had already made the murder of a pregnant woman and her fetus a capital offense. What we see is a version of scapegoating. By focusing on the emotional case of Laci and Conner that was broadcast nationwide for months and even years, controversial legislation is much easier to pass. Everyone remembers Laci’s smile, plastered across the television and everyone wants Scott to be punished for what he did, so this Act seems

conspicuous enough to pass. In reality, though, the Act functioned more as a rewrite of the definition of ‘unborn’ and a dangerous challenge to existing abortion statutes.

Extrapolating from this, we see an effect of celebrity cases. In a democratic system the people dictate the laws, at least hypothetically. The law had “previously stalled on Capitol Hill” until Sharon Rocha, Laci’s mother, became its champion (Doyle). With Rocha at the helm, the bill became law. This, of course, is notable and shows another outcome of a celebrity case. Quite literally, Laci and Scott’s case had an impact on the law. Sharon Rocha, an otherwise normal woman living in Modesto became an advocate as a result and was actually able to make a difference. The implications of this are both positive and negative. Victims of crime have a chance to make a true difference, however, since, as in this case, the victims had little to no experience in Congressional lawmaking, their naivete of the system could have dangerous outcomes--like a challenge to *Roe v. Wade*.

## ***ii. Victim Identification***

The Scott Peterson trial’s media hype exposed an interesting phenomenon: pandering to women. I suggest, then, that part of why this trial received so much attention is because suburban housewives watching from home were able to identify with Laci on a personal level and see herself in her. From the very outset the posturing of Laci as the perfect housewife in the perfect suburban town with the perfect husband living the perfect life, allowed the contingent of women watching from home to develop fervor for her killer to be caught and brought to justice. Additionally, this could help explain how the nation became so rapt with the case. There is a certain degree of morbid fascination when something so catastrophic happens to someone who could be “just like you.” All reports from family and friends cite Scott as a wonderful, caring

husband incapable of killing his wife. Sharon Rocha, Laci's mother, even refused to believe that he could be involved for quite a while.

Sharon Rocha, too, became an interesting figure in the trial. She was, rightfully, distraught about the death of her daughter. She was often interviewed and quoted and made out by the media as torn up about the case, but also strong. She wrote a book in the aftermath of the trial and is quoted stating that her intent for writing is that she is "so tired of hearing about these men who murder their wives There's no reason for it. I mean if there's anything—one point I would like to get across is, I want these men to stop murdering our daughters. I mean, this is not their way out. If they're unhappy in a relationship, then get a divorce. Don't murder your wives, don't murder our daughters" (Dateline). In a way, this touches on the above section. In the vast majority of cases where men murder their wives, the mother can write a book, but no publisher will ever pick it up. However, when it's the famed Laci Peterson's mother, the novel will become a bestseller. Indeed, the novel topped the list for a time. This is likely due to her portrayal as your average mother grieving for her lost daughter. In Sharon Rocha, many a mother can see herself, hence why, perhaps, so many were so enraptured by the case. Indeed, it is the identification with the victims by the general public that, based on all media reports, seems to have been the driver in the frenzied coverage this trial received. This could be a very positive thing, though. Since husband on wife murder is, by far, the most common form of familial murder (Dawson and Langan), Rocha's book could shed light upon the problem, and the trial as a whole might just propel the courts and police to more actively seek out and punish the offenders.

Turning back to Laci, specifically, Beckett and Sasson's theories are key to understanding why the case became so publicized. As we saw earlier, Scott Peterson did not

necessarily fit the proverbial bill of who is characteristically picked up by the media, but Laci most certainly did. “In the news, when crime victims are depicted, they are typically white, female, and affluent. In fact, young men of color-especially those living in poor and urban areas-experience the highest rates of victimization, and white females report the lowest” (Beckett and Sasson). While Laci’s actual race is somewhat debatable, she, culturally, explicates a certain degree of “whiteness” and certainly is in keeping with a suburban, affluent woman. Your average viewer of television news would undoubtedly feel some sort of connection with her, as she is rather quotidian of a person. Despite the fact that spousal homicide is a relatively common crime this case was able to gain so much attention because of its victim, Laci Peterson.

In the next section I will turn to a very different kind of case, that of Jesse James Hollywood. In terms of the commission of the crime, Hollywood has little in common with Peterson, however, they both gained notoriety because of the innocence of their victims and the conscience-shocking nature of their crimes. In the conclusion, I will explore this connection as well as connections to Manson in far more depth.

### **iii. Jesse James Hollywood**

#### **a. Background**

Jesse James Hollywood was really your average kid. Or, at least, that’s how those who knew him prior to the murder of Nicholas Markowitz would describe him. “Hollywood is described by those who know him as a popular, athletic kid who loved baseball, not a drug kingpin who masterminded a murder” (Fox). Unfortunately, though, the latter half of that sentiment is what Jesse James Hollywood has morphed into by way of a stint as America’s Most Wanted fugitive.

Hollywood’s crime begins in 2000. Ben Markowitz, the victim’s half brother, owed

Hollywood \$1,200 in drug debt. When Ben Markowitz couldn't pay him, Hollywood decided to exact revenge. It is alleged that Nicholas Markowitz, Ben's brother, was kidnapped opportunistically. That is, after many months of feuding, with Ben Markowitz, Hollywood and accomplices spotted Nicholas walking down the street and kidnapped him. They brutally beat and tied him up before transporting him to Santa Barbara where the rest of them were going to party. Markowitz joined in on the partying, willingly staying with his captors for a span of a two days, obviously not realizing that he was in danger. Indeed, there was a chance he *wasn't* in danger for quite a while. That is, until Hollywood learned of the penalty kidnapping carried from his family lawyer. It is at this point that Hollywood started to make arrangements for Markowitz's murder. On August 8, 2000, members of Hollywood's drug gang took Markowitz to the mountains above Santa Barbara and shot him nine times in the head and torso. Hikers discovered his body a few days later. Many of the suspects were immediately apprehended, except for Hollywood who fled to Canada then Brazil, where he was a fugitive for five years. In this time he got married and had a child. In 2005, though, he was apprehended in Saquarema, Brazil then swiftly extradited to the United States where he stood trial and was convicted of first-degree murder and kidnapping. While he could have been given the death penalty for enhancements due to the weapons used, he was sentenced to life in prison. Today, he is serving his time in Calipatria State Prison.

#### **b. Media Coverage**

The coverage of Jesse James Hollywood is varied. When the actual crime occurred, it received some media attention in the localities of Los Angeles and Santa Barbara, where the victim and perpetrator were from and where the crime was committed, respectfully. However, it certainly was no circus. That is, no collective circus. By that, I mean that though the internet is

fraught with information regarding Hollywood from sources in California to New York to South America, it spans many years. From the missing persons report of Nicholas Markowitz to the discovery of the body, to the trials of the accomplices, to the manhunt for Hollywood, to the apprehension of Hollywood, to Hollywood's suing of Nick Cassavetes for his Hollywood's portrayal in *Alpha Dog*, to Hollywood's trial and sentencing, the case is incredibly expansive. Where we see Manson and Peterson as somewhat short, this case was more of a saga than anything else. Tracing, then, the media's involvement is very interesting, especially because it is decidedly scant. A lot of the coverage was either retrospective or heavily sensationalized. By way of that alone, this case provides a stimulating counterpoint to the other cases I explore in this paper. It shows the instrumental nature of the media in the apprehension of criminals. Without shows like *America's Most Wanted* and coverage within the news, Hollywood might very well still be in Brazil. In this section, I will look to the news media with a focus on the discovery of Nick Markowitz's body and the international manhunt for Jesse James Hollywood that culminated in his apprehension. The main focus for Hollywood, though, is in the form of *Alpha Dog*, the movie that details his crime and the lawsuit Hollywood brought against its creators that made it all the way to the California Supreme Court. I will also pay special attention to *America's Most Wanted's* coverage of the case, as it focuses on bringing the facts of the case to the public.

