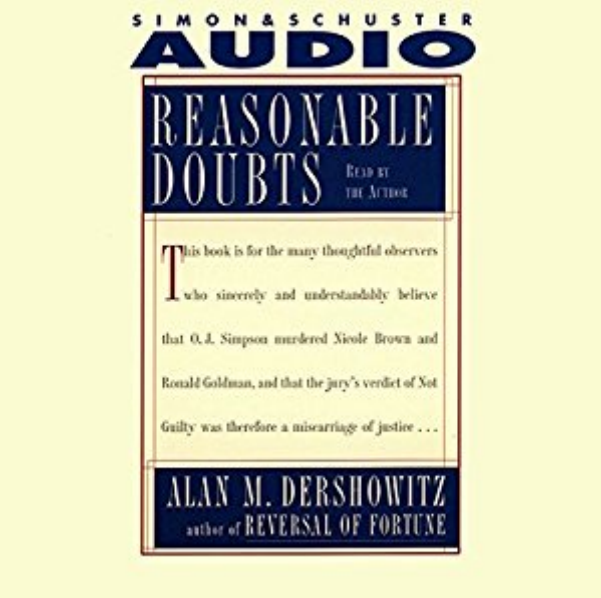
Reasonable Doubts: The O.J. Simpson Case And The Criminal Justice System



Synopsis

Alan Dershowitz, one of the foremost legal thinkers of our time, explores a series of questions raised by the most watched criminal trial in American history. Through this brilliant, eye-opening account of the O.J. Simpson case, he exposes the realities of the criminal justice system in this country.Here, Professor Dershowitz examines the issues and social forces - media, money, gender, and race - that shape the criminal justice system in America today. Among the fascinating questions raised:Was this really a case of circumstantial evidence?Did Simpson’s wealth "buy" the acquittal?How could one of the longest trials in the history of America’s judicial system produce a verdict after less than four hours of jury deliberation?Reasonable Doubts is a work of lasting importance; it will force us to rethink our assumptions, not only about the case itself but about the strengths - and weaknesses - of the criminal justice syste.This book is for the many thoughtful observers who sincerely and understandably believe that O.J. Simpson murdered Nicole Brown and Ronald Goldman, and that the jury’s verdict of not guilty was therefore a miscarriage of justice.

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Customer Reviews

Just started reading. So far, so good.

No complaints at all

great read

Not a very interesting book re: The O.J. Simpson Case. Of course it is viewed from the view of the defense. Would NOT recommend to family or friends.

Famed appellate attorney Alan Dershowitz states in the Introduction of this 1996 book, ÃƒÂ¢Ã â ¬Ã Å“When the word came ÃƒÂ¢Ã â ¬Ã Â¦ that there was a verdictÃƒÂ¢Ã â ¬Ã Â¦ I also thought I would have to begin preparing for an appeal. Indeed, from the moment I learned that the jurors had reached their verdict, I began to outline the likely issues for the appeal. As an appellate lawyerÃƒÂ¢Ã â ¬Ã Â¦ My job is to prepare for the worstÃƒÂ¢Ã â ¬Ã Â¦ That is why O.J. Simpson always referred to me as his ÃƒÂ¢Ã â ¬Ã ËœGod forbidÃƒÂ¢Ã â ¬Ã â„¢ lawyer---ÃƒÂ¢Ã â ¬Ã ËœGod forbid there should be a conviction, youÃƒÂ¢Ã â ¬Ã â„¢ve got to get it reversed on appeal.ÃƒÂ¢Ã â ¬Ã â„¢ ÃƒÂ¢Ã â ¬Ã Â¦ But there was no mistaking the juryÃƒÂ¢Ã â ¬Ã â„¢s verdict: not guilty. There was silence in my office. No one cheeredÃƒÂ¢Ã â ¬Ã Â¦ It was not a moment for celebration. There were two victims, brutally murderedÃƒÂ¢Ã â ¬Ã Â¦ There was a man who had spent sixteen months in jail accused of a crime of which a jury had just ruled he was not legally guilty, but of which most Americans though he was factually guilty.ÃƒÂ¢Ã â ¬Ã Â• (Pg. 13-14)He continued, ÃƒÂ¢Ã â ¬Ã Å“I have written this book primarily for the majority of thoughtful observers who sincerely and understandably believe that O.J. Simpson killed Nicole Brown and Ronald GoldmanÃƒÂ¢Ã â ¬Ã Â¦ I will try to explain why even jurors who thought that Simpson ÃƒÂ¢Ã â ¬Ã Ëœdid itÃƒÂ¢Ã â ¬Ã â„¢ ÃƒÂ¢Ã â ¬Ã Â¦ could reasonably have found him not guilty as a matter of law---and of justiceÃƒÂ¢Ã â ¬Ã Â¦ it is my intention to explain how, under our system of criminal justice, the Simpson jury could properly have reached a verdict so at odds with the conclusion reached by millions of intelligent and decent people who watched what they believed was the same trial.ÃƒÂ¢Ã â ¬Ã Â• (Pg. 16-17)He gives examples of ÃƒÂ¢Ã â ¬Ã Å“mistakesÃƒÂ¢Ã â ¬Ã Â• made during the early hours of the investigation, such as: ÃƒÂ¢Ã â ¬Ã Å“the bodies of the victims were dragged around the crime scene before hair and fiber samples were taken from their clothingÃƒÂ¢Ã â ¬Ã Â¦ The police failed to obtain a warrant to enter the Simpson estate, and instead came up with a story that seemed open to doubtÃƒÂ¢Ã â ¬Ã Â¦ The police misstated facts on the search warrant, causing the judge eventually to find that Detective Philip Vannatter was ÃƒÂ¢Ã â ¬Ã Ëœat least recklessÃƒÂ¢Ã â ¬Ã â„¢ in regard to the truthÃƒÂ¢Ã â ¬Ã Â¦ The LAPD sent to the crime scene a traineeÃƒÂ¢Ã â ¬Ã Â¦ who collected blood samples along with Dennis Fung. [She] had never before had primary responsibility for collecting blood evidence from a crime sceneÃƒÂ¢Ã â ¬Ã Â¦ Detective Vannatter carried around O.J. SimpsonÃƒÂ¢Ã â ¬Ã â„¢s blood in a vial in an unsealed

