



The Overgeneralization of the ‘Rap on Trial’ label in the United States of America and the United Kingdom

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Abstract:

The term “Rap on Trial”, coined by Erik Nielson and Andrea L. Dennis, is frequently used to describe the use of rap music as evidence in criminal proceedings in both the United States and the United Kingdom. This paper argues that this is an overgeneralization; Both legal systems ask fundamentally different questions and focus on different aspects of the same material. By analyzing the leading case in each jurisdiction, *State v. Skinner* in the United States and *R v Lewis* in the United Kingdom, this paper found the divergence in said systems. The US framework, using Federal Rule of Evidence 404(b) analyses the relevance and truthfulness of lyrical content, while the UK framework based on sections 98-101 of the Criminal Justice Act of 2003 asks whether presence in a work can prove group association. This divergence reflects the underlying difference in the nation’s systems, the focus on individual expression in the US and the joint enterprise logic in the UK. However, this paper recognises that this distinction is not entirely clear cut, as both systems use the other’s logic as shown in *State of Georgia v Williams* and *R v Oni*. This overlap suggests that the divergent frameworks represent different starting points rather than entirely separate systems.

Introduction:

Rap music has exploded in popularity over the last 30 years, with subgenres like drill being responsible for cultural movements in the UK, and hip hop serving as a platform for marginalized groups to document and share their struggles. With the explosion of rap music, the genre and the art it creates has been increasingly used as legal evidence in criminal trials. In the United States, this typically means written or performed lyrics being presented to juries to suggest a defendant’s motive or intent. In the United Kingdom, it more often means the presentation of drill music videos to prove gang affiliation or association between co-defendants. Erik Nielson and Andrea L. Dennis coined the term ‘Rap on Trial’¹, which commentators frequently use to describe the phenomena in the United States and the United Kingdom interchangeably. This paper argues that treating the two issues as a singular phenomenon is an overgeneralization. The two legal systems ask fundamentally different questions of Rap as an art form and evidence. The US framework is built around Federal Rule of Evidence 404(b) and its



state equivalents. It asks whether lyrical content is truthful, or merely serves to prejudice the jury. The UK framework is based on sections 98–101 of the Criminal Justice Act 2003. It asks whether presence in a music video proves group membership or affiliation. This paper examines the existing frameworks through an analysis of its leading cases, evaluates the differences and similarities, and analyses how the differences between the UK and US’s treatment of “Rap on trial” highlight the inherent divergence in the nations’ justice systems.

The US Framework:

The leading case for the US framework is *State v. Skinner*.² Vonte Skinner was charged with the attempted murder of Lamont Peterson. A key piece of evidence used in his prosecution was a notebook that police found in his car. It was filled with violent rap lyrics written before the shooting. Importantly, there was no established connection between the shooting and the notebook. At trial, a detective read the lyrics extensively to a jury to show Skinner’s motive and intent. Skinner was convicted, and, after appeal, the conviction was overturned by the Supreme Court of New Jersey. Using New Jersey Rule of Evidence 404(b)³, which mirrors its federal counterpart, the court analysed the rap lyrics under the framework governing prior ‘bad acts’ evidence. Then, using the 403 balancing test, the Supreme Court of New Jersey determined that the evidence presented in the notebook had little to no probative value and was highly prejudicial, having little genuine bearing on his intent regarding the case. The Court then coined the “strong nexus” test, which claims that fictional self expression is not legally admissible unless the specific details of the work closely match the situation of the charged offense. Even if this is true, its value as evidence must outweigh the risk of prejudicing the jury.⁴

An example of this would be the *State of Georgia v. Jeffery Williams*⁵ racketeering case. Williams, known as “Young Thug”, is a rapper in charge of a record label named “Young Stoner Life” known as “YSL”. Jeffery was charged with racketeering and leadership of a gang, where the State of Georgia attempted to prove that the YSL record label was, in actuality, a criminal street gang. In this case, Judge Glanville ruled William’s rap lyrics admissible, reasoning that they were relevant to the case and depicted specific crimes that Williams committed. For example, prosecutor Symone Hylton presented a line from one of Williams’s songs where he claimed he let out a “hundred rounds in a Tahoe” and connected it to the murder of Donovan Thomas, a man who was killed in a Tahoe with shell casings matching Williams’s details.⁶ The Tahoe lyric displays the “strong nexus” principle in practice, as prosecutors tied a specific lyrical detail to a specific event, satisfying the same relevance logic Skinner requires even though Georgia courts are not bound by New Jersey precedent. The usage of similar legal logic in an unconnected state court suggests that the nexus principle holds informal persuasive force outside of the state of New Jersey.

