



# Right to a fair trial: could hard news reports influence jurors?

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## ABSTRACT

The “trial by media” phenomenon that describes the media frenzy accompanying a high-profile court case, and that may be at odds with a defendant’s right to a fair trial by an impartial jury, has been widely researched. The aim of this project is consequently to investigate whether jurors could be influenced by their readings of the media in trials receiving less media attention. Using the systemic functional linguistics framework, this study uses a murder trial held in Sydney, Australia, and contrasts the crime story, as described in the court’s Decision, with an article published in the Daily Telegraph at the time of the offender’s arrest. The aim is to explore whether the jurors who were appointed to this trial could have been affected by their reading of the article. The findings highlight the ways in which the news report is made persuasive through a range of features, such as its ideational structure, rhetorical organisation, use of circumstantial details, transitivity and agency patterns, as well as the ways in which the journalists seek to involve their readership through their use of attitudinal meanings and engagement, as well as their differentiated use of the crime participants’ names.

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## 1. Introduction

In 2012, I was summoned as a jury member for a criminal trial held at the Supreme Court of New South Wales in Sydney, Australia. On the first day of the hearing, the judge insisted that the jurors’ assessment of the case be based solely upon what they hear and see in the courtroom. He also said that it was a serious criminal offence for a member of the jury to make any inquiry for the purpose of obtaining any information about the accused or any witness or any other matter relevant to the trial during the whole duration of the trial. The judge stipulated that members of the jury should keep away from the internet and other communication sources that may pass comment on the issues in the trial, and should avoid any communication that may expose them to other people’s opinions of anything to do with the case. This is because jurors are required to be impartial, that is, to give a verdict that is determined solely by reference to the evidence that is presented in the

court by the prosecution or the defence, and not to be swayed by outside influences. Although the jury was discharged the following day, this raised my interest as a linguist, and I later searched the internet for information, such as hard news reports, that could have influenced the jurors, with a view to contrasting their use of language with the language of the judge, as shown in his Decision about the case.

The “trial by media” phenomenon describes the “media onslaught associated with a high-profile proceeding” (Sellers 2008, 181), a process that may conflict with defendants’ rights to a fair trial by an unbiased jury. Media coverage can indeed prejudice trials, as an equilibrium has yet to be reached between the maintenance of unrestricted speech and a free press on the one hand, and fair trial rights on the other hand. Indeed, biases that have been shaped by the media during trials and/or pre-trials may influence jurors’ ability to objectively assess evidence and affect the course of a case (Tjondro 2014). Pre-trial publicity, in particular, has been shown to be the major influence on individuals’ opinions of the defendant and on juror bias, and courts do recognise that this may be prejudicial to a defendant (Geragos 2006). Furthermore, the judicial system is not immune to new technology, such as the advent of bloggers, or ‘citizen journalists’, and the increasing reliance on the internet for news is affecting the status quo of courts, especially as there is no way to impose ethical norms on those publishing on the internet (Hengstler 2008). Accordingly, admonishing jury members to keep away from the internet and other communication sources that may pass comment on the issues in the trial is one of the tools used by judges to help minimise the impact of bias and achieve impartiality of the jurors.<sup>1</sup>

The so-called objective and neutral stance of hard news reporting texts has been investigated across a range of languages and cultures (e.g., Caffarel and Rechniewski 2008; Iedema 1997; Knox and Pattama 2008; Thompson, White, and Kitley 2008; White 1997; White 2000; White 2003; White 2006; White 2009; White and Thomson 2008). Such reports are “typically associated with eruptive violence, reversals of fortune and socially significant breaches of the moral order” (White 1997, 101). Their authors habitually claim that the news report is “an ‘objective’, ‘neutral’ and ‘impersonal’ mode of meaning making” (White 1997, 101). If so, how could such a text influence members of the jury in a trial? This study therefore aims at contrasting the language of the Supreme Court Decision, as shown in the Australasian Legal Information Institute database, with the language of a Daily Telegraph article found in the Internet about the same case that I attended, with the aim of investigating whether jurors could indeed have been influenced by their reading of the media.

The chosen framework for the study is Halliday’s Systemic Functional Linguistics (hereafter SFL), a theory that views language as a resource for meaning-making, or a semiotic system whereby meanings are created through linguistic choices (Halliday/Matthiessen 2014, 3–19). These choices can be

interpreted in view of the wordings that were put aside by the speaker or writer, that is, the different ways they could have expressed themselves with regards to the total range of meanings available, but did not select (Eggs 1994, 3). Language helps us to make sense of our experience of what goes on, as well as to engage with other individuals (e.g., by way of giving and demanding goods and services and information, or appraising people or things) (Halliday/Matthiessen 2014, 24–30). Thus, SFL models language as organised around three different modes of meaning, also called metafunctions: an ideational metafunction whereby our experience of the world is construed, an interpersonal metafunction whereby social roles are enacted, and a textual metafunction in which interpersonal and ideational meanings are presented as meaningful information.

## 2. Data description

This analysis is first based on the text of the Decision of the Supreme Court of New South Wales (*R v MEYN John Michael* 2013), as published in the database of the Australasian Legal Information Institute (<http://www.austlii.edu.au>), an online free-access resource for Australian legal information where court Decisions can be accessed. The analysis is also based on a newspaper article about the same case and published by the Daily Telegraph, which was found through an Internet search.

In a criminal trial by jury in the New South Wales District or Supreme Court, if the accused pleads not guilty, then the matter proceeds to trial. A jury of 12 people is sworn in. At the end of the trial, the jury deliberates and delivers a verdict of guilty or not guilty. If the accused is found guilty, the judge decides what sentence to impose (State of New South Wales Department of Justice 2016). After the jury has returned their verdict, the judge submits a written statement or “Decision” that binds all parties. A Decision can be defined as “[t]he determination, usually in the form of a reasoned statement, reached by a court or tribunal after hearing a case or an issue in dispute” (Courts Administration Authority of South Australia 2012).

The Daily Telegraph is published by News Corp and is viewed as conservative and largely a supporter of the Australian Liberal Party (Media Watch 2015). It is regarded as a tabloid that represents “the voice, the heart and the soul of your suburb, region or state” (The Daily Telegraph 2017). The Daily Telegraph has a large readership. In 2012, it was estimated at 781,000 on weekdays and at 729,000 on Saturdays (Roy Morgan Research 2013).