envelope for three hours ÃƒÂ¢Ã â ¬Ã Â| before booking itÃƒÂ¢Ã â ¬Ã Â| The criminologists failed to find blood on the back gate and socks (if blood was, in fact, there) during the original investigation and only found it several weeks after SimpsonÃƒÂ¢Ã â ¬Ã â„¢s blood sample was taken out of the tubes.ÃƒÂ¢Ã â ¬Ã Â• (Pg. 31-32)He points out, ÃƒÂ¢Ã â ¬Ã Å“prosecutors put Mark Fuhrman on the stand after having been informed that he as a racist, a liar, and a person capable of planting evidence even before they called him as a trial witness. An assistant district attorney, among others, warned the Simpson prosecutors about Fuhrman. The prosecutors also saw his psychological reports, in which he admitted his racist attitudes and actions. The only thing they didnÃƒÂ¢Ã â ¬Ã â„¢t know was that Fuhrman ÃƒÂ¢Ã â ¬Ã Â| would be caught by the tape-recorded interviews that Fuhrman gave an aspiring screenwriter.ÃƒÂ¢Ã â ¬Ã Â• (Pg. 44)He states, ÃƒÂ¢Ã â ¬Ã Å“When Detective Philip Vannatter testified that O.J. Simpson ÃƒÂ¢Ã â ¬Ã Ëœwas no more of a suspectÃƒÂ¢Ã â ¬Ã â„¢ than Robert Shapiro, many commentators and pundits concluded that he was covering up the truth. Nearly all said so in private; some said so in publicÃƒÂ¢Ã â ¬Ã Â| What made this charade even more difficult to understand was the fact that if the police had told the truth, the judges might well have found that ensuing search was lawful and that its fruits were admissible in evidenceÃƒÂ¢Ã â ¬Ã Â|ÃƒÂ¢Ã â ¬Ã Â• (Pg. 49-50) Later, he adds, ÃƒÂ¢Ã â ¬Ã Å“The verdict in the Simpson case is a wake-up call about police perjuryÃƒÂ¢Ã â ¬Ã Â| if JUDGES do not begin to take police perjury seriously, JURORS may begin to take the issue into their own hands. This is what Johnnie Cochran urged the Simpson jury to so, and what many Americans believed they did.ÃƒÂ¢Ã â ¬Ã Â• (Pg. 66)He notes, ÃƒÂ¢Ã â ¬Ã Å“To the shock of prosecutors, the FBI tests demonstrated the presence of EDTA in the blood found on the socksÃƒÂ¢Ã â ¬Ã Â| the prosecution ÃƒÂ¢Ã â ¬Ã Â| changed its tack. An FBI expertÃƒÂ¢Ã â ¬Ã Â| acknowledged the presence of EDTA, but testified that the amount was consistent with having come directly from a human bodyÃƒÂ¢Ã â ¬Ã Â| it is possible that ÃƒÂ¢Ã â ¬Ã Â| the blood did come directly from a human body, but it is also possible that the blood came from a test tube of blood preserved with EDTA.ÃƒÂ¢Ã â ¬Ã Â• (Pg. 75-76)He adds, ÃƒÂ¢Ã â ¬Ã Å“the inventory videotape taken by the Los Angeles Police Department to protect itself from claims that anything could have been stolen from the Simpson house showed no socks on the white rug where the police claimed they later found themÃƒÂ¢Ã â ¬Ã Â| Again, there was a possible explanation for the discrepancy---perhaps the chronology was wrong---but it was at least equally consistent with suspicion.ÃƒÂ¢Ã â ¬Ã Â• (Pg. 77)He says, ÃƒÂ¢Ã â ¬Ã Å“The commentators who argue that the uncorrupted evidence should have been independently considered, without taking the arguably corrupted evidence into account, point to

