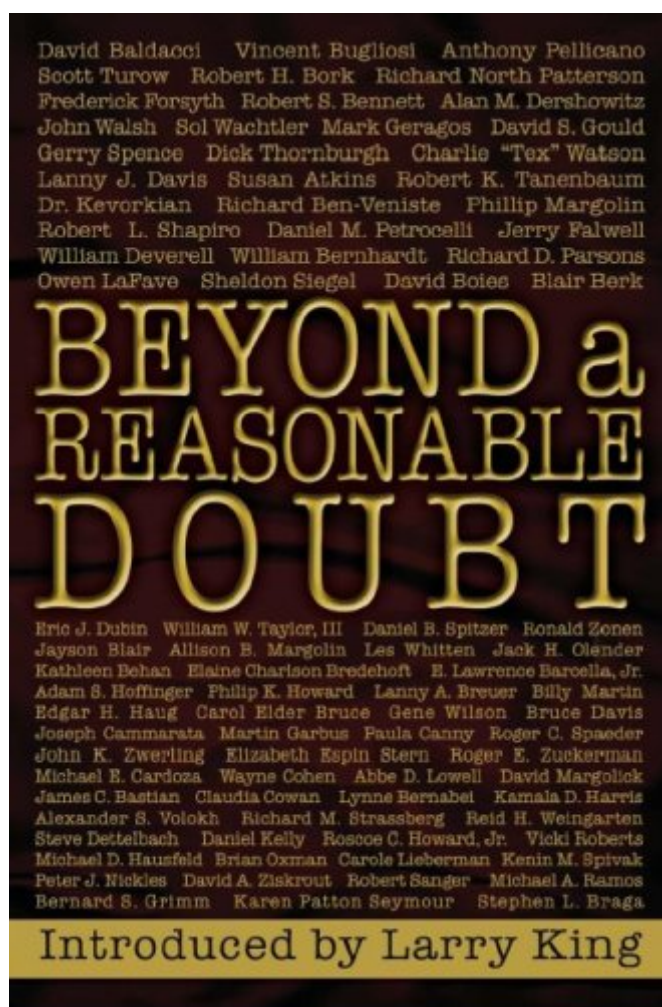


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BEYOND A REASONABLE DOUBT: Letters And Essays From The Famous And Infamous On The True Legal Definition Of Guilt In America's Courtrooms





Synopsis

This phrase, heard countless times every day in American courtrooms across the country, sets forth the burden of proof placed upon the prosecution in a criminal trial. Yet this cherished principle is not mentioned in the Constitution, nor is it defined by any laws. What, then, does beyond a reasonable doubt really mean, and how should it be interpreted and applied? In *Beyond a Reasonable Doubt* more than 80 distinguished contributors reflect on what this standard really means and how it is applied. Brilliantly dissecting its meaning from every angle, attorneys, judges, novelists, journalists, religious and convicted felons shine a light on the most compelling standard in our legal system. The digital version of this title has been upgraded for a most pleasureable reading experience on all reading devices and features a fully linked table of contents

Book Information

File Size: 1143 KB

Print Length: 488 pages

Page Numbers Source ISBN: 1597775037

Publisher: PHOENIX BOOKS, INC. (November 1, 2006)

Publication Date: November 1, 2006

Sold by:Ã Â Digital Services LLC

Language: English

ASIN: B001B4G5UI

Text-to-Speech: Enabled

X-Ray: Not Enabled

Word Wise: Enabled

Lending: Not Enabled

Screen Reader: Supported

Enhanced Typesetting: Enabled

Best Sellers Rank: #898,063 Paid in Kindle Store (See Top 100 Paid in Kindle Store) #26

inÃ Â Kindle Store > Kindle eBooks > Law > Procedures & Litigation > Jury #73 inÃ Â Books >

Law > Rules & Procedures > Jury #88 inÃ Â Kindle Store > Kindle eBooks > Law > Procedures & Litigation > Trial Practice

Customer Reviews

Excellent, interesting and informative reading. Most of these essays/chapters are very thought provoking.