The Daily Telegraph article titled *Man charged over woman’s murder* (Hills and Speranza 10 April 2011) was published two days after the murder was committed and the offender was arrested, and the day after he was charged. The article relates the events on the day of the murder and arrest, and provides the Daily Telegraph readers with background information about the offender

and the victim, his former de-facto partner. It is mostly based on “an exclusive interview” with the offender’s father and is 305 words long. For better comparability of the two data sets, I selected within the 12-page text of the court Decision the section titled “background” (paragraphs 7–28), which constitutes the final version of the crime story, as recounted by the judge, and based on undisputed evidence led at the trial. As with the Daily Telegraph article, the text of the Decision tells of the offender-victim relationship until the days of the murder, arrest and charge. The Decision text, at 1,557 words, is longer than the Daily Telegraph article.

### 3. Findings

Following SFL’s model of ideational, textual and interpersonal meanings, I will first contrast the ideational structure and logico-semantic relations of the recounts in the court Decision and the Daily Telegraph article.<sup>2</sup> I will then compare their use of orientational information through circumstantial adjuncts, as well as their transitivity and agency patterns. Finally, I will turn my attention to the ways in which the journalists involve their readership through their use of attitudinal meanings and engagement, as well as their differentiated use of the crime participants’ names.

#### 3.1. *Serial vs. orbital ideational structure*

In recounting the events of the crime story, the court Decision privileges the field time, unfolding chronologically from the time the offender and the victim met until the offender’s arrest, whereas the Daily Telegraph article unfolds non-chronologically.

Effectively, the court Decision is organised sequentially according to a “serial” ideational structure whereby segments of text are aligned syntagmatically like links in a chain (Martin and Rose 2008, 25). The crime events are narrated in chronological order, presenting a linear, chronological story. The Decision recount presents two sequences of events. The first one spans from the meeting of the offender and the victim, through the breakup of their relationship and the events that took place in the lead up to and on the day of the crime until the offender’s arrest, as illustrated in excerpt 1:

- (1) 1 The offender met Ms Rathbone sometime in 2005 or 2006.
- 2 Within a few months she had moved into the offender’s home.
- [...]
- 5 There were two boys born of their relationship, Taylor born in xxxx 2008 and Robbie born in xxxx 2010.
- 6 The relationship broke up in late 2010 to early 2011.
- [...]

104 At approximately 4.45pm he [the offender] was arrested and taken to Penrith Police Station.

105 He was interviewed in three sessions beginning at 7.36pm on 8 April 2011 and concluding at 3.23am on 9 April 2011.

106 He was then charged.

As shown in excerpt 1, the legal recount of the court Decision narrates events in chronological order, starting with the offender and victim meeting *sometime in 2005 or 2006* (clause 1) and ending *on 9 April 2011* (clause 105) with police interviews and the offender being charged.

Another sequence of events, taking place on a simultaneous timeline, involves the discovery of the victim's body by the offender's mother and the involvement of the police, as shown in excerpt 2:

(2) 75 In the meantime, his mother had returned home.

This second sequence of events is introduced clearly through a marked topical Theme (*in the meantime*).


The Daily Telegraph article is characterised by the linguistic and generic conventions of "event stories", with a headline plus lead that signpost key meanings (see Figure 1). Typically, the "opening nucleus", constituted by the headline and the opening sentence, directly launches the reader into the climax of the social-order disruption, or most "newsworthy" element:

(3) 1 **Man charged over woman's murder**

2 **LOVING mother Yvette Rathbone had recently had the names of her two young sons tattooed inside a large heart across the upper half of her back.**

Typically, the outcome of the story, heralded with "man charged over woman's murder", appears in the headline at the very beginning of the article, in a characteristic "inverted pyramid structure" whereby what is most important comes first in hard news reports (Thompson, White, and Kitley 2008). Thus, the opening nucleus does not proceed through chronological or background information. Rather, the headline directly describes the current status quo and element that constitutes the heightened point of social-order disruption. Indeed, "[t]he need for a sensational lead to attract readers mean[s] that a story might begin at any point in the sequence, and jump about in time as it present[s] different aspects of the events" (Martin and Rose 2008, 75). This is in sharp contrast with the text of the court Decision where the charge is mentioned last (clause 106, as illustrated in excerpt 1) following a real-time chronology.

The use of nominalisation in *woman's murder* provides decontextualisation through lexicogrammatical metaphorisation, contributing to a sense of objectivity – indeed, as stated in Halliday and Martin (1993, 39), "you can argue with a clause but you can't argue with a nominal group". Then, the opening clause



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# Man charged over woman's murder

BRENDA HILLS AND LAURA SPERANZA THE SUNDAY TELEGRAPH APRIL 10, 2011 12:00AM

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**LOVING mother Yvette Rathbone had recently had the names of her two young sons tattooed inside a large heart across the upper half of her back.**

Her little boys have now been left all alone, after their father, John "Johnny" Meyn, 32, was charged with murdering Ms Rathbone, 26, on Friday. Her body was found outside the granny flat of Meyn's parents' home at St Marys at 2pm on Friday.

In an exclusive interview with The Sunday Telegraph, Meyn's father, whose name is also John Meyn, said he was struggling to tell the children what had happened.

"How do you explain it to them? How do you tell them their mother's dead and their father has been arrested? They're too young to understand," Mr Meyn said.

He said he had spoken to his son, a truck driver, shortly before his arrest.

"He was never going to hurt the boys. He said he wanted to spend a bit of time with them, and then he would give himself up," Mr Meyn said.

Meyn was arrested at 4.50pm the same day at Glenbrook, in the Blue Mountains, after he went for a drive with the boys. Mr Meyn said Johnny had been living in the granny flat after moving out of the Rooty Hill apartment he had shared with Ms Rathbone until their relationship broke down two months ago.

Mr Meyn said he was at work on Friday when his wife Denise phoned him, telling him to come home urgently.

Johnny had earlier called Mrs Meyn, telling her "something bad had happened" and to come home, Mr Meyn said.

Mrs Meyn found Ms Rathbone's body in the backyard.

A police source said Ms Rathbone had been dropping the youngest boy with Meyn.

Meyn was refused bail yesterday and will appear in the Penrith Local Court on Friday.