[SimpsonÃƒÂ¢Ã â ¬Ã â„¢s blood, hat, shoe prints, left glove] standing alone as enough to establish SimpsonÃƒÂ¢Ã â ¬Ã â„¢s guilt. The fallacy in their reasoning is that this evidence DID NOT stand alone. No reasonable juror would totally ignore the fact that THIS evidence was gathered by the same police department that might have tampered with the other evidenceÃƒÂ¢Ã â ¬Ã Â| ALL the police evidence and testimony would now come before the jurors bearing a presumption, or at very least a suspicion, that it had been corrupted.ÃƒÂ¢Ã â ¬Ã Â• (Pg. 87)He contends, ÃƒÂ¢Ã â ¬Ã Å“I submit that under our system of justice, it is far better for a jury to err on the side of finding perjury where it did not occur than in failing to find it where it did occur. This is precisely how one juror---a white woman---put it after the verdictÃƒÂ¢Ã â ¬Ã Â| ÃƒÂ¢Ã â ¬Ã ËœIf we made a mistake, I would rather it be a mistake on the side of a personÃƒÂ¢Ã â ¬Ã â„¢s innocence than the other way.ÃƒÂ¢Ã â ¬Ã â„¢ÃƒÂ¢Ã â ¬Ã Â• (Pg. 124)He asserts, ÃƒÂ¢Ã â ¬Ã Å“I am not ÃƒÂ¢Ã â ¬Ã Â| arguing that all the evidence in the O.J. Simpson case was in fact corrupted. I am suggesting that if some of the evidence was tampered with---and the argument with respect to the socks is quite compelling---then the jury would be obliged to regard with suspicion all the evidence to which the corrupt police officers had access. That suspicion might lead them to discount some more of the prosecutionÃƒÂ¢Ã â ¬Ã â„¢s evidence, without which the circumstantial case would be less than convincing.ÃƒÂ¢Ã â ¬Ã Â• (Pg. 132-133)He admits, ÃƒÂ¢Ã â ¬Ã Å“The most common complaint about lawyers---especially criminal defense lawyers---is that they distort the truth, and there is some sense in that accusation. But as I explained in Chapter II, a criminal trial is anything but a pure search for truth.ÃƒÂ¢Ã â ¬Ã Â• (Pg. 166)He summarizes, ÃƒÂ¢Ã â ¬Ã Å“if some jurors sent a message, they did so not because Johnnie Cochran asked them to, but rather because Detectives Fuhrman and Vannatter---and the prosecutors who presented these witnesses---challenged them either to accept or reject false police testimony. They rejected it.ÃƒÂ¢Ã â ¬Ã Â• (Pg. 204)This is a helpful commentary on the actual evidence and issues of the criminal trial, and will be of great interest to anyone so interested in the trial.

Reasonable DoubtsAlan M. Dershowitz was first in his class at Yale Law School and later became a full professor at Harvard Law School at age 28, the youngest in the schoolÃƒÂ¢Ã â ¬Ã â„¢s history. He was involved in many famous cases. This book is written for those who believe OJ was guilty and the juryÃƒÂ¢Ã â ¬Ã â„¢s verdict wrong. The ÃƒÂ¢Ã â ¬Ã ËœIntroductionÃƒÂ¢Ã â ¬Ã â„¢ tells about the suspense in waiting for the verdict on October 4, 1995. [I believe this crime was over-publicized to distract people from the war scare of

