Research paper on are the acquitted really innocent

Law, Evidence

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Introduction

This paper examines the question of whether those acquitted of their criminal charges are really innocent. It may be recalled that this question was discussed fifty years ago by Harry Kavlen and Hans Zeisel in their 1966 monograph The American Jury. They have reflected the view that judges are of the opinion that most of the acquittals are not correct and that they are attributable to the jury’s commitment to values although the judges’ criminal justice system have been perfect in its obligations. Jurors do not convict guilty when they can justify ignoring the formal demands of law. They proceed to acquit the guilty despite legal justifications. They do so appreciating the community values and to guard against blind application of laws. This attitude of the jury is found just not in less serious circumstances but in murder cases involving murder of civil rights workers and in cases of activists crossing the police line to protest at the Pentagon. What can be understood from this is that an acquitting jury has tempered the law with

mercy thus meeting the highest ideals of a jury. Further, broad stance taken by the U. S. Supreme Court in interpreting the constitution often exonerates criminal defendants by according them unfair advantages. Critics argue that liberal judges have no accountability to the electorate and free the guilty by broadly interpreting the constitution thus undermining the police's efforts to contain crime. In a way police and prosecutors have to assume responsibility for this state of affairs as they are not punctilious to make their evidences sound enough to pass the rigors of constitutional demands,

The jury

In regards to the question, Are the acquitted really innocent, Brown (2013) states that it is not possible to answer how many of the acquitted are really innocent. As wrongful convictions are the greater injustice, convictions of defendants whose guilt cannot be proved beyond a reasonable doubt are also greater injustice. Standard of proof is something which can result in acquittals for the guilty. It is argued that defendants can be innocent in spite of their having engaged in relevant conduct and causing harm because of the fact the guilt also depends on one's state of mind (mens rea) and justifications for their actions (self defense) and the circumstances in which they are forced to act (as a reaction to an immediate threat). Defendants acquitted for these kinds of reasons cannot have recourse to a proof in the nature of definitive DNA analysis or a strong alibi.

In Kalven and Zeisel's The American Jury 1966, it has been stated that out of 3, 576 criminal jury trials of the mid-1950s gathered by the authors, the judges are reported to have informed that had they decided those cases

themselves they would have decided the same way as jurors did in 78 % of the cases. Thus, the fact that only in the minority of cases in which the judges would have convicted dispels the skepticism that jury's findings as lay decision-making. Thus, only in the hardest cases there are likely to be disagreement between the decisions of the jury and judge. This is a reassurance of jury competency but it does not justify preference of jury to judges. The minority of cases in which jury had decided what judges would not have decided points to the fact that the jury had to so decide " because the trial evidence did not dictate a verdict either way". The authors collected data on 300 jury trials of recent past in 2001-01 and the findings of jury and judges are in the same pattern as has been found in the jury trials of mid-1950s. It is also important to note the observations of Givelber and Farrell that defendants who testified and offered additional witness stood better chances of winning acquittals. The most important findings of Givelber and Farrell are that judges have convicted more often than the juries did. They would have convicted cases which juries would have acquitted. Yet, the findings of the Givelber and Farrell are that sentiments are least likely to prompt juries to acquit in close cases but in cases where the judges have clear evidence, sentiment plays a greater role in jury's decision making.

Casey Anthony case and O. J. Simpson case

There is no guarantee in the Sixth Amendment of the Constitution for a perfect trial in criminal cases. All that is guaranteed is a fair trial through a public trial by an impartial jury. The mandatory requirement is that guilt must be proved beyond a reasonable doubt by the prosecution. A Latin term " verdict" which means " truth speaking" is a reflection of factual guilt or

legal guilt or factual innocence or legal innocence. When the prosecutors failed to meet the standard of guilt beyond a reasonable doubt, jury delivered verdicts based on legal innocence both in the cases of Simpson in 1995 and Casey Anthony in 2011. In Casey Anthony's case media and prosecutors had shown the accused to the outside world as a selfish party girl who would not hesitate to kill to stop the distractions of motherhood. But the actual verdict turned out to be " not guilty of murder, aggravated manslaughter, and aggravated child abuse" which would get her death penalty. She was found guilty only in respect of four misdemeanors for lying to the police during the investigation.

The jury must be convinced that the prosecution has narrowly met the requirement " beyond reasonable doubt" before acquitting the accused. For civil libertarian, justice has been rendered in the Anthony case.

