

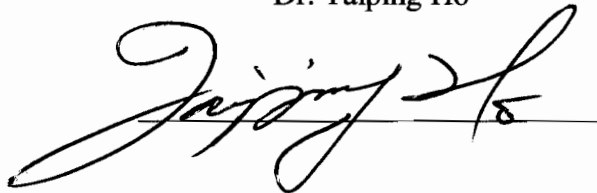
Reasonable Doubt: Finding OJ Simpson Not Guilty

An Honors Thesis (HONRS 499)

by

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A handwritten signature in black ink, appearing to read 'Taiping Ho', written over a horizontal line.

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Abstract

This paper aims to explore the O.J. Simpson trial in depth to better understand the verdict reached. Based on just the evidence, many people feel he should have been found guilty. However, in the adversarial process of a United States court, the way evidence is collected, presented, and explained can have a profound impact on the jury, as it should. The evidence is extremely important, and appears in more than just physical form, it also includes witness testimony. In the case of California vs. OJ Simpson, there were errors in collection, as well as impeached testimony and lying on the stand which contributed to the "reasonable doubt" standard that *must* be surpassed in a criminal proceeding. By discussing the evidence at issue in this trial, this paper shall explain why the jury was left with reasonable doubt and thus set Simpson free.

Reasonable Doubt: Finding OJ Simpson Not Guilty

It has been called the trial of the century. The case was a “media spectacle because the story dominated the nation’s news media and its national consciousness” (Furno-Lamude, 1999, p. 20). Orenthal James Simpson, a professional football star and role model for people of all ages, was accused of double murder. On the night of June 13, 1994, Simpson’s former wife Nicole Brown and her friend Ronald Goldman were found brutally stabbed at Brown’s condominium. With blood drops, footprints, hair, fibers, and even the items worn by the murderer found at the scene, the prosecution and American public alike assumed it would be an open and shut case. What they were to find, however, was that “reasonable doubt” is a difficult burden of proof. Despite the prosecution’s mountain of evidence, Simpson was found not guilty. It left the public asking why.

Reasonable doubt, the standard of proof for criminal court, is a tricky item. It is not surprising when one considers that the Supreme Court of the United States refuses to explain what reasonable doubt is. With no concrete definition, how can any jury be sure the state has proven its case? Gardner and Andersen mention that “proof beyond a reasonable doubt is proof that leaves you firmly convinced of the offender’s guilt” (2004, p. 56). Alan Dershowitz (1996) also discusses this issue, stating on page 70 of his book *Reasonable Doubts* that “reasonable doubt is not a speculative doubt, a feeling in your bones. It is more than a doubt based on guesswork or possibilities.” What does all this mean to the average juror? Nothing. Jurors are completely in the dark about what is or is not reasonable doubt. They must make their own determination with no help from legislatures or the courts.

The United States Court System operates on a presumption of innocence (Gardner & Anderson, 2004, p. 10). This means that in all criminal cases, the state must be the one to prove their case. In this instance, the prosecution was responsible for proving that Orenthal James Simpson was guilty of murdering both his ex-wife and her friend Ronald Goldman. Though the jury could experience small amounts of doubt about certain pieces of evidence, in order to convict they must have felt that he was guilty beyond a reasonable doubt. If one considers just the list of evidence presented against Simpson, it would seem as though there was no way the jury could acquit. Nevertheless, they *did* acquit Simpson of all charges. Simpson was set free by an impartial jury of his peers, afforded to him by the 6th Amendment to the Constitution (Gardner & Anderson, 2004, p. 14). The jurors felt that the prosecution did not prove their case beyond a reasonable doubt. How could the evidence tell the jury he was not guilty? The evidence raises the question, and the evidence is the answer.

In the adversary system of the United States Courts, each side must present its case. The prosecution and defense team alike must analyze the evidence in order to draw conclusions that support their side. The prosecution drew conclusions that said Simpson was guilty. The defense team would agree that the evidence did not prove his innocence, but they would contend that the evidence did not prove his guilt. There were too many questionable aspects of the investigation. It was up to the jury to decide who was right. The following discussion will explain the evidence presented by each side, and why the jury could not convict Simpson of two counts of murder beyond a reasonable doubt.

Case Background

Simpson and Brown were married on February 2, 1985. Though they conceived two children during their 7 year marriage, there was a history of abuse. Brown called 911 several times during and after her marriage to Simpson, reporting beatings and verbal abuse. Simpson pled no contest to some of the charges. A no contest or *nolo contendere* plea simply means that the defendant does not admit guilt, but also does not contest the charge and claim innocence (Gardner & Andersen, 2004, p. 38). Finally, in 1992 Brown filed for a divorce. Nicole Brown befriended Ronald Goldman, an aspiring actor, two years after her divorce from Simpson. In the early morning hours on June 13, 1994, police were called to Brown's Bundy residence where she and Goldman were found brutally murdered.

The Night of the Murders

The events that took place on that night are still widely disputed, but a rough timeline has been established by piecing together witness testimony. The evening began with Nicole Brown attending dinner at the Mezzaluna Restaurant with family and friends. After stopping for ice cream with her two children, Brown returned home at approximately 9:00. At 9:15, one of Brown's sisters called the Mezzaluna to report that their mother had forgotten her glasses. Ronald Goldman offered to return them.