May 1994. DonÃƒÂ¢Ã â ¬Ã â„¢t remember it? That was the purpose. How many other double murders occurred in 1994?] Why was there a racial bias among people? DidnÃƒÂ¢Ã â ¬Ã â„¢t it occur before (ÃƒÂ¢Ã â ¬Ã ËœIntroductionÃƒÂ¢Ã â ¬Ã â„¢)? That TV program ÃƒÂ¢Ã â ¬Ã Å“Hard CopyÃƒÂ¢Ã â ¬Ã Â• presented the facts in this case and suffered by being moved to a later time slot then taken off the air (p.16). It is unfair to compare it to a weekly tabloid.This book will explain why the jury voted ÃƒÂ¢Ã â ¬Ã Ëœnot guiltyÃƒÂ¢Ã â ¬Ã â„¢ to those who were misled by the coverage in the press. The LAPD worried about SimpsonÃƒÂ¢Ã â ¬Ã â„¢s favorable public image and began to demolish it (Chapter I). Robert Shapiro asked him to join the defense team, he did (p.25). Shapiro called in forensic experts Dr. Henry Lee and Dr. Michael Baden. The Grand Jury was recused because of leaks by the prosecution (p.29). He lists ten items of evidence against OJ (p.30), and ten items mistakes made by the police (p.31). Their case was won in the first month by the work of their forensic experts and their legal strategy that locked the prosecution into their initial mistakes. Is a criminal trial a search for truth (Chapter II). No, itÃƒÂ¢Ã â ¬Ã â„¢s a process to seek justice that uses truth (p.38). Why do so many people believe OJ did it? Was it merely due to biased reporting (p.45)? Do people love being fooled?Why do so many police lie about Search and Seizure (Chapter III)? ÃƒÂ¢Ã â ¬Ã Å“Because they can.ÃƒÂ¢Ã â ¬Ã Â• [This fills up prisons and raises taxes.] Police perjury is widespread and condoned (p.55). [Is it a way to meet quota?] If the suppression of drug dealing is a popular policy the police will do what it takes to implement that policy. Dershowitz was attacked for his statement (p.61). Why did Marcia Clark put Mark Fuhrman on the stand? Was it a mistake? Were the juryÃƒÂ¢Ã â ¬Ã â„¢s doubts reasonable (Chapter IV)? The jury doubted VannatterÃƒÂ¢Ã â ¬Ã â„¢s story (p.73) or the other policemen. The FBI lab found EDTA in the blood but none on the socks (p.75). The blood was planted (p.77). The location of the blood was suspicious (p.80). The gloves didnÃƒÂ¢Ã â ¬Ã â„¢t fit (p.84). There was a problem with the blood evidence in the Bronco (p.89). Jury nullification has a long history (p.93).Did gender play a role in the juryÃƒÂ¢Ã â ¬Ã â„¢s verdict (Chapter V)? The trial was held in downtown Los Angeles because the DA wanted a predominantly black jury (p.100). The jury heard sworn testimony, the public heard allegations (p.107). Why did most people believe in guilt (Chapter VI)? Perhaps they listened to the rumor mongers on talk radio who played up this case to distract the public from other events. [No mention of any control by the ÃƒÂ¢Ã â ¬Ã ËœNational Association of Editors and PublishersÃƒÂ¢Ã â ¬Ã â„¢.] The jury saw the gloves didnÃƒÂ¢Ã â ¬Ã â„¢t fit, so too TV, but some reports said otherwise (p.130)! Even without those latex gloves. OJ would not have taken bloody clothing to Chicago because of the chance of discovery by airport security (p.135). The

Defense never claimed there was a widespread conspiracy, only a handful (p.137). The Defense should use the media when the prosecution does the same (p.142).Should trials be televised? ÃƒÂ¢Ã â ¬Ã Å“Televison in the courtroom helped to keep everyone more honestÃƒÂ¢Ã â ¬Ã Â• (p.148). Can money buy an acquittal? The prosecution always has more resources than the defendant (Chapter VII). Being a prosecutor is a step to a higher office (p.151). Money buys investigators who can dig up facts. Chapter VIII explains what Defense Attorneys do: they defend the accused, the jury decides on guilt. LAPD officers warned Marcia Clark about Fuhrman (p.173). Judge Ito criticized her for unprofessional behavior (p.177). Chapter IX explains the appeals of a verdict. The prosecution cannot appeal because of double jeopardy. Juries rarely convict on uncorroborated testimony. Objections are made to rulings to preserve the right of appeal.Judge Ito virtually excluded all of the Fuhrman tapes (like bragging about planting evidence) and allowed the nurse to change his testimony (p.193)! He tipped the scales against OJ. Chapter X asks if the aftermath will distort peopleÃƒÂ¢Ã â ¬Ã â„¢s judgments. [Were the reports in the press a form of propaganda?] Dershowitz lists the foolish proposals that followed (p.197). Making it easier to convict the guilty also makes it easier to convict the innocent (p.199). Dershowitz says our current system is good, none is perfect. He suggests mandatory jury service, no excuses but says payments should be raised (p.202). There should be more money for indigent defendants. The prosecution has the advantage (but most defendants are found guilty). This case will be used to teach students about criminal justice.

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