COMMENTS

Figure 1. Daily Telegraph article. Reproduced by permission of Copyright Agency Limited (CAL).

qualifies the murdered woman of the headline as *LOVING mother Yvette Rathbone*, and proceeds to describe a recently made tattoo bearing the names of her two sons inside a heart. In contrast, the information about the tattoo is totally absent from the text of the court Decision. In the Daily Telegraph article, this creates an emotional peak, with the affective meaning *LOVING* intensified and foregrounded through capital letters (see further discussion below). It is noteworthy that the headline and opening sentence fail to establish a relationship between the charged man and the murdered woman, nor do they mention the source of the information provided. Thus, the opening nucleus contains both essential informational and interpersonal meanings, as they single out the elements that threaten the social order equilibrium, compelling the reader to engage immediately with the story (White 1997, 112), while the lack of preamble or background information as well as the pre-eminence of elements of high evaluative load are typical of news report openings (White 2003).

The body of the Daily Telegraph article presents a non-chronological structure in the presentation of events, as is typical of hard news reports (e.g., White 1997, 124). The article is organised around a repeated return to the original point of maximal social-order disruption that was set in the opening nucleus (White 1997, 115), along a non-linear, “orbital” path, with “satellites” of text segments organised around the “nucleus” (Martin and Rose 2008, 25). Figure 2 shows an attempt to reorganise the article in

Field time	Text time
recently	2 <b>LOVING</b> mother Yvette Rathbone had <b>recently</b> had the names of her two young sons tattooed inside a large heart across the upper half of her back
2 months ago	10 “β xβ their relationship broke down <b>two months ago</b> 10 “β xβ moving out of the Rooty Hill apartment [[he had shared with Ms Rathbone]] 10 “β αJohnny ha[s] been living in the granny flat
Friday	14 “β Ms Rathbone had been dropping the youngest boy with Meyn [Johnny] 12 Johnny had earlier called Mrs Meyn, telling her “something bad had happened” and to come home 9 xβ he [Johnny] went for a drive 4 Her body was found [...] <b>at 2pm on Friday</b> 13 Mrs Meyn found Ms Rathbone's body in the backyard 11 he [Mr Meyn ] was at work on <b>Friday</b> when his wife Denise phoned him, 8 he [Johnny] wanted to spend a bit of time with them, and then he would give himself up 7 he [Mr Meyn] had spoken to his son [...] <b>shortly before his arrest</b> 9 αMeyn [Johnny] was arrested <b>at 4.50pm the same day</b> 1 Man [Johnny] charged over woman's murder 3 xβ their father, John “Johnny” Meyn, 32, was charged with murdering Ms Rathbone, 26, <b>on Friday</b> 5 he [Mr Meyn] was struggling to tell the children [what had happened] 6 How do you tell them their mother's dead and their father has been arrested?
Saturday	15 1 Meyn [Johnny] was refused bail <b>yesterday</b>
Sunday 11 April	<i>Daily Telegraph article published</i>
now	3 αHer little boys have <b>now</b> been left all alone
Friday 16 April	15 +2 Meyn [Johnny] will appear in the Penrith Local Court <b>on Friday</b>

Figure 2. Daily Telegraph text time against field time.



chronological order along a field axis, highlighting the lack of chronological organisation in the text time (the words that indicate the time of the events have been highlighted in bold). Figure 2 highlights a disconnection between the text time of the Daily Telegraph story and the field time of the events that are reported. Indeed, the structure of this recount hardly matches the unfolding of the events in real time. Figure 2 also highlights the difficulty of locating the opening clause within the time frame. This clearly illustrates how “news stories jump around in time” (Martin and Rose 2008, 78), and how the headline and opening sentence can be said to “present the essence of and the (most dramatic) angle on the event, while the rest of the story fills in the details” (Iedema 1997, 103).

The orbital structure of the hard news report encourages readers to construe journalists’ choices as objective and predictable, when in fact these choices are ideological (White 1997, 128). This is reflected in clause 3a, *her little boys have now been left all alone*, which opens the main body of the article right after the headline and opening sentence – in contrast, this clause appears towards the end of the story in my tentative chronological re-organisation of the text. The inconsistency of the referent *her little boys* in the re-writing also highlights how the Daily Telegraph depicts the children as being the murdered woman’s, although they are the children of the man being charged with her murder as well. Significantly, the children’s loss of their mother is not mentioned in the court Decision, while it is considered an aspect of great disruption to the social order in the Daily Telegraph article, warranting a strong claim of moral wrongdoing based on popular assumptions about the primacy of traditional feminine gender roles and family life. The textual prominence of this element at the beginning of the article (clause 3), rather than at its end as in the re-writing, also shapes this information as highly noteworthy.

### 3.2. Rhetorical organisation

Experiential meanings may be linked to one another by means of logico-semantic relations so as to form clause complexes (Halliday/Matthiessen 2014, 428). The clause complex system differentiates relations between clauses of equal status (parataxis) and clauses of unequal status (hypotaxis) (Halliday/Matthiessen 2014, 438–442). In a paratactic relation, one clause is continuing what another has initiated, as with coordination (*He was arrested (1) and taken to Penrith Police Station (2)*) and direct speech (*He said: (1) “I’m sorry” (2)*). In a hypotactic relation, one modifying clause ( $\beta$ ) is dependent on another ( $\alpha$ ), as with subordination (*I’ll tell you (α) when you come home (β)*) and indirect speech or thought (*The offender stated (α) that he had little contact with his youngest [sic] son (β)*). Meanwhile, the system of logico-semantic relations contributes to construing the rhetorical organisation of a text as projection



**Table 1.** Occurrence of hypotactic and paratactic relations in the court Decision.

	Expansion			Projection		
	Elaboration	Extension	Enhancement	Idea	Locution	Total
Hypotactic	21 (16.5%)	5 (3.9%)	20 (15.8%)	7 (5.5%)	30 (23.6%)	83 (65.3%)
Paratactic	0	27 (21.3%)	0	0	17 (13.4%)	44 (34.7%)
Total	21 (16.5%)	32 (25.2%)	20 (15.8%)	7 (5.5%)	47 (37.0%)	127 (100.0%)

or expansion. Projections may present a locution or an idea. In the case of expansion, one clause may elaborate (=) on another through the specification of finer detail, comments or examples; one clause may extend (+) beyond another through the addition of an element or the suggestion of an alternative; one clause may enhance (x) another by qualifying it through circumstances of time, place, cause or condition (Halliday/Matthiessen 2014, 444).