Between 9:00 and 9:30, OJ Simpson and Brian "Kato" Kaelin went to McDonald's for dinner. Kaelin, a friend of Simpson's, was staying in the guesthouse on Simpson's property. At around 9:45, Simpson and Kaelin returned to the Rockingham estate, and went their separate ways.

At 9:50, Ronald Goldman left the Mezzaluna with the glasses in a white envelope. At 10:15, a neighbor reported hearing a barking dog at Brown's home. Limousine driver Allan Park arrived at Simpson's home at 10:25. Park had been hired to drive Simpson to the airport, where he was going to catch a flight to Chicago that evening. Kaelin heard three loud bumps outside his wall in the guesthouse at approximately 10:40 pm. Around this time, Park began buzzing the intercom because no one had let him in the gate.

At 10:55, Park phoned his boss to state that no one was home. Park was told to wait until 11:15 at least, since Simpson was usually late. Shortly before 11:00, Park observed a 6 foot tall 200 pound black man walking across the driveway. When Kaelin went outside at 11:00 to investigate the noise he had heard, he saw Park in the driveway. Park again buzzed the intercom, and finally received a response. Simpson answered, and stated that he had overslept and was in the shower when Park arrived. After packing his bags into the trunk of the limousine, Park drove Simpson to the airport in Los Angeles where he departed on a flight to Chicago. At 12:10 am on June 13, 1994, the bodies of Nicole Brown and Ronald Goldman were discovered.

The investigation began. The public was shocked that such a heinous crime took place in what should have been a safe neighborhood of Brentwood, California. Though Simpson was said *not* to be an initial suspect, he was the first person notified of the event. Five days after the deaths of Brown and Goldman, suspicions began to mount as to Simpson's involvement with the murders. Instead of responding calmly and speaking with police, Simpson began to act very strangely. He led Los Angeles Police Officers on a 60 mile long chase, while the officers pleaded with Simpson via cellular telephone to turn himself in. Simpson refused to stop his white Ford Bronco, and the low-speed chase was broadcast into millions of television sets across

the country. After returning to his Rockingham home, Simpson surrendered to law enforcement officers, and was charged with double murder.

The State's Case

The burden of proof rests with the prosecution in any criminal trial. The state is responsible for providing evidence that proves the means, motive, and opportunity for the defendant to have committed the crime (Gardner & Andersen, 2004, p. 60). Led by Marcia Clark, the prosecution team in California vs. Simpson claimed he was driven by jealousy to commit the killings. Unable to control his former wife through vicious beatings, Simpson was driven to take even more violent and drastic measures to attempt to control her. Not only was he possessive and violent towards Brown, but according to the prosecution's timeline he had plenty of time and the perfect opportunity to commit murder. He lived close enough to Brown's condo drive there and back quickly. He was conveniently leaving for Chicago on a late flight that night, providing several ways for him to conceal or destroy evidence that linked him to the crimes. Though the knife used as the murder weapon was never found, the prosecution was confident in building their case (Furno-Lamude, 1999, p. 42).

The prosecution team consisted of Marcia Clark, Christopher Darden, William Hodgman, Cheri Lewis, Hank Goldberg, and Brian Kelberg (Schuetz, 1999, p. 5). This team of lawyers claimed that Simpson left his home shortly before 10:00 in his White Ford Bronco. After arriving at Brown's home, he brutally stabbed both Brown and Goldman, cutting his left hand in the struggle. Due to this cut, Simpson left blood drops on the left hand side of the bloody footprints left at the scene. He also carried blood from the crime scene into his Bronco and his

Rockingham home. Simpson returned to his residence in time to catch his limousine ride to the airport, where he departed on a trip to Chicago.

The prosecution began by painting a picture of the type of relationship Brown and Simpson had. Several witnesses were called forth to testify as to the severe abuse Brown suffered at the hands of her former husband. Testimony from Police Detective John Edwards was extremely helpful in explaining the relationship between Brown and Simpson. Edwards responded to a 911 call made by Nicole Brown in 1989. Upon his arrival at the scene, Brown emerged from the bushes severely beaten screaming "He's going to kill me!" (CourtTV, 2004). Ronald Shipp, another police officer and friend of Simpson's, claimed that OJ told him he had dreams about killing Nicole.

The prosecution also called Denise Brown, the victim's sister, to testify about how Simpson treated Nicole. According to Denise, Simpson humiliated Nicole in public by touching her inappropriately. He even went so far as to grab her genital region and jokingly tell friends that it was where babies came from, so it belonged to him (CourtTV, 2004). Denise Brown also described the intense fear which gripped Nicole concerning her husband and the brutal beatings she was forced to endure.

After describing the defendant's violent nature, the prosecution continued their case by establishing a timeline. According to Marcia Clark, Simpson had ample time and little difficulty committing the murder and returning home. The testimony of Allan Park, the limousine driver sent to transport Simpson to the airport, testified as to the time frame when Simpson was unaccounted for. Park did not receive a response to the buzzer until around 11:00 pm. The last person to see Simpson before this was Brian Kaelin, who left Simpson's company at 9:45. This left an hour and fifteen minutes during which Simpson's whereabouts could not be proven.

