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Boston Marathon bombing: Can Tsarnaev get a fair trial in Boston? (+video)

The trial for accused Boston Marathon bomber Dzhokhar Tsarnaev is slated to take place some three miles away from the finish line of the race. The final hearing before the trial is scheduled for Thursday.

By Henry Gass, Staff writer | DECEMBER 18, 2014

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Boston Marathon bombing suspect Dzhokhar Tsarnaev is due in federal court for the first time in nearly 1 1/2 years as a judge holds a final hearing before his trial next month.

BOSTON — In the aftermath of the Boston Marathon (/csmlists/topic/Boston+Marathon) bombings, Boston (/csmlists/topic/Boston) showed it can be strong. Beginning in January, another question will hang over the city: Can Boston be fair?

Or more specifically, are there 18 Bostonians who can be fair?

Those questions could be addressed on Thursday at what is scheduled to be the final hearing before the trial for Dzhokhar Tsarnaev ([/csmlists/topic/Dzhokhar+Tsarnaev](#)), the surviving defendant in the 2013 bombings.

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Currently, the trial is slated to take place in a federal courtroom that's some three miles away from the finish line of the Boston Marathon. But the defense has twice asked for a change of venue. The judge in the case, George O'Toole, rejected the first request, but the second one is still outstanding.

Many residents in the Boston area either were directly affected by the bombings and subsequent lockdown, or are one or two degrees removed from someone who was. In addition, media outlets have followed every twist and turn in the case, as well as the city's recovery from the bombings.

Mr. Tsarnaev's lawyers have argued that with the pretrial publicity, "great local prejudice will prevent a fair trial by an impartial jury."

But unless the change of venue request is granted, jury selection is set to begin Jan. 5 at the US District Court in South Boston. Judge O'Toole has said he will cast a wide net for potential jurors, calling at least 1,000 people.

It's "a very difficult call in terms of balancing [that] essential importance," of having a trial in the community where the offense occurred, "versus the imperative of making sure there are fair jurors to judge this case," says Martin Weinberg, a prominent Boston defense lawyer.

Mr. Weinberg calls the Tsarnaev case a "litmus test" for the federal criminal justice system – particularly of its ability to prosecute domestic terrorism.



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