Beyond a reasonable doubt

The legal position is that an accused must be proved guilty if he can be punished and if his guilt is not proved to the satisfaction of the jury, he will be found " not guilty". This however does not mean that accused has been declared not to have committed the offense. What it merely means is that his guilt has not been proved. He may be actually guilty or innocent but the evidence to show his guilt is inadequate. In legal sense, the defendant is not guilty if the proof fails and the term " not guilty" is just a misnomer for the words " not proved. The failure to prove guilt is not to be regarded as proof of innocence. In the absence of proof of guilt, the accused is presumed innocent. Hence it can be said that not every person whose guilt has not

been proved is innocent. In some cases, they are later proved to be guilty. But until then they are legally innocent whether or not they are actually innocent.

The severity of American law is lessened by the position that an accused is innocent until proven guilty. The court can only find a person guilty or not guilty as there can be verdict of innocent. It does not mean that courts do not care about innocence and it is also not the case of smarter side winning the case. The adversarial systems put the burden of proof of guilt on the prosecution whereas the burden of proof of innocence is placed on the defense. As it is not very easy to prove that a person did not commit a crime, the defendants are given the benefit of doubt so as to prevent them from being placed in greater jeopardy. This is the reason why the Fifth Amendment requires that defendants should not be forced to incriminate themselves if they choose not to confess.

It is relevant to consider that the presumption of innocence is not the result of " deduction from a given premise or basic fact". Presumption of innocence does not however arise out of the evidence of a basic fact from which a deduction is possible. Hence, innocence is a fact that exists until a proof to the contrary arises. To be more precise " presumption of innocence serves as a procedural doctrine that allocates the burden of proof in criminal trials" (p153) as held in United States v. Scot . In Turner v. State , a Maryland trial court recently stated that a defendant is presumed innocent throughout the trial duration and at all stages of the trial until court is convinced beyond a reasonable doubt that the defendant is guilty. It is the burden of the state to prove the guilt of the defendant beyond a reasonable doubt which burden

lasts throughout the trial. It is not incumbent upon the defendant to prove his innocence. At the same time the State is not bound to prove his guilt beyond all possible doubt or to a mathematical accuracy. It is also not required to negate every possible circumstance of innocence. A reasonable doubt cannot be a fanciful, whimsical or capricious one but one that is based upon a reason. The defendant must be found not guilty if the court is not satisfied to the extent that it would be willing to act on such a belief without any hesitation in a matter of great importance in one's own personal affairs. The same principles have already been stated in Taylor v. Kentucky , re Winship and People v Antommarchi ,.

Criminal Procedure Code

As per Criminal Procedure Code (CPL) 300. 10 (2), the court has to instruct the jury the fundamental legal principles concerning criminal cases in general including presumption of the defendant's innocence, the requirement that the guilt should be proved beyond a reasonable doubt and that the jury should not consider or speculate matters in connection with sentencing or punishment. And also that the jury should not draw unfair inference from the defendant's decision not to testify.

Infrequent acquittals

Blackstone has long before stated that " the holds, that it is better that ten guilty escape, than that one innocent suffer" While there is database for the number of acquittals by the judges and juries, there is no evaluation of acquittals as to their rationale and their significance. Prosecutors and defense counsels only infrequently come across the acquitted as there are

more than fifty judgments for guilty for each “ not-guilty-verdict” as per the Criminal Justice Statistics 1999. During the fiscal year 1998, there were 60, 958 defendants convicted as against only 1190 defendants who were acquitted. In the 75 largest counties of the U. S. 70 % criminal defendants were convicted as against only 1 % of those acquitted. As double jeopardy prevents a State from appealing acquittals, there are no appellate court decisions on lawful acquittals. Due to poor visibility of acquittals, this group has been easily ignored for research. Currently the only authoritative sources of knowledge on acquittals are 1) Kalven and Zeisel’s report on American Jury which was published 50 years ago and 2) some anecdotes. As there are roughly 84 per cent of those accused are being convicted on an average, it must be a comforting state of affairs and those who are acquitted as not guilty are for compelling reasons of they being not really guilty or their guilt not being proved beyond a reasonable doubt. The prospect of the consequences of erroneous conviction and unjust punishment of innocent defendants should outweigh the concerns about the reality of innocence or otherwise of those acquitted for being found not guilty. In France, a defendant can claim compensation for wrongful custody if he is ultimately acquitted but in common law countries, it is not the case as common law being judge made laws, judges are immune from negligence claims.

Conclusion

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