Since the text of the court Decision is based on what was said during the trial, and, in some measure, the speech events of the crime story, it is not surprising that the highest incidence of clause complex relations concerns hypotactic and paratactic locutions (37%), as shown in Table 1. Most Sayers are participants in the crime story, as in the following excerpt:

- (4) 12 α The offender stated  
          β     α that he had little contact with his youngest [sic] son, Robbie,  
              xβ because “[h]e was only a baby”.

Extract 4 shows two examples of projection of a locution, with the offender presented as saying something through both indirect speech (*the offender stated that he had little contact with his youngest [sic] son, Robbie*) and direct speech (“he [Robbie] was only a baby”). The second highest incidence of clause complex relations concerns hypotactic and paratactic extensions (25.2%), more particularly paratactic ones, as in the following excerpt:

- (5) 7 1 The offender returned to living in the converted garage  
          +2 and returned to work as a truck driver and forklift operator.

In extract 5, the clause *and returned to work as a truck driver and forklift operator* adds new information to the clause of equal status *the offender returned to living in the converted garage* through coordination. This highlights the recounting of the crime story as a series of events succeeding one another, whereby this happened and that happened, etc., thus contributing to presenting a linear crime story.

If we consider the clause complex relations concerning enhancement, a count shows that 13 of these clauses, or 65%, deal with temporality, in particular succession or simultaneity, as shown in the following two excerpts:

- (6) 38 α The offender asserted  
          β     1 that he did not eat on 7 April 2011,

+2  $\alpha$  but instead consumed a large amount of alcohol  
 $x\beta$   $\alpha$  (temporal) from the time he returned home from  
 work at 8pm until 3am the following morning  
 $x\beta$  (temporal) when he went to sleep.

(7) 85  $x\beta$  (temporal) While the police were at the scene  
 $\alpha$  the offender rang his mother again.

This prevalence of hypotactic temporal enhancements is unsurprising, since it contributes to construing a clear chronology of the crime story.

Other occurrences of hypotactic enhancement serve essentially to expand various events of the crime story, as highlighted in excerpt 8, when the offender explains that he did not go to work because of his high consumption of alcohol:

(8) 41  $\alpha$  He said  
 $\beta$   $\alpha$  that he decided  
 $\beta$   $\alpha$  not to go to work  
 $x\beta$   $\alpha$  (cause) because he thought  
 $\beta$  he was "over the limit".

In this instance, the causal relation *because he thought he was "over the limit"* contributes to explaining why the offender stayed home on that day.

In the Daily Telegraph article, as in the court Decision, the highest incidence of clause complex relations concerns hypotactic and paratactic locutions (41.35%), as shown in Table 2. This highlights the significance of in/direct quotations in the recount of the events, as in the following excerpt:

(9) 12  $\beta$   $\alpha$  Johnny had earlier called Mrs Meyn,  
 $x\beta$   $\alpha$  telling her  
 $\beta$  1 "something bad had happened"  
 +2 and to come home,  
 $\alpha$  Mr Meyn said.

Unlike the text of the court Decision though, the Daily Telegraph article mainly includes quotations from the offender's father, who does not appear as a participant in the crime story of the court Decision. In excerpt 9, he is also reporting something that someone else said to a third party (see discussion below).

**Table 2.** Occurrence of hypotactic and paratactic relations in the Daily Telegraph article.

	Expansion			Projection		Total
	Elaboration	Extension	Enhancement	Idea	Locution	
Hypotactic	5 (17.2%)	3 (10.35%)	4 (13.8%)	1 (3.55%)	11 (37.9%)	24 (82.8%)
Paratactic	3 (10.3%)	1 (3.45%)	0	0	1 (3.45%)	5 (17.2%)
Total	8 (27.5%)	4 (13.8%)	4 (13.8%)	1 (3.55%)	12 (41.35%)	29 (100.0%)

3.3. Orientational information

The court Decision shows a high incidence of circumstantial details such as the place, date and time of the various events that are relevant to the crime story, making it clear who did what to whom, when and where, etc. For instance, excerpt 1, reproduced below for convenience, shows a plethora of circumstances, in particular with regards to the time and place that events took place.

- (1') 1 The offender met Ms Rathbone [when?] sometime in 2005 or 2006.  
2 [when?] Within a few months she had moved [where?] into the offender's home.  
5 There were two boys born of their relationship, Taylor born [when?] in xxxx 2008 and Robbie born [when?] in xxxx 2010.  
6 The relationship broke up [when?] in late 2010 to early 2011.  
104 [when?] At approximately 4.45pm he [the offender] was arrested and taken [where?] to Penrith Police Station.  
105 He was interviewed [how many times?] in three sessions beginning [when?] at 7.36pm [when?] on 8 April 2011 and concluding [when?] at 3.23am [when?] on 9 April 2011.

Note that all the spatial and temporal locations are absolute, rather than relative to the here-&-now (see for instance the choice of *Penrith Police Station* rather than *a nearby police station*, or *in late 2010 to early 2011* rather than *recently*). Also, while a few circumstances are indefinite (e.g., *a few months* rather than, say, *six months*), most are definite (e.g., *at 7.36pm on 8 April 2011*). This is especially the case when the information derives from police records. As shown in Table 3, temporal and spatial circumstances in particular abound in

Table 3. Types of circumstances in the court Decision (adapted from Halliday/Matthiesen 2014, 313–314).

Type	Subtypes	N (%)
Extent	duration HOW LONG?	4 (3.1%)
	distance HOW FAR?	0
	frequency HOW MANY TIMES?	7 (5.4%)
Location	time WHEN?	56 (43.8%)
	place WHERE?	42 (32.8%)
Manner	means HOW?	2 (1.6%)
	quality HOW?	0
	comparison WHAT LIKE?	0
Cause	reason WHY? HOW?	1 (0.8%)
	behalf WHO FOR?	1 (0.8%)
	purpose WHAT FOR?	1 (0.8%)
Contingency	concession DESPITE WHAT?	1 (0.8%)
	condition WHY?	0
Accompaniment	comitative WHO/WHAT WITH?	7 (5.4%)
	additive AND WHO/WHAT ELSE?	0
Role	guise WHAT AS?	1 (0.8%)
	product WHAT INTO?	0
Matter	WHAT ABOUT?	4 (3.1%)
Angle	ACCORDING TO WHOM?	1 (0.8%)
Total		128 (100.0%)

the text of the court Decision with a total of 98 instances (or 76.6% of all circumstances), with a smaller number of circumstances of extent (8.5%). This over-specification of orientational information is distinctive of trial narratives (Heffer 2005, 76). It is also typical of opening statements in criminal cases (Lipovsky 2017).