You can pick up this book and start reading at the beginning, middle or end. Whether you read it for five minutes or five hours it's enjoyable and provides valuable insights. Beyond a Reasonable Doubt, has many authors. They range from the famous to the infamous. From high-profile attorneys to everyday hoodlums. Together, they provide a fascinating compendium of what is required to prove a defendant guilty before a jury. A brief biography of each author is presented along with their opinion. Some positions reflect on years of careful thought and introspection. Other opinions are shot from the hip. The book deals with the criminal and the civil justice systems. A good case is made that the civil system is arbitrary because right and wrong have lost their meaning. Examples are provided for medical malpractice, business ethics and contracts. The state of the criminal justice system is more ambiguous. Strong arguments are made for both the equity and inequity of criminal justice. All of the information provided is valuable to anyone who may be called to jury duty. Selected information can be used to bolster just about any bias one may have regarding our justice system. The range of authors and the fact that they are kept to just a few hundred words, make for entertaining reading.

This book deals with a number of topics and has 85 contributors. An important topic is jury nullification. This is the case where a jury decides, quite legally, to let a guilty person go free. A jury can also intentionally convict an innocent person, but that can often be appealed. I'm against jury nullification. Many years ago, some students were unhappy about the fact that secret (and highly inaccurate) files were being kept on them by their university. They protested, but they could get nowhere because the existence of these files was denied! Finally, some of them broke into a dean's office, restrained the dean (that's a crime; it's called "kidnapping"), opened his file cabinet, and removed the secret files (that's also a crime). Although the criminals accomplished something positive by their crimes, I felt the criminals needed to be punished in accordance with the law. They weren't, and as a result, numerous destructive "copycat" crimes followed which did no one any good. Of course, in this country, jury nullification has an even more annoying aspect. In the case that I cited, the issue of "reasonable doubt" did not come up. But sometimes it does, such as in the OJ Simpson case. Here, "reasonable doubt" was used as an excuse for jury nullification. That makes me wonder about the entire idea of using juries as determiners of fact. I think if we want to allow a jury to let a guilty person go free, we should first make sure the accused is actually guilty! And that means letting some folks other than the nullifiers determine the facts. In this book, Philip Howard points out that the role of a jury is to inform the Court of the facts. Of course, he's right. And he is

discussing the contrast with the role of the judge, which is to answer questions of law. But my point is that we won't have a justice system at all unless questions of fact are resolved, and that jury nullification forces us to skip this step. I was hoping to see more comments on this point in the book. Howard did at least make the point that we need to stop juries from making whimsical decisions on matters of law as well. The first section of the book deals with the concept of "reasonable doubt" specifically. Next is a section on "equal justice." And after that, there's a section called "quest for truth." There's plenty of interesting material here. But I wanted to see far more on ideas to get truth to play a much bigger role in our legal system. After all, without truth, there can't be justice! Some of the contributors did not mind the fact that OJ Simpson got away with murder, reasoning that a system that would convict him would also convict some innocent people. I think those contributors are totally wrong. OJ Simpson went free because the system was no good; I think such a bad system will generally convict more, not fewer, innocent people. There is also a section on the media and the justice system. And there's a section on protecting victims. Following that is a section called "punishment in America." The penultimate section deals with some rather serious crimes, such as the Armenian genocide and Serbian crimes against Bosnia. Again, I want to see more emphasis on truth here. For example, although I see a need for justice in such crimes, I am strongly against any international criminal tribunals. I believe such tribunals tend to degenerate into kangaroo courts that ignore the guilty while trying and punishing the innocent. If there were more value placed on truth, along with some checks and balances to prevent such perversions of justice, I would be less leery of such courts. I enjoyed this book even though I strongly disagreed with a great deal of what the contributors had to say. It addresses a wide range of important issues. But it should have given more advice on how to make truth a more important aspect of legal decisions, and I'm deducting a star for that.

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