Overall, the reasoning in *Skinner* is directly representative of how the US legal system handles “Rap on Trial”. It views the central question as authorship versus authenticity. Are the lyrics presented artistic exploration and expression, or depicting a real-life event related to the



case? This is inherently an analysis of how truthful these lyrics are, in other words assessing their truth-value.

The UK Framework:

The leading case for the UK framework is *R v Lewis and Others*⁷ The case was connected to violence that took place in the 2011 Birmingham riots. The prosecution attempted to introduce a rap music video into court to prove gang membership and criminal association. They argued that the video was evidence that the violence was not caused by individuals, but an organised group of associates. On appeal, the Court of Appeal ruled that mere presence in a music video was not enough to prove criminal association, quashing convictions that had relied on this reasoning. Sir Brian Leveson then created a four part test to determine whether this evidence should be considered admissible: Is this evidence relevant to a key issue; Is there proper evidence of the gang's existence; Does it show the defendant was involved with a violent or criminal gang; Will admission unfairly prejudice the proceedings.⁸ This framework shares some similarities with the "strong nexus" test, as both ask questions of the relevance of the evidence to the case. However, *Lewis* operates under sections 98 - 101 of the Criminal Justice Act of 2003, meaning that it asks questions of character under the bad character framework, rather than questioning whether a specific line or moment in a video is true the way *Skinner* does with lyrics.⁹

An example of this framework in action is *R v Oni & Others*¹⁰, where 10 young men were linked to what prosecutors described as the "M40" gang. This took place after the death of a young man named Alexander Soyoye, an aspiring drill rapper associated with M40. After his death, 4 out of 10 men were charged with murder and 6 out of 10 were charged with conspiracy to commit grievous bodily harm in an alleged plan for retaliation for Soyoye's death. In a group chat, one of the men sent violent drill lyrics into the chat. Lyrics that suggested that the men were looking for revenge for the death of Soyoye. Later, two members of the group chat were seen partaking in violent activity. Prosecutors argued that the group chat and the lyrics showed association and bad character, and all 10 members of the group chat were charged. The case ended up being known as "The Manchester Ten"¹¹ and the public outcry was immense. Many argued that the usage of drill lyrics by prosecutors to portray the group as hostile disregarded many of the conventions of the genre, unfairly taking drill lyrics as serious evidence of bad character. In a 2025 appeal, the Court of Appeal quashed the charges of one of the ten, Ademola Adedeji, after finding out he had been misidentified in a music video relating to the M40 gang, further allowing sentence appeals for two other appellants. The court also held that juries must account for exaggeration and the conventions of the drill genre when analysing drill lyrics as evidence. Prosecutors may not simply take lyrical content at face value and as literal statement.¹² *R v Oni* demonstrates the association based logic established in *Lewis* and also exhibits the fair-trial safeguards that framework requires in practice. *Oni* shows the dangers of



over-generalizing association through bad character association created by an analysis of drill lyrics that did not take into account the conventions of the genre.

Overall, the reasoning in *Lewis* is a microcosm of how the United Kingdom's judicial system views the concept of 'Rap on Trial'. While *Skinner* and US frameworks focus more on the truth value of the work, *Lewis* and UK frameworks focus on whether presence within drill music proves association to violent groups. This is inherently an analysis of character and identity, differing from the truth-value inquiry of the US framework.

Comparative Analysis:

To summarize the previous sections, the *Skinner* line of reasoning used in the United States asks whether lyrical content is relevant to the case and literally true, while the *Lewis* line of reasoning used in the United Kingdom asks whether presence in a work of art is enough to establish group association. The divergence between the two systems is not merely incidental, and instead reflects the nature of each legal system.