Circumstances also abound in the Daily Telegraph article, with temporal and spatial circumstances accounting for 79.1% of all circumstances – about the same proportion as for the court Decision (see Table 4). Clause 9 of example 10 relates the offender's arrest, as clause 104 from excerpt 1 above from the court Decision:

(10) 9 α Meyn was arrested [when?] at 4.50pm [when?] the same day [where?] at Glenbrook, [where?] in the Blue Mountains,  
xβ (temporal) after he went for a drive [who with?] with the boys.

As is the case with extract 1, extract 10 shows commitment to precision regarding the circumstances surrounding the recounted events (see *at 4.50pm*, *at Glenbrook*, *in the Blue Mountains*), as well as their sequencing in time (*after he went for a drive with the boys*). This factual precision augments the plausibility of the events, thus contributing to enhancing the persuasive force of the news story (van Dijk 1988, 84–85).

Both the text of the court Decision and the article from the Daily Telegraph then are dedicated to factual precision in the rendition of the events. One major difference between the two texts however concerns the degree of precision of the circumstances. We know for instance from the court Decision text that the arrest took place *on 8 April 2011*. Clause 9 from the Daily Telegraph article refers to *the same day*, rather than the date. A reading of the whole article shows two earlier

**Table 4.** Types of circumstances in the Daily Telegraph article (adapted from Halliday/Matthiessen 2014, 313–314).

Type	Subtypes	N (%)
Extent	duration HOW LONG?	0
	distance HOW FAR?	0
	frequency HOW MANY TIMES?	0
Location	time WHEN?	8 (33.3%)
	place WHERE?	11 (45.8%)
Manner	means HOW?	1 (4.2%)
	quality HOW?	0
	comparison WHAT LIKE?	0
Cause	reason WHY? HOW?	2 (8.35%)
	behalf WHO FOR?	0
	purpose WHAT FOR?	0
Contingency	concession DESPITE WHAT?	0
	condition WHY?	0
Accompaniment	comitative WHO/WHAT WITH?	2 (8.35%)
	additive AND WHO/WHAT ELSE?	0
Role	guise WHAT AS?	0
	product WHAT INTO?	0
Matter	WHAT ABOUT?	0
Angle	ACCORDING TO WHOM?	0
Total		24 (100.0%)

references (in clauses 3 and 4) to *Friday*. The use of the date in the court Decision points to the need to be specific in legal writings to avoid any ambiguity. It also highlights the time lapse between the events and their recount. The Daily Telegraph article was published on Sunday 11 April (see Figure 2). Therefore, there is no need to be as specific as *8 April 2011* is, and a reference to *Friday* was clear enough to the Sunday readers of the article. Another example of precision in circumstances concerns the comitative circumstance *with the boys*, used in clause 9 from excerpt 10. The court Decision specifies the boys’ names: these are participants, *Taylor* and *Robbie*, in clause 5, excerpt 1. In contrast, the Daily Telegraph article uses the terms *her two young sons* (clause 2), *her little boys* (clause 3), *the children* (clause 5) and *the boys* (clauses 8 and 9). The initial reference to *her two young sons* is thus tracked through various forms of anaphoric reference, eventually switching from the possessive deictic *her* to the definite *the* and diminishing in specificity. The omission of the children’s names probably originates in journalistic ethical guidelines. Unicef (2003) reporting guidelines for instance states that “special attention is needed to ensure each child’s right to privacy” when reporting on children. The children’s dates of birth are crossed out from the court Decision possibly for the same reason.

3.4. Transitivity analysis

The focus on doing is evident from the high proportion of material processes, which make up half of all processes in both the court Decision and the Daily Telegraph article, as shown in Tables 5 and 6. The predominance of material processes is not surprising since the purpose of both texts is to familiarise the reader with the events of the crime story. Both recounts progress via temporal sequencing through the use of temporal enhancement clauses, material processes, and past tense, as in excerpts 11 and 12, respectively, from the court Decision and the Daily Telegraph article:

- (11) 4 α They [the offender and the deceased] lived in that garage  
xβ (temporal) before moving to various other premises.

Table 5. Transitivity patterns in the court Decision.

Process type						Total
Material	Behavioural	Mental	Verbal	Relational	Existential	
134 (57.5%)	0	10 (4.3%)	50 (21.5%)	35 (15%)	4 (1.7%)	233

Table 6. Transitivity patterns in the Daily Telegraph article.

Process type						Total
Material	Behavioural	Mental	Verbal	Relational	Existential	
22 (50%)	0	3 (6.8%)	14 (31.8%)	5 (11.4%)	0	44

(12) 10 α Mr Meyn said  
“β α Johnny had been living in the granny flat  
xβ (temporal) after moving out of the Rooty Hill apartment [[he  
had shared with Ms Rathbone until their relationship broke down two  
months ago]].

Verbal processes are the second most frequent processes, accounting for one-fifth (21.5%) of all processes in the court Decision, and nearly one-third (31.8%) in the Daily Telegraph article. Locutions in the court Decision typically arise from quotations from the participants in the crime story, such as the offender and the witnesses, as shown in Table 7. This high incidence is due to the significant proportion of quotations from the evidence that the offender provided during the trial, as shown in the following excerpt:

(13) 56 α In his evidence he [the offender] said  
“β α he went there  
xβ to get a bottle of milk for Robbie.

A small number of locutions also originate in direct quotations re-enacting certain events in the crime story, voiced by participants with personal experience in the related events, providing a first-hand account of what happened, as in excerpt 15 (the Sayers are underlined):

(14) 68 1 She [the offender’s mother] asked  
“2 “What’s the matter?”  
69 1 He [the offender] replied  
“2 α “I’ll tell you  
xβ when you come home. [...]  
70 α She again asked,  
xβ what the matter was.  
71 1 He said  
“2 “I’m sorry,  
“3 α I will tell you  
xβ when you get here.  
72 I can’t tell you on the phone”.

Thus, the court Decision recount of the crime engages interactively with the voices of the crime participants, shifting the responsibility of the advanced propositions

**Table 7.** List of Sayers in the court Decision.

Sayer	N (%)
The offender	35 (83.3%)
The deceased	2 (4.8%)
Witnesses	3 (7.1%)
The offender’s mother	2 (4.8%)
Total	42 (100.0%)

to the offender and the witnesses. Forensic narratives are indeed multi-perspectival and multi-voiced, as they are mediated through numerous retellings (police interviews, etc.), lending them authorial complexity (Cotterill 2003, 33–35). The judge's own voice is seldom heard in his recount of the crime story.