### ***News Media Coverage***

Locale is important in the Hollywood case. Unfortunately, perhaps due to my own bias as a resident of the City of Santa Barbara, I think I might have overestimated just how much national coverage the case received. While it was the main story on television for the formative part of my youth, this is likely due to the fact that my family tends to watch local Santa Barbara



news. However, this is still a very important observation. Given that jury pools are selected from the county in which the crime occurred and the Hollywood case was covered very heavily in the most important Santa Barbara outlets, it raises the question of a fair jury in the wake of pervasive media coverage. This, I will explore at length in the concluding section of this paper.

In terms of actual news coverage, as I said before, most was from Santa Barbara and Los Angeles. This is logical. Los Angeles is a media hub, and it sits only 88 miles from Santa Barbara. Additionally, the victim, Nicholas Markowitz, was a resident of West Hills, a community in Los Angeles. Geography might also explain why the rest of California and even the nation were less likely to cover the case, despite its brutality. Santa Barbara has one freeway that runs through the city. North, the next true city is San Jose--a four-hour drive. Additionally, the airport that serves the Santa Barbara region is small and plane tickets are astronomically expensive. So, while a brutal murder mere miles from where stars like Oprah and Rob Lowe live will make the news, it won't garner the kind of attention that Peterson, whose trial took place incredibly close to an international airport, did. This is not to say that there was no coverage. This case really was an *international* sensation, as apprehension took place in Brazil. In the following sections I'll be looking at the things the media capitalized upon, from Hollywood's name, to the international manhunt, to the trial and sentencing. Additionally, I will tie yet another theory of Beckett and Sasson's to this case, as it helps elucidate why this case is important in a media sense.

### ***What's in a Name?***

Jesse James is touted as one of the most famed outlaws in the Wild West. Hollywood is notoriously famed for being a mecca of cinema and popular culture. Therefore, when a man named Jesse James Hollywood commits an egregious crime, the media has quite a cultural

evocation for their headlines. True to form, the media delivers on this claim. Nearly every article begins with some mention of this connection. “The fugitive himself even sounds like he was created by a screenwriter: His name is “Jesse James Hollywood,” states Chris Hansen for NBC. Los Angeles Magazine, too: “The boy in the video is named Jesse James Hollywood. That is what his birth certificate says. He is close to 20 but could pass for 15. His hair is short and blond. His eyes are blue. He is nearly as small—five feet five, 140 pounds—as most of his friends were in junior high school” (Katz). These provide, perhaps the best example of how many an article regarding this case opens. It is a hook, a way to get people to continue reading. However, it also plants a certain bias and paints a certain picture.

Even if it is entirely implicit, there is a certain degree of bias in aligning the name of a suspected felon with one of the most notable and notorious criminals in history. After drawing that alignment, unless explicitly stated that this person is Jesse James’s antithesis, Hollywood is likely not going to escape the connection. There are other notable Jesse James’s, for instance the actor who Sandra Bullock is married to. However, Hollywood is not compared to him; only the criminal. This does not necessarily suggest that Hollywood, then, when tried in the very city where he has been so very hyped would not receive a fair trial, simply that it is important, perhaps, to be wary of media connections. As we will see in the next section, though, outlaw Jesse James and Jesse James Hollywood have a lot in common in terms of evasion skills.

### ***International Manhunt***

Part of why this case and subsequent trials might have received relatively less coverage than others is because the proverbial ringleader in the case was on the lamb for over five years before being apprehended in South America. Though a mainstay on the FBI’s Most Wanted List for the entirety of that time, Hollywood, with underpinnings of his outlaw name on display, was

quite skilled at evading authorities in three different nations: the United States, Canada, and Brazil, where he was eventually captured. At age 20, Jesse James Hollywood was “one of the youngest people to be pictured on the FBI’s website as a wanted fugitive” (Kasindorf). The media was utilized in a number of ways to try and locate Hollywood. From television shows to news stories to postings on the FBI website, the search was grand, but it was the Brazilians who finally apprehended Hollywood. Interestingly, of the three cases, this one received the most international real-time coverage. Analyzing the Brazilian news sources is relatively interesting as it indicates the global nature of our society.

Brazilian media capitalized on similar things to the American media, though they did tend to emphasize other aspects of the case that the American media was not quite as interested in, or perhaps not privy to. For the sake of clarity, I will paraphrase the quotes, since Google Translate’s functionality is not especially high, and direct quotes would be in somewhat garbled English. For the most part, the Brazilian media capitalized on Hollywood’s pregnant girlfriend, Marcia Reis. At the time of his capture, she was five months pregnant. The Brazilians adduced that he had, perhaps, orchestrated this in an effort to evade extradition if he was caught. Unfortunately for him, the Brazilian law that had allowed those with Brazilian born children to remain in the country had been overturned and as an illegal immigrant, Hollywood was subject to immediate deportation (Comunidade News). One news source cites Hollywood’s attempts in “*gringues*” to convince the arresting officers that he was actually Brazilian by showing them his Havaiana sandals and speaking to them in Portuguese (Veja). This is funny, and the reporting source recognizes this. For the most part, it seems the Brazilian sources were not especially pleased by Hollywood’s stint in their country. They definitely exposed his worst details to the public and even mocked him. In a later section, I will analyze how *America’s Most Wanted* was

utilized in an effort to apprehend Hollywood.

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### ***Trial***

More than nine years after the discovery of Nicholas Markowitz’s body, Jesse James Hollywood was put on trial for the boy’s murder. Due, in part, to *Alpha Dog*, this portion of the case received, perhaps, the most real-time media coverage. The witness list was long--Markowitz had come into contact with quite a few people during the time he was being held hostage. However, many media sources also highlight the normalcy of Hollywood. People who knew him did not see him as the person who could do this. Hollywood took the stand in his own defense. Media coverage of this was actually rather plentiful considering the actual shock of the crime was nine years cold.

As Hollywood was only 20 years old when he was charged with killing Nicholas Markowitz, the memories of his youth were still fresh in the minds of those who knew him. "He was a real popular kid," said Peter Gunny, 20, who grew up playing baseball with Hollywood and attended Pinecrest Elementary School with him in Woodland Hills. "Everyone knew him and wanted to be friends with him" (Fox) and, "He transferred to Calabasas High School as a junior and played baseball on the varsity squad, a strong team that won the league championship that year. He wasn't in the starting lineup, but the gritty infielder caught his coach's eye as a pinch-hitter. "He had an uncanny knack for getting on base," said coach Rick Nathanson" (Fox).