American evidentiary doctrine, specifically Rule 404(b), was developed in a culture where legally, individual expression is of paramount importance. Although *Skinner* is not technically a First Amendment case, the influence and stature of the First Amendment is clear in the "strong nexus test"¹³. It exists because courts are careful of treating a defendant's own creative, individual expression as a factual confession. This wariness takes place due to the significant protection of free speech in the United States, as free speech is heavily integrated in the political and legal culture of the nation, leading to a high bar being required for lyrical expression to be taken as fact. US doctrine imports a free expression sensibility into an evidentiary rule, being influenced by the First Amendment without invoking it directly.

British evidentiary doctrine developed differently. The joint enterprise doctrine allows for an individual to be criminally liable for the actions of a group they are associated with¹⁴. This gives UK law a well-established framework for treating association itself as legally significant, whereas the United States is more wary of guilt by association reasoning. The UK has created formal legal pathways to accommodate guilt by association, provided it clears the 2003 bad character gateways¹⁵. The UK doctrine explains why *Lewis* asks a relational question rather than an interpretive one. It is not focused on the truth value of the content, but rather on association. The UK already has a framework for considering association as probative guilt, so it is evident why drill music videos and "Rap on Trial" are analysed through that lens.

While this paper argues it is an overgeneralization to treat "Rap on Trial" in both nations as one concept, it is also an overgeneralization to treat the two legal systems and their treatment of "Rap on Trial" as polar opposites. In the *State of Georgia v. Jeffery Williams* RICO case, Williams' rap lyrics were mainly used to prove criminal association as the prosecution attempted to prove the YSL record label was a criminal gang, invoking reasoning far closer to the UK's guilt by association model¹⁶. Conversely, in *R v. Oni*, the appeal displayed the logic of the US framework,



focused on truth value and relevance¹⁷. The decree that juries must take into account the conventions of the drill genre and not take lyrics at face value performs a similar function to the truth-value inquiry in *Skinner*, although it emerges from a different legal tradition.

The overlap between the two systems seems to take place when the prosecution's theory is about a conspiracy or an organization rather than an individual. Here, the two nations reach for each other's interpretive logic, as seen in *State of Georgia v. Jeffery Williams* and *R v. Oni*. This suggests that the two nations' justice systems, and their treatment of "Rap on Trial" are not two sealed polar opposites, but instead default at different starting points, anchored in the legal culture and theory of the nation, that syncretise when the case calls for reasoning about groups rather than individuals.

Implications:

The divergence in the treatment of "Rap on Trial" in the two legal systems does not merely process rap music differently, it leads to consequences on the types of prejudice that each nation's justice system is vulnerable to in relation to "Rap on Trial".

In the United States: *Skinner*-style trials have jurors interpreting whether specific lyrics are literal or artistic, the content itself, and the conventions of the genre, are put directly in front of a jury for evaluation. Research on juror perception, specifically work by Adam Dunbar and Charis Kubrin, finds that violent lyrics are rated as more literal, more threatening, and more indicative of the author's real beliefs when they are labelled as rap lyrics compared to when the same content is labelled as from another genre¹⁸. By having jurors decide whether rap lyrics are literal, the justice system does not merely risk this bias as a side effect, but fully invites it structurally into their legal process.

In the United Kingdom, the association-focused model poses a different risk, one of guilt by proximity. Since *Lewis*-style analysis discusses whether presence in a music video is enough to prove group membership, rather than analysing whether any specific line is true, the risk is different. The UK system does not risk misinterpreting content, it risks misidentifying or over-attributing group membership itself. *R v Oni* clearly shows this danger in practice. Ademola Adedeji was convicted based on evidence that was later found to rest on a mistaken identification in a music video. His conviction was quashed after another man testified that it was he, not Adedeji, in the music video. This is not an example of a failure in genre interpretation, it is a failure of identification. This failure was only made possible by a framework that considers appearance in a group context as probative of guilt.