In the Daily Telegraph, the unavailability of the crime participants, apart from a "police source", and the scarcity of eyewitnesses, are overcome through the presentation of the article as based on "an exclusive interview with The Sunday Telegraph":

- (15) 5  $\alpha$  In an exclusive interview with The Sunday Telegraph, Meyn's father,  
 $\ll = \beta$  whose name is also John Meyn $\gg$ , said  
 $x \beta$   $\alpha$  he was struggling  
 $= \beta$  to tell the children [what had happened],

where "exclusive interview with The Sunday Telegraph" is emphasised through a marked Theme. The use of a journalistic source with appropriate knowledge of the events is meant to ascertain the reliability of the reported events (White 2000).

Indeed, most of the information quoted in the news article comes from a single source, the offender's father. This contrasts with the text of the court Decision, where the offender's father never appears as Sayer (see Table 7). Seven verbal processes in the news article have the father as Sayer, two of them including direct quotes, with the "police source" providing one piece of information. This is consistent with the use of evidence from close eyewitnesses and/or reliable sources to promote the persuasiveness of news discourse (van Dijk 1988, 84–85).

Another feature of the Daily Telegraph article, compared with the text of the court Decision, is the embedding of quotations, as shown in excerpt 9, reproduced below for convenience:

- (9') 12 " $\beta$   $\alpha$  Johnny had earlier called Mrs Meyn,  
 $x \beta$   $\alpha$  telling her  
 $"\beta$  1 "something bad had happened"  
 $+2$  and to come home,  
 $\alpha$  Mr Meyn said.

While in excerpt 14 from the court Decision, the Sayers say directly what they said, in excerpt 9 from the Daily Telegraph, the reader is told what the offender's father said his wife said their son said. This shows the multiplicity of Sayers within one clause complex (see further discussion below). Excerpt 9 also shows the ways in which the verbiage is usually made more prominent than the Sayer in the article, highlighting a higher preoccupation with the vivacity of the recount, rather than the authenticity of its sources.



### 3.5. Agency

Agency expresses causation. This is important in trials where the issue of blame is crucial and responsibility for events needs to be assigned to specific participants (Gibbons 2003, 155). Social actors can be assigned either active or passive roles. “Activation occurs when social actors are represented as the active, dynamic forces in an activity, passivation when they are represented as ‘undergoing’ the activity, or as being ‘at the receiving end of it’” (van Leeuwen 1996, 43–44). “Effective” clauses represent processes as being brought about by an “Agent”, or external cause, which impacts on or affects another participant, such as the “Goal” in a material clause (Halliday/Matthiessen 2014, 339). Even if the Agent function can be found in projecting clauses of the mental type and being clauses of the relational type, Agency, or causation, “is most easily perceived in material clauses because only in the field of doing has the Agent the physical power to impact on things” (Caffarel 2006, 88).

In a legal recount where over half of all processes are material (see earlier discussion), it is not surprising that all the Agents are found in material clauses in which some Actors are presented as having the ability to impact on other persons or objects. In total, the court Decision includes 52 effective clauses (22.3% of all clauses). In 32 clauses, the offender appears as the Agent, clearly foregrounding his control over his actions and responsibility, as highlighted in example 16:

- (16) 72 1 [Agent/Actor] The offender then drove to Taylor’s preschool  
+2 and [Process: material and effective] signed his son out shortly  
before 2pm.

In contrast, a combination of middle clauses and passive clauses with no Agent in the Daily Telegraph article avoids assigning responsibility to the related events, as in the following examples:

- (17) Her little boys have now been left all alone, after their father, John “Johnny” Meyn, 32, was charged with murdering Ms Rathbone, 26, on Friday.
- (18) Meyn was refused bail yesterday and will appear in the Penrith Local Court on Friday.

In example 16, the child is represented grammatically as Goal, that is, as acted on, whereas the father is presented as Actor/Agent, that is, as having an impact through his actions. Evidently, the court Decision seeks to clearly assign responsibility to the reported actions. In contrast, examples 17 and 18 from the Daily Telegraph background the role of human agents, with the offender being acted upon (see *their father [...] was charged*), and the murder even relegated to a causal circumstance (see *with murdering*, representing the reason for

which the process *was charged* takes place). In effect, it is left to the readers' interpretation of the events to decipher the links of cause and effect between the woman's murder and the plight of the children, since a temporal enhancement clause is used (*Her little boys have now been left all alone, after their father, John "Johnny" Meyn, 32, was charged with murdering Ms Rathbone, 26, on Friday*), rather than an enhancement clause specifying a cause.

### 3.6. Attitudes and engagement

The court Decision exhibits little evaluation, similarly to recounts in legal testimonies (Martin and Rose 2008, 55). Indeed, its main point is "the record of events, that are allowed to speak for themselves – as witnessing justice or truth" (Martin and Rose 2008, 55). In other words, the Decision considers factual evidence as speaking for itself and not requiring additional appraisal.

Although hard news stories usually avoid interpersonal meanings that might contribute to revealing their authors' subjective opinions of the events described, such meanings may be found in the quoted comments of authorised sources (White 1997, 107). The Daily Telegraph journalists, who did not observe the events themselves, and could not access the main participants, rely on secondary participants for the description of the events that took place and for the presentation of opinions. The journalists strive to establish their neutral stance by allowing their witness to speak at length for himself, and presenting some of his verbiage through direct quotes. In this manner, a number of the attitudinal meanings expressed in the Daily Telegraph article actually originate in the quotations from the father's interview, such as this emotional reaction:

(19) John Meyn, said he was struggling to tell the children what had happened.

Although Meyn senior is in a sense responsible for all the evaluations that he provides to the journalists, he actually attributes some of these evaluations to other participants through 'projections', thus introducing additional sources of evaluation, e.g.:

(20) Johnny had earlier called Mrs Meyn, telling her "something bad had happened" and to come home, Mr Meyn said.

In this manner, the article introduces evaluations through recursive projections (Martin and Rose 2003, 45), even giving a voice to the offender, as illustrated in Figure 3 (appraisal underlined). Thus, an explicit negative evaluation of the events is offered, however as illustrated in Figure 3, the grounding of the evaluation in external sources provides the two journalists with opportunities to engage their readers attitudinally without abandoning their own stance of professed neutrality.