This, of course, was a point of interest for media sources. Baseball is such a quintessential symbol of quotidian American life that it stands in stark contrast to the decidedly horrific crime Hollywood committed. Indeed, this seems to be the aspect that draws the media to this facet of Hollywood's life. He went from being an All-American kid to buying a house and swanky cars at age 19. To put it simply: he went from the picture of boyhood to a drug dealer, fugitive, and murderer. He is the worst nightmare of a doting parent. If we turn to his trial, we see the nightmare take an even more insidious shape.

“On the witness stand for a little more than an hour, Hollywood, 29, was polite and well-spoken, answering "yes, sir" and "no, sir" as his attorney, James Blatt, elicited details of his life before the kidnapping and murder of a 15-year-old boy that sent four of his friends and acquaintances to prison” (Chawkins). In every account of the (public) trial, Hollywood is described very favorably; whether this is to juxtapose his demeanor and persona against his alleged crimes, or a simple chronicling of the scene is not necessarily provable, but something worth keeping in mind.

Perhaps, though, the most intriguing part of the coverage of this case stems from Natasha Vargas-Cooper's reporting. The reasons are twofold: on one hand, she reports for The Awl, a New York City based web magazine that touts itself as “believ[ing] that there is an audience of intelligent readers who are poorly served by being delivered those same stories in numbing repetition to the detriment of their reading diet. We believe that there is no topic unworthy of scrutiny, so long that it is approached from an intelligent angle, but that there are many topics worthy of scrutiny that lack coverage because of commercial factors” (The Awl). Their motto, quite seriously, is “Be Less Stupid.” Secondarily, Ms. Vargas-Cooper, the author of the chronicling of the trial was a childhood friend of Nicholas Markowitz's. In terms of trying to

parse out why certain cases enter into the celebrity spotlight, this fact seems to support a certain entropic conclusion. Even in the case of the sensationalism of criminal acts, it is about who you know. Vargas-Cooper is forthcoming with this information. In “Part Two” of her coverage of the Hollywood trial, she concedes: “Nick was lanky, awkward, and emotional. I remember giving him several tight hugs during our friendship while he would sob because he was distraught. Nick was handsome and funny but he never fit in, though he was eager to.” There is something to be said about this kind of reporting. On one hand, she presents us with a primary source of Markowitz and would have a certain fervor for covering a case which she is personally invested in. However, this is a quintessential conflict of interest. How can we expect an unbiased report from someone who was quite literally a very close friend of the victim? Put frankly, we don’t. We can, however, acknowledge this bias in reading it and try and glean a perspective of the trial anyway. Vargas-Cooper is very, *very* detailed in her reports of the trial. She uses direct quotes from witnesses. However, she also ventures into the world of sensationalist speculation. For instance, with regard to witness Casey Sheehan she cites the adage “never get a tattoo where a judge can see it” before moving on to his testimony. Immediately, this colors our thinking. Instead of just hearing his words, we see a stereotypical thug seated on the witness stand turning hostile. He was, though, removed as a witness at the behest of Judge Brian Hill. Overall, what Vargas-Cooper presents us with is very important. It is, in one sense, the most detailed chronicle of the proceedings of this case. It also, though, is colored by the bias of the author, something we need to take heed of when reading or watching coverage of cases.

Hollywood’s actual conviction is rather complex: “The jury found him guilty of the special circumstance allegation of being a principal in a murder committed in the course of a kidnapping and being involved in a crime in which an assault weapon or machine gun was used,



making him eligible for the death penalty” (Summers). He did not receive the death penalty at the time of sentencing though. In the discussion section, I’ll explore how locale and statements from the family of the victim had an effect on this, but for the time being, I simply wish to cover the media response to this verdict. Mostly, the media sought the reaction from those in the court room. This is in keeping with what I observed in terms of coverage from Peterson and Manson, as well. Public opinion seems to be a very important topic in terms of sentencing. Since jurors declined to comment and attorneys in the case made very public remarks, that leaves the media to the laypeople and families. Citing the testimony of Hollywood’s mother, the Los Angeles Times reported:

“In her testimony, Hollywood's mother, Laurie Haynes, described a happy home life that revolved largely around the family's passion for baseball. Her ex-husband Jack Hollywood was a Little League coach even before the couple had children. Later, friends and relatives would gather to watch Jesse, who was described as a "phenomenal" player. Off the field, Jesse would help out a sick aunt, dropping by with groceries -- an image at odds with the criminal mastermind portrayed by prosecutors” (Chawkins).

This nests itself in stark contrast to the macabre images Susan Markowitz shared with the press: “Asked for the story behind some family photos, she identified one as "my son's new home." It was Nicholas' headstone. "He died a month shy of his 16th birthday," she said, recalling the learner's permit on the refrigerator door. "Instead of a car, he got a coffin” (Chawkins). Both of these statements appeal to a certain emotional side of their readers. Focusing on these aspects humanizes everyone in the case and makes everything all the more *real*. That is, focusing on these aspects in light of the possibility of a death sentence is somewhat stark by contrast. In a later section, we’ll explore more concrete aspects of why a death penalty was not handed to Hollywood, despite the actual gunman on the case being sentenced to die.

Beckett and Sasson would attribute this sensationalization to Markowitz being an “ideal victim.” That is, the boy was “deemed by society to be either especially vulnerable or especially blameless” (Beckett and Sasson 74). In this case, he was both. Not only was Markowitz a young boy, he had no ties to organized crime in the way his brother did, and was quite literally picked up off the street and kidnapped. Indeed, this is a connecting factor in all three cases and will be further highlighted in the conclusion, but it seems especially relevant in this case, as Markowitz was simply so young and innocent.

### ***Alpha Dog***

Nick Cassavetes’s 2006, *Alpha Dog*, is a feature length movie first shown at the Sundance Film Festival. The movie is based on the murder of Nicholas Markowitz, and though the names of the characters are changed, their personalities are very closely aligned with those involved in the case. Indeed, so closely aligned, that Hollywood sued Cassavetes for his representation in the film, a fact we will explore more closely in the next section. This is not uncommon. It hearkens back to Durkheimian theory. Essentially, this crime was an utter affront to the collective conscience. What we see in these movies that represent criminals, by name or not, is the equivalent of a public lynching. The public has a bit of a perverse infatuation with the criminal. *Alpha Dog*’s popularity despite its graphic portrayal of drug use, underage sex, and murder, illustrates this. Analyzing the movie provides a rather interesting point of view into the case, since the glamorized world of cinema should really stand in stark contrast to the disturbing world of drug dealers and gang-like violence.

The film opens with a photo of a young boy. It is clearly some form of portrait. From there, it transitions to family videos of this boy doing boyhood things. This goes on for quite a while, whilst a version of “Somewhere Over the Rainbow” plays in the background. It is

melodramatic, but is broken by a man (who we learn is “Johnny Truelove’s”--Hollywood’s character--father). This man is in what seems to be a media interview, though given the accusatory nature of the interviewee it could easily be construed as a bit of an interrogation. Already, we have seen a veritable rainbow of media, and by the end we will circle all the way back to it--an interesting aspect of this film. The story truly begins hereafter. Rap music starts blasting and we hear the hoots and hollers that one would expect in a twenty-somethings home during a house party. After quite a few graphic scenes of sex, drugs, and partying, we get to the crux of the story. Ben Mazursky, a drugged out twenty-something, owes the villainous Johnny Truelove a hefty sum of money. He tries to get it from his family, but they refuse, citing that they are sick of bailing him out. Ben then acts out and trashes Truelove’s home, which leads to a declaration of vengeance from Truelove. In perhaps the single most tragic coincidence, as Truelove and his cronies drive to exact their revenge on Mazursky, they find his little brother, Zack, walking along the road.