The diverging risks in the UK and US frameworks are not equally rebuttable. A defendant contesting content-based evidence in the United States must subjectively and interpretively argue that their work is fictional or exaggerated. This is inherently difficult to prove and vulnerable to juror skepticism. Conversely, a defendant contesting association-based evidence in the UK can rebut with a concrete factual claim, like in the case of Adedeji. An



identification can be objectively incorrect in a way that an artistic claim cannot be verified. This suggests that while the UK framework is likely more exposed to identification errors, it may also be more open to correction when those errors are caught, compared to the US framework where the genre bias is harder to displace due to the fact that it operates based on juror interpretation. However, in most cases, the UK system also boils down to juror perception. The idea of criminal association through music video presence, or by being in a group chat where drill lyrics are shared, is highly susceptible to juror bias, especially if the conventions of the genre are not taken into account. While the Court of Appeal did hold that jurors must take into account exaggeration and the conventions of the genre while viewing drill lyrics¹⁹, the inherent bias that was shown by Dunbar and Kubrin still exists. So while in the case of Adedeji, the UK system is more open to correction and has more rebuttable risk, the two nations' justice systems both face questions of juror bias and subjectivity when it comes to rebuttal.

It is important to take into account the limits of this comparison. This paper's claims are doctrinal rather than empirical. It has not statistically analysed conviction rates, sentence severity, or appellate success across a sample of cases in both jurisdictions. A clearer account of which system produces worse outcomes in practice, rather than which system has greater structural exposure to error, would require this kind of empirical analysis. This represents a natural next step for further research.

Conclusion:

To conclude, the concept of 'Rap on Trial' and its use as a word to overarchingly describe the use of rap lyrics in court appears to be a dangerous overgeneralization that fails to account for international differences. *Skinner* and *Lewis* are often cited together as examples of this concept, but a deeper look at the individual situations reveals that each case asks a different legal question and answers it using different doctrinal tools, each shaped by the origins and structure of the systems held by the individual cases. This distinction is significant because reforms for the legal systems that prejudice young, typically black, individuals based on the current standards of 'Rap on Trial' need to take into account the differences across systems. A US style reform targeting the "Strong Nexus" argument would not effectively solve the UK's association based evidence problems. Future comparative work should take into account the divergence in these two systems, and work targeting tackling the systemic prejudices that 'Rap on Trial' exposes itself to should treat these two, and the individual situations in other countries, as related but distinct problems.

End Note

¹ Erik Nielson and Andrea L Dennis, *Rap on Trial: Race, Lyrics, and Guilt in America* (New Press 2019).

² *State v Skinner*, 218 NJ 496, 95 A 3d 236 (2014).

³ NJ Rev Stat, Rules of Evidence, r 404(b); Fed R Evid 404(b)



⁴ *State v Skinner* (n 2)

⁵ *State of Georgia v Williams* (Fulton County Superior Court, indictment filed 2022)

⁶ Madison Bloom and Allison Hussey, 'Young Thug Lyrics Can Be Entered as Evidence in YSL RICO Trial, Judge Rules' (Pitchfork, 9 November 2023)

<https://pitchfork.com/news/young-thug-lyrics-can-be-entered-as-evidence-in-ysl-rico-trial-judge-rules/> accessed 19

July 2026.

⁷ *R v Lewis and Others* [2014] EWCA Crim 48.

⁸ *R v Lewis* (n 7)

⁹ Criminal Justice Act 2003, ss 98–101.

¹⁰ *R v Oni & Others* [2025] EWCA Crim 12,

¹¹ Keir Monteith KC and Audrey Cherryl Mogan, 'The Manchester 10: where a racialised "gang" narrative led to unsafe convictions' (Garden Court Chambers, 19 July 2024)

<https://gardencourtchambers.co.uk/the-manchester-10-where-a-racialised-gang-narrative-led-to-unsafe-convictions/> accessed 19 July 2026.

¹² *R v Oni* (n 10)

¹³ US Const, amend I; see also *State v Skinner* (n 2) for the doctrinal "strong nexus" test's adjacency to free-expression concerns.

¹⁴ Joint enterprise doctrine: see *R v Jogee* [2016] UKSC 8, [2017] AC 387 (leading modern case restating joint enterprise liability).

¹⁵ Criminal Justice Act 2003, ss 98–101 (n 8).

¹⁶ *State of Georgia v Williams* (n 5).

¹⁷ *R v Oni* (n 10).

¹⁸ Adam Dunbar and Charis E Kubrin, 'Imagining Violent Criminals: An Experimental Investigation of Music Stereotypes and Character Judgments' (2018) 14(4) *Journal of Experimental Criminology* 507.

¹⁹ *R v Oni* (n 10).

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