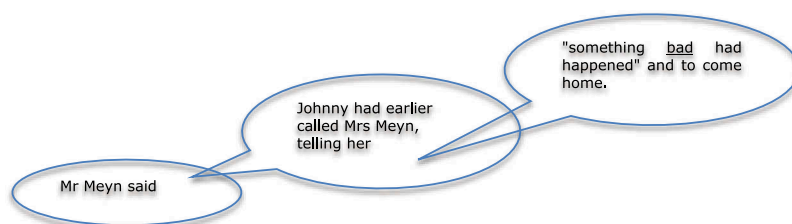


Figure 3. Instance of recursive sources.

Another resource used to position the Daily Telegraph readers attitudinally and engage them with the plight of the victims is found in the use of “pseudo” questions (Martin and White 2005, 110), as in the following example:

- (21) 6      1 “How do you explain it to them?  
          +2    α How do you tell them  
                 “β    1 their mother’s dead  
                         +2 and their father has been arrested?  
      7        “2    α They’re too young  
                         xβ to understand,  
                         1 Mr Meyn said.

The rhetorical effect of the pseudo questions is also enhanced through the placement of the verbiage ahead of the projecting clause, as already shown when discussing excerpt 9, amplifying the engagement with the reader.

Although the authors of the Daily Telegraph article generally shun interpersonal meanings that may contribute to revealing their subjective opinion, one major exception concerns the appraisal of the victim. This appears in the opening nucleus as shown in example 3, reproduced below for convenience:

- (3')      1 **LOVING** [positive affect] **mother Yvette Rathbone had recently had the names of her two young sons tattooed inside a large heart across the upper half of her back** [positive appreciation: reaction].  
          2 Her little boys have now been left all alone [negative appreciation: reaction].

The opening sentence begins with an explicit evaluation (*LOVING mother*) that is supported by her recent tattoo of the names of her sons in a large heart. The explicit appraisal is accompanied by intensification lexis (underlined in excerpt 3'), and emphasised through typographic intensifications of capitalising and bolding (as shown in Figure 1). These attitudinal meanings are made all the more significant through their position in the opening nucleus, marking them as most newsworthy. Although there is no explicit evaluative lexis in the clause *Her little boys have now been left all alone*, the collocation of “little boys” and “all alone” activates negative views of the situation, prompting the reader to react

emotionally, since “[w]hen ‘objective’ experiential meanings are adjusted with resources of graduation, that is when they are intensified or quantified, those objective meanings take on a subjective potential” (Hood 2010, 91). Such intensified lexis is actually a common characteristic of hard news journalism (White 1997, 108). This use of attitudinal resources positions the Daily Telegraph readers to view the events and their consequences as emotionally charged. These instances of attitudinal meanings also highlight how hard news stories may include mixed types of evaluations (such as affect and appreciation) (see White and Makki 2016).

3.7. Use of crime participants’ names

When using a person’s name, naming options include the use of a nickname, first name (FN) only, last name (LN) only, FN + LN, title + LN, or title + FN + LN. Other options to refer to individuals may include kinship terms (*son*, *father*, etc.) or a role name (such as *offender* or *victim*). These options can be used alone or in combination. Naming choices can individualise or, on the contrary, depersonalise individuals.

In the court Decision, as shown in Table 8, the victim is mostly referred to through her FN + LN (27 instances). Her FN is also used twice in the context of quoted conversations. In contrast, the offender is named using the role-based term *the offender* (51 instances).

In the Daily Telegraph article, the victim and the offender are named distinctively as well; the chosen names also show a wider variety, compared with the restricted range of the court Decision. First, the naming pattern in the headline is different from the rest of the article, since both the offender and the victim are referred to in generic terms:

(22)      **Man charged over woman’s murder**<sup>3</sup>

However, the *woman* of the headline is next designated as a *LOVING mother* in the opening sentence of the article. As shown in Table 9, the victim is also identified through her title + LN (4 instances) and FN + LN (1 instance). The offender is also designated through a variety of names, although the options chosen are different. They include his LN (3 instances), his FN + nickname + LN (1 instance) and his nickname (2 instances), so as to differentiate him from his father, who has the same FN and LN. He is also referred to using kinship terms in relation to his children (*their father*) and father (*his son*) in 3 instances.

Table 8. Use of main participants’ names in the court Decision.

Participant	offender	victim
FN + LN	-	Yvette Rathbone x 27
FN	-	Yvette x 2
Role name	The offender x 51	

**Table 9.** Use of main participants' names in the Daily Telegraph article.

Participant	offender	victim
Generic term	man	woman
Title + LN	-	Ms Rathbone x 4
FN + LN	-	Yvette Rathbone
LN	Meyn x 3	-
FN + nickname + LN	John "Johnny" Meyn	-
Nickname	Johnny x 2	-
Kinship term	Their father x 2 his son	LOVING mother their mother

Depending on the option chosen to name a person in a text, further involvement, or conversely distanciation, of the readers can be achieved. Thus, the differentiated naming choices by the judge vs. the journalists of the Daily Telegraph article to designate the individuals who are implicated in the crime story may indicate attempts to either establish a closer relationship, or, on the contrary, increase the distance, between the participants in the crime story and the readers. In the court Decision, the offender is depersonalised through the sole use of a role-based term; in contrast, the victim is individualised through the frequent use of her FN + LN. On the other hand, the use of kinship terms makes the participants less distant for the readers of the Daily Telegraph, who are more likely to identify with a *mother* or *son* than with an *offender* or *victim*. The offender and the victim are also made more familiar through the mention of their ages, as well as profession in the case of the offender – all elements that are absent from the court Decision, but add to the news article's sense of truthfulness (van Dijk 1988). Furthermore, the use of the kinship term *mother*, together with the evaluative meaning *LOVING*, for the victim in the opening sentence positions the Daily Telegraph readers attitudinally to view the victim sympathetically. Significantly, the position of *LOVING mother* in the opening nucleus not only entices readers to continue with their reading, but also positions them to view the victim compassionately in their reading of the rest of the story.

#### 4. Conclusion

Jurors in a criminal trial are required to be impartial, that is, to give a verdict that is determined solely by reference to the evidence that is presented to them in the court by the Crown Prosecutor or the defence. Rules of evidence constrain the semiotics of the trial, stipulating what must, may or cannot be said (Maley and Fahey 1991). What kind of evidence is presented in the course of the trial is indeed subject to extreme caution, as shown by the voir dire applications that are considered prior to trials concerning the admissibility of evidence.