In a split-second decision, Truelove and friends jump out and attack the boy, beating him and throwing him into the van. They drive off to Chuckie Mota’s. Mota is a drug-dealing friend of theirs. At his house they tie up Zack, but quickly untie him at the behest of Mota and other people in the house. It is here that we see a macabre production choice: each person who isn’t part of the core group of characters is listed as a numbered witness. That is, across the screen it will read something like “Chuckie Mota, Witness #4.” If we didn’t already know that something nefarious was going to take place within this film, this would be a colossal signaler. As the movie carries on, Zack is dragged from house to house where he parties along with his captors. At one point Frankie, the fictional representative of accomplice Jesse Rugge, poses to Zack a way of escaping. He tells him he’ll take him to a bus stop and let him go. Zack, though, wants to

“ride it out, see what happens” to protect his brother from Truelove’s wrath. This, of course, is quite literally Zack’s death knell.

The majority of the film focuses on the period of time that Truelove and company hold Zack captive. He develops friendships with most of them and even a romantic relationship with one of the women involved. There is a lot of partying and drug use, but it is rather lighthearted, and Zack seems to be genuinely enjoying himself. However, the somewhat lightheartedness is ephemeral. Truelove offers Frankie \$2500 to kill Zack after learning that kidnapping carries a life sentence. Frankie vehemently declines, so Truelove convinces someone else. Soon after, Zack is told he is going to be taken home. As they’re driving him “home,” he talks about how he has enjoyed his time with them and how he is excited to be going home, but hopes he can hang out with them more. He is especially fond of Frankie. Frankie is fond of him, too, which we see by his reluctance to take Zack to the mountaintop instead of home. Frankie even cries at one point trying to stop the eventual killer from harming Frankie. All the while we see Truelove’s father and lawyer trying to get Johnny to call the men and stop them. He does not do this, citing that his cronies are “pussies” and won’t actually go through with it. As Frankie is convincing Zack everything will be ok, one of the other men sprays Zack with bullets, instantly killing him.

The next scene is of Olivia Mazursky, Frankie’s mother, being interviewed, presumably for a television expose. She is hysterically crying, saying things like: “When my son died, I died” and that her son was killed for \$1200. This scene is very moving, but also very notable. She is having a very, very emotional moment with a camera pointed directly at her. As soon as she calms down a little bit, she tells the man behind the camera that “that’s all for the day, I think I am done for today.” This is indicative of the nature of media. On one hand, it can capture raw moments, but on the other, it can be trying to be in the spotlight. While her story is disseminated

because of the media and her struggle can be relatable for others who have incurred massive tragedy, the faceless nature of the camera is a strange juxtaposition to the true emotion. After the interview with Olivia, we move to other witness interviews. All admit to having seen the boy and been around him. They cite him as seeming to want to be there and not sensing any sort of danger. Most of the interviews are not especially emotional. They are more interrogative. It's an interesting turn from the heartfelt interview with Olivia, and presents the different angles of a crime and how the media responds to them. The movie closes with Truelove walking down the street in a foreign country, decked out in lavish clothing. Then, each man's photo is displayed with his conviction and sentence. Interestingly, the producers chose to keep the fictional names of the characters, but used the actual sentences from their non-fictional counterparts. This blends fact and fiction in an interesting way, allowing us, at once to see a true collision of fact and fiction. In terms of the facts presented in trial, this film is basically a biography of the crime, something that was contentious enough for Jesse James Hollywood to sue Nick Cassavetes.

### ***Suing for "Unfair" Representation***

In this case, an inversion took place. Rather than the media circus delaying the trial like in the Peterson case, the legal system delayed the media circus. Jesse James Hollywood sued director Nick Cassavetes over his representation in the film. Additionally, the suit sought to block the release of the film until after the trial. However, all of this is important to contextualize. The film was slated for release in April of 2005 and had already been shown at the Sundance Film Festival. Coincidentally, though, Hollywood was apprehended in Brazil in March of 2005 and put in jail with capital charges against him. This meant a rewrite of the close of the movie was in order. After wrapping that up, Cassavetes received word of the lawsuit against him. James Blatt, Hollywood's attorney, alleged: "I've seen the movie and it depicts Mr. Hollywood in

an extremely negative light" (Associated Press). The crux of this lawsuit is a weighing of First Amendment freedoms against Sixth Amendment right to a fair trial.

One of the allegations was a tainted jury pool stemming from the very public nature of the film. "Names are changed, but they advertised it as a true story and everyone's going to know it's the Jesse James Hollywood story," [Hollywood's Defense Attorney] Blatt says in an interview. To this claim, Santa Barbara Deputy District Attorney "Zonen says few prospective jurors are likely to see the youth-oriented *Alpha Dog*. "There's a heavy dosage of rap music and drugs and booze and yelling and swearing," he says. "It's not the kind of movie the 40-plus are going to flock to. And anyone who has seen this movie will simply be excused — all three of them" (Kasindorf). Here we see an interestingly simplified take on the problem of a tainted jury as well as generational appeals of the media. From my own perspective, *Alpha Dog* is not especially suitable for "youth." Perhaps for people in their 20s to 30s, but certainly not for anyone under that age. Though Santa Barbara has a relatively aged population, there are still plenty of people within age range to watch this movie, and even if they didn't see the full film, the previews and commercials are largely indicative of its content. In this case, the California Supreme Court ruled with Zonen, but the case that was made for moving it from the city was certainly not unfounded considering that even Brazilian sources cited the film in their coverage of the apprehension of Hollywood.

Perhaps the strangest part of this case is the fact that the prosecution provided Cassavetes with the case files--fraught with photos, interview information, and police reports, among other things of extreme import to the case (Vineyard). Indeed, one of the grievances filed in Hollywood's civil case petitioned the California Supreme Court to remove the Santa Barbara County district attorney's office from the case for "unprecedented misconduct" in giving non-

public case files to filmmaker Nick Cassavetes” (Kasindorf). If we consider this in relation to Manson and Peterson, we see an interesting strategy develop. Much in the same way Peterson’s attorneys sought to move the case out of Stanislaus County, Hollywood’s attorneys seem to, with this case, desire a change of venue. Logically speaking, Santa Barbara County has a small population and a story as notable as this would be almost impossible to avoid. Taking the case out of the hands of Santa Barbara could have been helpful for the Hollywood defense, though, in all reality, the evidence against him was overwhelming. Needless to say, this is a case to note for future feature films, as the prosecution, per the California Supreme Court, was wrong in handing over private case files to the production team.

