

Brief on reasonable doubt



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Reasonable Doubt Reasonable doubt has its constitutional underpinnings especially in the Fifth Amendment where it states that no person shall be deprived of life, liberty and property without due process of law (Amend V). A person convicted of a crime usually has more severe consequences to his or her life, liberty and good name than in a civil case judgment (Broun, 341). Because of the seriousness of such an effect to a person, the other party then has the burden of proving an accused's guilt beyond reasonable doubt (Broun, 341).

Historically, this high degree of standard in criminal cases started even during the ancient times which became formalized in the phrase “beyond a reasonable doubt” that occurred in the late 1798 (American Law Review, 642). In common law jurisdictions, this is now an accepted standard wherein the prosecution must be able to convince the trier that all the elements of guilt have been satisfied (Broun, 341). The United States Supreme Court on one occasion in 1970, explained that the due process clause proof beyond reasonable doubt of the essential facts of a crime charged against the accused, is the standard that guards the accused against an innocent person that may be found guilty (In re Winship, 397 U. S. 358 (1970)).

In the trial of cases, the jury is always instructed to apply reasonable doubt test to determine the innocence or guilt of the accused (U. S. v. Pepe, 501 F. 2d 1142, 1143 (10th Cir. 1974)). However defining reasonable doubt is not required by Courts (Torres v. State, 2003 WL 21757509 (Tex. App. El Paso 2003)). There were attempts to define what reasonable doubt is. In the Commonwealth v. Webster, reasonable doubt has been defined as, “that state which, after the entire comparison and consideration of all the evidence, leaves the minds of jurors in that condition that they cannot say

they feel an abiding conviction, to a moral certainty, of the truth of the charge,” *Commonwealth v. Webster*, 59 Mass. (5 Cush.) 295, 320 (1850). In another case, reasonable doubt has been explained to be that which is “founded upon a real tangible substantial basis and not upon mere caprice and conjecture,” (*Cage v. Louisiana*, 498 U. S. 39, 111 S. Ct. 328, 112 L. Ed. 2d 339 (1990)). It is that doubt which would raise ‘grave uncertainty’ in ones mind because of insufficient or the lack of evidence in prosecuting a person of a crime (Bergman and Hollander, 4). Such a doubt must be an ‘actual substantial doubt’ that a reasonable man can assess (Bergman and Hollander, 2008). The certainty of whether a person is guilty of a crime is referred to as ‘moral certainty’ and not absolute certainty (Bergman and Hollander, 4). In *Victor v. Nebraska*, reasonable doubt was defined as “such a doubt as would cause a reasonable and prudent person, in one of the graver and more important transactions of life, to pause and hesitate before taking the represented facts as true and relying and acting thereon,” (511 U. S. 1 (1994)). It further explained that it is such doubt which will not allow a person to have a conviction of guilt after a ‘full, fair, and impartial consideration of all the evidence’ (*Victor v. Nebraska*, 511 U. S. 1 (1994)). Courts have also defined reasonable doubt as having the hesitation to act rather than a readiness to act in certain actions which are important (Devitt & Blackmar, 1987). Others courts have also defined such term as relating it to ‘firmly convinced’ (*Zuern v. Tate*, 101 F. Supp. 2d 948 (S. D. Ohio 2000)) or ‘abiding conviction’ (*Lisenbee v. Henry*, 166 F. 3d 997 (9th Cir. 1999)). Some states also define proof beyond reasonable doubt as “excluding every reasonable hypothesis or inference except guilt’ (*Rent v. U. S.*, 209 F. 2d 893, 899 (5th Cir. 1954)).

Hence, in all these definitions, reasonable doubt in criminal cases all refer that there must be moral certainty sufficient to establish the guilt of a person and in turn, the conviction of an accused after all the facts, evidence and other relevant circumstances has been examined and weighed.

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