What first characterises the court Decision is the linear recount of the events of the crime story. In recounting the events of the crime story, the court Decision privileges the field time, that is, events are narrated in the order in which they originally took place, presenting a linear, chronological story from the meeting of offender and victim until the offender's arrest. Thus, the court Decision favours a

sequential structure. The text exhibits a high incidence of paratactic extensions, whereby this happened *and* that happened, etc. This highlights the recounting of the crime story as a series of events that succeed one another. The prevalence of clause complexes indicating succession or simultaneity also contributes to constructing a clear chronology of the events in the crime story. The text of the court Decision displays as well numerous occurrences of circumstances that clearly specify the time and place when and where events took place. Meanwhile, hypotactic causal enhancements contribute to making explicit cause and effect relationships in the unfolding of events.

The high proportion of material processes, which make up half of all processes in the court Decision, highlights the importance of participants' actions in the story. This focus on "doing" contributes to familiarising the reader with the events of the crime story. Since the issue of blame is crucial in trials, the text of the court Decision also seeks to clearly assign responsibility for the reported actions to specific participants. As such, the analysis of agency clearly foregrounds the control of the offender over his actions and responsibility for his acts.

The crime story in the court Decision is then mostly based on evidence that was provided during the trial. Therefore, it relies heavily on locutions, as does the article of the Daily Telegraph. However, while the journalists for the Daily Telegraph base their article on an interview of the offender's father as well as police sources, the locutions in the court Decision typically arise from quotations from the main participants in the crime story, in particular the offender himself, since the text of the court Decision is based on what was said during the trial.

Finally, the text of the court Decision exhibits little evaluation, as is the case with recounts in legal testimonies. Thus, factual evidence is viewed as speaking for itself and not requiring any appraisal of the events. This may contribute to explaining the fact that kinship terms are avoided when referring to the offender and the victim, favouring the term *offender* for the accused and the use of her first name and last name for the victim, which promote distanciation between the readers and the participants in the recount.

In contrast, the present analysis substantiates existing research highlighting that hard news reports, far from being neutral, are concerned with evaluative meanings. The opening nucleus (headline and opening sentence), in particular, constitutes a prime instance of intensified interpersonal meanings, representing an interpersonal peak that reaches maximal rhetorical impact (White 1997, 114–115). Indeed, the Daily Telegraph article, far from being an objective, neutral or impersonal mode of meaning making, does orient its readers attitudinally by positioning them to view the reported events as emotionally charged. Effectively, the readers are immediately positioned attitudinally to view the victim sympathetically in her conventional role as loving mother, and the offender as a target for moral opprobrium not only for his murder, but also for destroying a family. This highlights the Daily Telegraph's concerns with asserting social norms over narrating events as they have unfolded.

The article from the Daily Telegraph displays an orbital structure with independent chunks of texts specifying the headline/lead. This favours textual organisation over temporal sequence (Martin and Rose 2008, 81). Indeed, hard news reports are organised orbitally, rather than sequentially, as the subcomponents of the text operate to specify the opening nucleus, which acts as the text's anchor (White 1997, 116). This means that readers are exposed repeatedly to variations of the point of maximal social-order disruption, rather than a chronological organisation of the crime events. This contrasts with the chronological ordering of events that is given foremost importance in the court Decision. The news report however, like the court Decision, demonstrates commitment to precision regarding the timing and location of the recounted events, thus contributing to enhancing the plausibility of the events and heightening the persuasive force of the news story (van Dijk 1988).

The choice of the events that hard news reports construe in terms of the alleged risk that they pose for the social order clearly reflects ideological and cultural perspectives about the concerned events (White 1997, 127). The authors of the Daily Telegraph article chose to construe both the murder and the children's loss of their mother as events that disrupt the social order, inscribing both events with a highly significant social value. The journalists' decision to select these two elements as newsworthy, and to give them both textual prominence, contributes to naturalising these elements. The subjective choice of the journalists in the naturalisation of given issues is obscured by the prominence of the opening nucleus, orbital structure of the text and circumscription of explicit interpersonal choices. In particular, much value is ascribed to the plight of the victim's children. This contrasts with the court Decision in which the children's future is not discussed at all.

The media's use of labels for the victim and the offender will clearly raise various images in the reader's mind (Kosse 2007). The Daily Telegraph reporters' choice to represent the victim in the traditional female role of a "loving mother" is likely to invite the reader's sympathy. In the same manner, the details of the victim's tattoo, which are irrelevant to the events leading to the offender being charged, and need not have been reported as they could be said to shift the focus away from the murder itself, are indeed of value to entice the reader of the Daily Telegraph to read further.

It is in actual fact impossible to foretell from this study whether the jurors of the murder trial would have been influenced by their reading of the Daily Telegraph article, should they have found it on the internet. Having said this, this analysis has demonstrated that the language of the hard news report is markedly different from the language of the court Decision, confirming that "the news story's circumscription of interpersonal values is a rhetorical stratagem, a ploy by which the role of the author's social subjecthood in the text's construction can be hidden but never, of course, actually reduced or eliminated" (White 1997, 130). This in turn highlights the ways in which "language is a shaper of reality for those who use it" (Hasan 1996, 14).



This means that judicial processes could be tainted, should jurors be exposed to media reports. Therefore, even aside from the media frenzy that accompanies high-profile cases, the judge's recommendations to the jurors to keep away from communication sources that may pass comment on the issues in the trial seem to be warranted. Indeed, the exercise of free press rights should not impede fair trial rights, and the media should play no role in the determination of a defendant's guilt or innocence. If, as the prosecutor outlined in his opening address to the jurors, "feelings of sympathy or prejudice towards any of the parties [...] should play no part in your deliberations", then they might as well keep away from the media.

## Notes

1. A number of jurors were actually dismissed in the O.J. Simpson trial for gaining illicit access to news media, highlighting the censoring power of the criminal justice system as well as the perceived persuasive power of the media (Cotterill 2003, 113).
2. The term 'narrative' is used specifically for the generic pattern that resolves a complication (Martin and Rose 2008, 52). Hence, the court Decision is a legal recount (Martin and Rose 2008, 100–113).
3. Sadly, "Man charged over woman's murder" returned 1,340 results in a Google search, and 60,500,000 results without the quotation marks.

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## Notes on contributor

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