Circling back to the question of First Amendment versus Sixth Amendment, we see all the courts in this case rule overwhelmingly in favor of the defense--Cassavetes. *Alpha Dog*, though delayed by the proceedings, was released before Hollywood was sentenced, and the change of venue was not granted. This case sets an interesting precedent based on the rulings: even in contentious, controversial, and possibly legally damaging situations, the media retains its freedom to represent cases as they see fit and disseminate them to as wide an audience as they please.

### **c. Comparable Case**

The much less celebrated, but certainly just as heinous case, dubbed the “Isla Vista Massacre” was committed in the same locale by a man of similar age and race. The 18-year-old UC Santa Barbara student, David Attias, in a decidedly terrifying case, plowed his car into five pedestrians, killing four, before exiting his vehicle and shouting, “I am the Angel of Death” (Murderpedia). Obviously, this is a heinous, cold-blooded act, and both the lack of coverage and verdict in this case are somewhat stunning.

Local, Santa Barbara sources picked up the news, but save for the *Los Angeles Times*, it was not widely spread elsewhere. This, I would like to assert, has to do with the fact that Attias was deemed insane at trial. The media coverage took an interesting turn once this fact was made apparent. Where the moniker “Angel of Death” was first placed upon Attias, once it was revealed that he could not be culpable for his actions, the media tended to focus more on Attias’s mental problems before letting his story slip from media attention. That is, the case pushed the spotlight on university policies regarding mental health, but focused little on the actual crime, likely because of Attias’s family’s admission that “Attias’ father testified that he took measures to ensure that no “paper trail” would exist of diagnoses from doctors who said his son had attention deficit disorder, obsessive-compulsive disorder and that he could be bipolar” (Associated Press). Essentially, despite his heinous act, the media moved away from direct coverage, as Attias’s mental health made the case more difficult to report in the sense that he could not be held entirely accountable for his actions.

This shift in media coverage because of his mental instability is somewhat surprising, but also makes a lot of sense. When acting in the interest of reporting to deter other possible criminals from doing the same thing, it is hard to report on someone whose mental capacity is less than stable. Additionally, it is not especially entertaining to demonize someone who was not entirely in control of himself at the time the crime was committed. With Hollywood, we see a very calculating individual who orchestrated Markowitz’s murder. With Attias, we see someone with a plethora of issues. Yes, he killed four people, but he also legally is not culpable. This case could, though, have provided a really strong backdrop for people to be educated on mental health issues and the ramifications of not treating said problems. Instead, though, it just seems the news media dropped the case in the interest of privacy for Attias, his family, and his victims. In a



Durkheimian sense, this was more in keeping with a collective conscience. We cannot rightfully condemn a man for something he was not sane enough to realize was wrong.

***i. Death Penalty Redux: Gunman or Figurehead***

The case of Jesse James Hollywood is interesting in that Hollywood was the notable figure in the murder, but, like Manson, was not even present when the actual crime occurred. Still, as I wrote before, due to the special circumstance allegation of being a principal in a murder committed in the course of a kidnapping and being involved in a crime in which an assault weapon or machine gun was used, Hollywood was eligible for the death penalty. In this discussion I will briefly touch on the stark contrast to the Manson situation, then move to Ryan Hoyt, the actual gunman in this case who received the death penalty, before closing with the mitigating circumstances that might have spared Hollywood from death.

Charles Manson was convicted of first-degree murder and conspiracy to commit murder. From this, he was given the death penalty. Clean, simple, and clear-cut, was Manson's trial and sentence. Hollywood, however, was convicted of a much more convoluted sentence fraught with enhancements that elevated him to eligibility for the death penalty. Since he was not physically at the scene of the crime, didn't use an explosive, and was indisputably not the one who pulled the trigger on Markowitz, he could not, in the state of California, have been convicted of first-degree murder. This is a very important development over time in terms of California law. We see sanctions from *Furman* and the later case of *Gregg v. Georgia*, in addition to other cases, add substantive limitations on convictions and sentences. While, in many ways, this has added a layer of convolution, as a corollary, it adds a level of protection against wrongful conviction. In death penalty cases, this need is especially paramount, as a deprivation of life, of course, impinges upon our natural rights as Americans.

While Jesse James Hollywood received quite a bit of media attention and no death penalty, accomplice, Ryan Hoyt who was the actual gunman was convicted and sentenced to die. These facts are odd-- this case is the 'Hollywood Case' in the eyes of the media, yet the person who committed the crime and was dealt the heaviest sentence, is little more than a specter within the media. Criminologically speaking, it makes sense that the media would want to pick up Hoyt's case, as it could be a powerful deterrent against involvement with the wrong types of people. However, the media didn't take this angle. Instead, they focused on the charismatic ringleader. This is in keeping with Manson. The media seems to have a perverse infatuation less with the actual commission of the crime and more with the circumstances leading up to it. Even in *Alpha Dog*, the movie is almost entirely about the circumstances leading up the murder. Only a very small portion of the movie focuses on the actual murder and its aftermath. In terms of my views on the matter, the reason why the media focuses so much on a ringleader or circumstances as opposed to what would colloquially be referred to as the "nitty-gritty" is narrative based. Ryan Hoyt's story is boringly simple. He owed Hollywood \$1200 and was willing to kill a 15-year-old for it. It is undeniably chilling, but it certainly is not the story of a criminal mastermind who was able to evade capture for five years.

Circling back to the legal side of things, there are a number of reasons why Hollywood did not receive the death penalty. It is imperative, first, to remember that there was quite a span of time between Hoyt's conviction and sentence and Hollywood's. Hollywood, too, was the last in a long string of men charged in this case that was brought to trial. I do not wish to imply that this mitigated any feelings of anger from the family of Nicholas Markowitz or assuaged any sort of public outrage in response to the murder, simply that within those nine years, a shift away from Capital Punishment took place within the state. Indeed, the 2006 execution of Clarence Ray

Allen put a moratorium on executions in the state of California. Since Hollywood's trial took place in 2009, a clear three years after the state's last execution, the imperative against sentencing him to die was there. The imperative being the fact that he likely would not be executed in the near future. Again, since this moratorium was put in place, other people have been sentenced to die, so it isn't necessarily a deterrent against death penalty sentencing, just something that could have been a factor in the minds of the judge and jury. Hand in hand with this is the political climate surrounding the death penalty. Proposition 34 in 2012 sought to abolish the death penalty in the state of California. This is an important development. In the wake of the 1972 *Furman v. Georgia* decision, we saw outrage over the commutation of sentences for Manson and others, but in 2012, a mere forty years later, a thorough abolishment of the death penalty in the state was only narrowly defeated. Hollywood's time in Brazil might very well have spared him a death sentence, as popular opinion moved away from capital punishment quite a bit between 2000 and 2009.

Perhaps most interestingly, were Nicholas Markowitz's parents' opinions on the matter. "Jeff and Susan Markowitz, the slain boy's parents, expressed no regret over the sentence of life without parole rather than death by lethal injection. "Another son's dying isn't going to bring Nick back," Jeff Markowitz said" (Chawkins). This was one of the first things the family was actually able to say to the press, as Judge Brian Hill had put a gag order on them to this point. In another interview, Susan Markowitz says, "As a mother, I would not be thrilled or relieved that [Jesse James Hollywood] received the death penalty" (Silverstein). While neither of these statements is indicative of a solid stance against the death penalty, it is rather interesting to hear the parents talk this way in a case where another *did* receive the death penalty. There is not really an explanation of this anomaly--it simply is what it is.

## *ii. Fugitives and America's Most Wanted*

Though intended to be a resource for raising awareness in the effort to find fugitives, America's Most Wanted is also a show intended for entertainment. As the Museum of Broadcast Communications puts it:

Relying upon a structure similar to that used by television newsmagazines--which move back and forth from promotional trailer to anchor to report--each episode of America's Most Wanted is divided into a number of segments which retell and reenact a particular crime. Beginning with an up-date on how many viewers' tips have thus far led to the capture of fugitives featured on the show, the program then moves to the host or "anchor," who introduces the program and the first story segment. Using both actors and live footage of the "real people" involved, these story segments are highly dramatized, making liberal use of quick edits, rock music underscoring, sophisticated camera effects and voice-overs. In addition to supplying a narrative function, the voice-overs also include actual testimony of the event from police, victims and the criminals involved, thus emphasizing and appealing to the subjective (Seaton).

Essentially, the show is info-tainment. While it broadcasts the facts, it is liberal in its use of techniques to liven up the show. This makes sense. People want to be entertained, and the producers of the show want to apprehend criminals. If they, perhaps, make the true story a bit more interesting and action-filled, the likelihood of the general public remembering it and helping in the capture of these criminals is far higher. In a 2005 study on the effects of *America's Most Wanted*, Thomas Booth asserted, "The estimates show that *America's Most Wanted* raises the hazard rate of apprehension and shortens the expected duration of fugitive flights" (Booth). This is echoed in an article published by *Time* after *America's Most Wanted* revealed it was going off the air:

"This is a big hit for us. The show is invaluable," says Geoff Shank, assistant director of investigative operations for the U.S. Marshals Service. "We have arrested so many heinous people and we've saved so many lives because of America's Most Wanted." Kevin Perkins, assistant director of the FBI's criminal-investigations division, echoes the sentiment. "I personally hate to see it go," Perkins tells TIME. "We had 17 of our most

wanted fugitives captured because of them and over 550 different cases solved as a result of tips" (Martin).

Obviously, this usage of the media is extremely helpful. In an instant, millions can be watching television coverage of a criminal that needs to be apprehended, and as these articles elucidate, viewers act upon it. While, in the Hollywood case, *America's Most Wanted* is not cited as the lynchpin for the apprehension of Hollywood, it certainly did not hurt. Even Brazilian sources cite that he was on the program. This could help account for the statement by the Markowitz family:

"There are an awful lot of families out there who haven't had the success we had," said Jeffery Markowitz, the victim's father, with his arm around his wife. "Some of the media attention was a little biased we felt, at times," he said, but he also thanked the media for their attention and support" (Silverstein).

In terms of speedy apprehension of criminals, the media is actually incredibly important and can be a real driver behind attaining justice for the victims of crime.

## **VI. Synthesis and Limitations**

In drawing conclusions specific to the cases, it is important, first, to remember my original questions: *How does the media highlight the proceedings of a California murder case? How does a case metamorphose as it is translated from the original case through the national and international news media to the fictional world of television and cinema? Are there similarities between the cases that might explain why they have been chosen from the plethora of murder cases in California? What societal effects do these celebrated cases have?* While my evidence and analysis of each case should have answered the majority of these questions, I would still like to synthesize across the three, as, in tandem, the three cases are far more compellingly similar than they are apart. I will, first, look at the claims made by Beckett and Sasson. Some of these claims, I believe, are strongly supported by my evidence, while others I would like to dispute. While Beckett and Sasson have acted as a unifying aspect throughout my project, it is important

to look at other factors that tie these three cases to the larger theme of media celebrity, and how this affects the legal system. These factors I have gleaned from the research and writing of this paper, and really underscore just how prevalent the media is within the realm of the legal system.

Beckett and Sasson's main conclusion lies in the increased media attention toward crime, in turn, sparks an upsurge in punitive attitudes from the general public. Put plainly, more visible crime in the media promotes harsher sentences. While this might be true in a larger sense, my cases muddle this position, somewhat. That is, while two of the three figureheads received the death penalty, their accomplices were convicted of lower charges and Jesse James Hollywood was not sentenced to die. Hollywood, in particular, presents an interesting counterpoint to their theory. I suggest that this is attributable to evolving standards of decency and a recent move away from punitivity in the state of California. Beginning with Manson, media certainly created hype around his case. However, his death sentence is more attributable to his heinous crimes and maniacal presentation than media coverage. It would be somewhat of a gross over-simplification to blame the media for Manson's death sentence. It also would not be especially resonant, since his sentence was commuted a year later. Should the media have been that strong of a driver, *Furman's* decision likely would not have been. By that I mean, in keeping with Surette's view of social constructionism, the values of society are propagated through the media, and the Supreme Court, as unbiased as they are to be, are still human and still would know the political climate of the country. Myriad cases before *Plessy*, *Dred Scott*, *Korematsu* all were more reflective of societal views than unbiased legal decisions. At the same time, though, Manson, undeniably forced the state into a period of punitivity. Whether this was also prompted as a pushback to the *Furman* decision is hard to conclusively decide, but there is no doubt that the culture of fear and end of the era of peace and love was a product of the Manson murders. Scott Peterson sits in

staunch support of Beckett and Sasson's conclusion. Without a doubt, the fervor spurred by the media launched the general public into frenzied calls for Peterson to receive the harshest possible sentence. Again, his crime supported his sentence, so the media did not necessarily overstep any bounds, but since spousal homicide is, unfortunately, rather commonplace and does not always result in as harsh a sentence, the media coverage certainly did not hurt.

Jesse James Hollywood is, perhaps, the most interesting case to read in juxtaposition to Beckett and Sasson's assertions. Rather complicatedly, though Ryan Hoyt received the death penalty for killing Nicholas Markowitz, Hollywood did not. In addition, the rest of the accomplices in the case were dealt a number of varied sentences. Since then, some have even been paroled. I suggest this is because of a move away from punitivity in California in the latter half of the first decade of the new millennium. Those that received harsher sentences did so in the years between 2000 and 2005. Hollywood, tried in 2009, was able to evade that harsh of a sentence (proportionally speaking; he was still dealt life in prison). We are seeing an evolution away from Beckett and Sasson. Indeed, high profile cases outside the state of California, like Casey Anthony and George Zimmerman both show somewhat of a trending away from punitivity. In those cases, the defendants were exonerated. Jodi Arias, too, where a mistrial was declared in the penalty phase, seem to indicate a stricter scrutiny in highly publicized cases. This is somewhat of an alarming trend. Though it is a cornerstone of our legal system to be innocent until proven guilty, there is a certain degree of comfort in knowing that those who have carried out heinous crimes will be convicted. This turn away from punitivity and toward sensationalism actually exonerating the accused seems like an over-compensation. Back to Hollywood, though, we see the political situation within California as a driver for a lighter sentence. While he was still convicted, a decline in sentiments toward capital punishment seem to indicate that we have

progressed into a new era where Beckett and Sasson's conclusions might not hold as much credence.

Another, more minor objection to Beckett and Sasson that I have based on my research stems from the fact that the media tends to draw on cases where the defendant has a certain shadow of guilt cast over him or her. Manson was clearly guilty. Peterson was slightly less guilty. Hollywood was guilty enough to flee the country. Perhaps the correlation between punitive attitudes of the general public and media's highlighting of cases stems from the fact that the cases highlighted are the most egregious and beg the absolute harshest sentence for their obviously-guilty offender.

Before continuing to the conclusions drawn independent of Beckett and Sasson's framework, I think it is important to address limitations of my project. First and foremost, the incredible breadth of data, that is, movies, articles, books, interviews, etc. could, quite literally, constitute the reading for a project of a much larger scale. While, given the topic of my project, I intended to have quite a lot of information through which to sift, I would never have expected it to be so expansive. Stemming from this is the problem of bias from purposive sampling. I chose the cases as sensationalized, meaning that I had to know about them. This we see as somewhat of a problem in the Jesse James Hollywood case. I am from Santa Barbara. It was the biggest news on television there for years, but, as I found out from this project. That was not necessarily so in the rest of the nation or even the state. It received more attention than most cases, but it certainly was not on the same celebrity level as Peterson or Manson. Still, it would fit satisfactorily into Walker's *Wedding Cake*. Another limitation is the sample size of cases. While I would have rather done twenty different offenders of all different races and genders across various states in order to be able to make concrete data-supported conclusions, that task would have been



structurally impossible. While this hampers my ability to make conclusive statements as to the nature of the media and its effect on the proceedings of a legal case, I really do believe that the information I gleaned was fruitful and begs further research. In hindsight, I almost wish I had chosen to study the media's effect on only *one* of these cases, as the surrounding political and social climates were so abundantly interesting. I think the best example of this is the Unborn Victims of Violence Act. That has socio-legal ramifications far outside the realm of my project that, had I focused on Peterson, alone, might have yielded quite an interesting study. Overall, while these are, admittedly, somewhat severe limitations in terms of my ability to be able to make conclusions, I feel that where my project is especially notable is in its ability to provide a broad survey of the many-pronged effects of media upon the law. Even if I, due to these limitations, am not necessarily able to make conclusive statements, I do not think it discounts any of my findings. I only wish I could have an extra year or five to truly flesh out all of the policy ramifications stemming from the celebration of murder victims and their killers.

Moving forward, we see a string of different themes that appear in two or more of these cases. Many of these, I have touched on specific to one offender, but it is important to synthesize all three. Importantly, I do not want to suggest that these are the only things that bind these cases together and propel them to media celebrity. However, these do seem to be the major traits that, in some way or another, force celebrity cases to the tip of the Wedding Cake. It is especially notable to think of each aspect across time. Since Manson far precedes the two contemporary cases, the evolution of each of these characteristics in their treatment by the media is rather intriguing. Here I look to provide a very brief summary of how the particular aspect connects across the three cases.

*a. Family*

Family is important to the media because they provide the closest link to the victim and the offender. In each case we see two separate phenomena take place surrounding the families: that of the media speculating and interviewing them, and that of the family, in the aftermath of the trial, for lack of a better word, exploiting their new found fame. Manson is slightly divergent from these points, as he was in and out of foster care because of neglect from his family. Still, though, interviewers all ask about his family life and try, almost perversely, to cite it as the root of his evil. An argument could be made that the most chilling aspect of Manson's case is the family he amalgamated and then directed to kill for him. Though not a traditional family in that they all were blood related, they certainly were loyal to one another like a family. Peterson's case, perhaps, highlights how the family becomes embroiled in the case most poignantly. Both families were united in the search, but once the trial happened, a certain schism took place. Whether the media propelled this or if it was the fact that one family's son killed the other family's wife is up to speculation. What is not up to speculation, though, was what Sharon Rocha, Laci's mother, in particular, did in the aftermath. While not necessarily a bad thing, she wrote a book about the crime and became an advocate leading, as we saw, to the passage of the Unborn Victims of Violence Act. On one hand, this is fantastic. We have a figurehead who outspokenly advocates against spousal homicide and even actively pushes legislation through. On the other hand, Sharon Rocha, prior to the murder of her daughter, had no experience in this field, meaning that her legislation could pose dangerous challenges to existing laws. Susan Markowitz, too, wrote *My Stolen Son*, a novel on her saga. While the judge in Santa Barbara did not allow them to make comments during the trial, Markowitz was very candid after, and definitely became a driver in why the case's late stages and aftermath seemed to be slightly more media-heavy than its beginnings.

In terms of cases receiving publicity, family is undeniably important. Even Manson's pseudo-family acted as quite a headline grabber. Family, in my opinion, acts as a driver in sensationalism because they are innocent and they are victims. Whether family of the offender or the victim, their lives have changed forever. Additionally, they are like you and I. Who knows when your son, daughter, niece, father, mother could do the same thing? There is a certain degree of fear mongering in this. These normal people's lives have been flipped upside down. As a corollary, though, based on, specifically, the case of Evelyn Hernandez, family can be extremely important in garnering the media in the first place. Evelyn Hernandez had no one like Laci's family to give her name to the press and launch a manhunt that gripped the nation. She quietly disappeared and was quietly discovered. This is how the vast majority of cases pan out if family does not intervene and propagate the information.

*b. Fair Trial*

Unsurprisingly, each one of these cases saw complaints from the defendant about the pervasive nature of the media. From Manson's explicit assertions that his trial was unfair because he was condemned by the media, to the change of venue sought and granted in the Peterson case, all the way to the lawsuit filed against the directors of *Alpha Dog* and the Santa Barbara District Attorney's Office for portrayals of Jesse James Hollywood, defendants tend not to be as rapt with media attention as the general public is.

This aspect of celebrity cases is, perhaps, the most important, as it has a tangible effect on procedure. A central tenet to our legal system is every defendant's right to a fair trial and right to be innocent until proven guilty. A biased trial and/or trial by media would breach both of those things. In my analysis, we did not see this happen, but if the media continues on its current trend toward heavy coverage of certain cases, this could be an issue. In tandem with that, we see an

interesting economic phenomenon develop. Celebrity trials generate revenue for their hosts. How this will continue playing out in the future is going to be very interesting, as trials generally are not meant for entertainment, but instead, justice. Fortunately, our legal system, with its ability to change venues, does try to remedy potential problems, but whether this remedy will hold in an increasingly globalized and technologically connected world, remains to be seen.

*c. Victim*

Perhaps more than anything else, the victim of the crime dictates the level of media attention. In all three of these cases, we saw media darlings as victims. Beginning with Manson, he literally murdered a celebrity, which, of course, would explain why the media would be interested. Manson murdered others, as well, which could also help explain why he received attention. Since I have no serial killers to compare him to within my study that assertion is pure speculation. Moving to the contemporary cases, Laci Peterson was the picture-perfect celebrated victim. She was a sister, a wife, a daughter that nearly every American could imagine. She was nine months pregnant with a baby boy and was living the suburban American dream. She was beautiful and could easily be plastered across the news. In Nicholas Markowitz's case, he was a sweet, naïve fifteen year old. He was loved by his family and friends and had hardly, according to them, a bad bone in his body. All three of these victims are rather white and middle to upper class. Laci Peterson would be the only one who really diverges from this, interestingly, as she was, technically, multiracial. However, she certainly appeared what we might call very conventionally 'white'.

Since my sample size was very small, we should not rush to condemn the media as racist and classist, but instead consider the implications of this. Whether or not we wish to admit it, we live in a race-conscious society. Though great strides have been made, particularly since the time

of Manson, we still have implicit bias in many ways. Unfortunately, too, numerous statistics and precedent cases support higher conviction rates for non-white offenders and lower successful prosecution rates for non-white victims. This is a finding I expected. Even looking at the comparison case of Evelyn Hernandez, we see no Laci Peterson. We see a very obviously non-white, immigrant, single-mother struggling to maintain a living who is murdered in cold blood. Laci Peterson is plastered across televisions for years, yet this woman gets a day-long mention. Unfortunately, we really do have to be aware of the racial underpinnings of the media and remember that those in the media spotlight are of a very small percentage. They certainly do not reflect our diverse society.

*d. Locale*

With respect to these three cases, locale is interestingly inconclusive. Charles Manson, atop killing a celebrity in an extremely brutal fashion, committed all of his crimes in Los Angeles. Since Los Angeles is lauded as one of the biggest media markets in the country, if not the world, it is unsurprising that, even in an era before the internet, that information would disseminate very quickly and in large amounts. The very wealthy Santa Barbara region that sits only 88 miles north of Los Angeles drew very little attention from national sources (save for the *Los Angeles Times*, which likely covered the story because Hollywood and Markowitz were Los Angeles residents), until Hollywood became a fugitive. This is, perhaps, one of the most inexplicable things in my study. Essentially, the gang of young people convicted of numerous felonies received almost no attention in their trials. Even the individual given the death penalty in this case, Ryan Hoyt, was hardly even mentioned. Hollywood was the figurehead and therefore only his actions were publicized. Lastly, the Peterson case received an unprecedented amount of attention from the outset even though it began in Modesto. While Modesto does sit on Interstate

5, California's main artery, it is decidedly far from Los Angeles or San Francisco. Still, though, from the first day of Laci's disappearance, the national news was covering it.

Even with the sampling limitations in mind, I think I can assert that locale has very little effect on a case's celebrity status. In this day and age, if a compelling case happens, the media machine has enough money to pick it up, no matter if it is close by or not. Indeed, locale is important to the trial because of surrounding politics, as the more "tough-on-crime" areas will dole out more robust punishments, but it does not seem to be the lynchpin in the sensationization of a case.

*e. Cultural Relevance*

Each of these cases preys upon a certain culturally relevant thing we think we know and morphs it into something entirely different and terrifying. Manson is the most deliberate in this. "Helter Skelter" was a popular song by the Beatles, but soon, it became the rally cry for his race war. Jesse James Hollywood took a group of middle class boys and turned them into marijuana smoking thugs. In tandem with that, he, a low-level marijuana dealer, essentially ensconced himself in violence equivalent to that of a far higher-level criminal selling much more harmful recreational drugs. That is, he made marijuana, a de-criminalized drug often used medicinally, into the fuel for his crime. Peterson, perhaps most frighteningly, takes the image of doting, loving husband and mutates it into cold-blooded, heartless murderer. There were no warning signs of his crime. He had a mistress, but that is not terribly uncommon, and certainly not a viable explanation for murder. He had everything to live for, he was the American dream, but he murdered that dream in the same way he did his wife.

These things grab viewers and readers, as they are relatable. The Beatles were an extremely popular band. Children are supposed to be naïve and full of love. Husbands are

supposed to dote on their wives. Yet, in all these cases, things were turned upside down. In a Durkheimian sense, this is an affront to the common conscience. Pop culture and socially constructed roles, increasingly, have become subsets of values that we hold dear. When they are made strange and unrecognizable, we feel a certain sense of anger. This would help explain some of the sensationalism, as the cases have already made themselves interesting by utterly rejecting social norms or referencing popular culture as a justification for starting a race war.

*f. Self-Reflectiveness of the Media*

Rather surprisingly, the media seems to be rather aware of its influence. Most astoundingly, though, is that this self-reflectiveness comes through most clearly in the fictional portrayals. In Manson's case, we see *The Manson Family* movie utilizing a pseudo-interview and interrogation structure. When they finally are apprehended, too, we see the media presence. In Peterson's case, information dissemination relies upon the media in *The Perfect Husband*. Quite literally, every time the television is shown in the movie, it is to propel the plot or give us developments in the case. In addition, the media presence at the apprehension of Peterson is very heavy and blocks the way into the jail. *Alpha Dog* is similar to *The Manson Family* in that it features many of the characters in an interview scenario. In addition, in the cases the media cites its own presence. That is, particularly in the Peterson case, articles published within the newspaper or online are actually critical of the heavy coverage the case received: a decidedly paradoxical stance. This is important in that the media is unequivocally a driver within the case, and they know it. Transitioning to normative conclusions, we see how this actually takes shape and why it is both a positive and negative.

## **VII. Conclusions**

Normatively speaking, the media ought to be careful. While this might be a gross oversimplification, it seems the most fitting way to wrap up all that I have said on this topic. While the First Amendment's guarantee of Freedom of the Press acts as a safeguard for the media, it needs to be wary of the fact that pressing this freedom *too* far could lead to the narrowing of its power. That is, while there is little regulation on media coverage of criminal cases, there is no saying that the courts will not tighten up regulations if the pervasiveness of the media impinges upon the due process of those charged with crimes. The courts, actually, have had to respond to increasing media hype in ways like the sequestering of juries to prevent them from even accidentally being colored by the media's "spin". Along with that, as I explored earlier, tainted jury pools are a legitimate issue in celebrity cases. The media also treads the line of condemning someone who, legally speaking, is still innocent before he gets his fair trial.

Of course, in order for my normative statement to make sense, there has to be a converse to all of these statements. Indeed, in myriad ways, the media is incredibly useful. For apprehension, there is no better tool than dissemination of information through the media. Programs like the now-defunct *America's Most Wanted* and even your generic news channels put out information at a stunning rate. The speeding of the process helps the ability of the police to find important evidence like the victims body (in Laci Peterson's case). Additionally, in a slightly more theoretical vein, widespread media coverage of trials could actually be a deterrent. Like the scaffold was years ago, the public trial and shame associated with being a heinous murderer could lead future murderers to heed the advice of Sharon Rocha and "just get a divorce." This is slightly paradoxical, though, given the fact that celebrity cases are of a miniscule percentage. In addition to this, the media's focus on crime and law has added to efficacy within the courtroom. People are somewhat enchanted by proceedings, even though they



are often banal. This is a good thing. Getting people involved civically is a cornerstone of American politics, and if it takes serious glamorization, so be it. Overall, I am not necessarily in a place to decisively state whether the pros of the media's sensationalization of certain murder cases outweigh the cons. However, I can say that moving forward, we will likely see this issue taken up by both parties—the courts and the media. If the growth from the Manson-era to the Peterson case is any indicator, the Mass Media Machine is not slowing down any time soon. Its interplay with the legal system, then, should only get more interesting as we venture further into the technological era.

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