Finally, Park testified that he did not recall seeing Simpson's white Ford Bronco parked in front of the home when he arrived at the residence at 10:25 pm.

The next two witnesses seemed to strengthen the state's case beyond measure. Police Detectives Mark Fuhrman and Phillip Vannatter were called to the stand to testify for the state. These officers were instrumental to the investigation of the murders. Fuhrman, who had formerly arrested Simpson for domestic abuse charges, was one of the officers to observe blood on the door handle of Simpson's Bronco. In addition, Fuhrman found one of the most important pieces of evidence in the trial. When at Simpson's estate, Fuhrman discovered a bloody right-handed glove which seemed to match the glove left at the murder scene. Detective Vannatter observed many blood drops and smears at Simpson's home and near his Bronco. He also observed the bloody leather glove at the Bundy crime scene, and agreed with Fuhrman's deduction that the glove found at Simpson's home was a match.

The next important witness for the state was Brian "Kato" Kaelin, the friend staying at Simpson's guest house. Kaelin and Simpson parted ways at approximately 9:45 pm on the night of the murders, and Kaelin could not account for Simpson's whereabouts from then until 11:00 when Simpson exited the house to pack his bags in the limousine. In the meantime, Kaelin heard three loud bumps outside the wall of his room at around 10:40. When he went to investigate, he noticed the limo driver Allan Park standing near the driveway. Shortly thereafter, Simpson emerged and began to pack his things into the limo. However, when Kaelin offered to help, Simpson would not allow him to handle a certain knapsack. After the investigation began, this knapsack and one other bag Kaelin remembered seeing Simpson take could not be found (CourtTV, 2004). This lends to the prosecution's theory that Simpson arranged the Chicago trip to dispose of evidence that could link him to the crime.

The prosecution then moved to another phase of their case. Trace evidence was of utmost importance in this trial. Hair, blood, and fibers were found in various places at the crime scene, Simpson's Bronco, and at his home. Twelve separate hairs were found on the skip cap left at the crime scene as well as Goldman's shirt (CourtTV, 2004). These hairs were considered a match to Simpson after performing DNA tests. Though DNA matching is not a completely exact match, this meant that Simpson could *not* be excluded as a donor for the hairs. Fibers matching Simpson's Bronco were found on the skip cap left near the victims, as well as on the glove at the Bundy crime scene. Fibers from Goldman's shirt and hairs from both victims were found on the ski cap where hair matching Simpson's was found.

Blood was found in numerous places, helping to prove that Simpson was present at the crime scene. Blood drops at the Bundy residence were consistent with Simpson's blood. One drop in the driveway at Brown's home "produced a 1 in 170 million match of Simpson's DNA" (Levy, 1996, p. 106). According to some witnesses, Simpson displayed fresh cuts on his hand shortly after the murders, leading him to keep his hands in his pockets most of the time (Dershowitz, 1996, p. 45). Blood drops were found in Simpson's Bronco that matched his own blood, and that of Nicole Brown and Ronald Goldman. Finally, there was blood found in Simpson's driveway, the foyer of his home, and the master bedroom. Bloodstained socks were left on the floor in Simpson's bedroom, and the sample was said to match Nicole Brown and OJ Simpson (Dershowitz, 1996, p. 30). After performing DNA testing to the blood on the socks, there was a 1 in 7.7 billion match to Brown and a 1 in 57 billion match to Simpson (Levy, 1996, p. 112).

In addition to drops of blood, there were bloody shoeprints found near the victims and in Simpson's Bronco. The prints at the scene were from a size 12 Bruno Magli shoe. The bloody

footprint inside Simpson's Bronco was also consistent with a size 12 Magli. Simpson wears size 12 shoes. The prosecution claimed this proved he was present at the scene, although the shoes were never found to be in Simpson's possession during the investigation.

Finally, the prosecution presented perhaps the most important piece of physical evidence. The gloves found at the two separate residences were of the same pair, Aris Light Extra Large gloves. The left-handed glove was found covered in blood at Nicole Brown's residence. A matching right-handed glove, same style and size, was found at Simpson's Rockingham estate. The state also presented evidence that Simpson owned similar gloves. Nicole Brown had purchased two pairs of this exact color, style, and size gloves from Bloomingdale's in 1990 (CourtTV, 2004). This was not a highly popular style so they were not a common pair to find. Also, Simpson could be seen wearing Aris Light gloves while working as a Sportscaster, and he wore them from 1990 until 1994 (CourtTV, 2004).

The prosecution contended that with this much evidence against Simpson, there was no way the jury could rightfully set him free. As they would soon learn, however, the defense would stop at nothing to build doubt in the juror's minds. As the defense took center stage, the American public could only watch in disbelief at just how controversial the trial became.

The Defense's Case

The defense "dream team" as dubbed by the media, consisted of Johnnie Cochran, Robert Shapiro, F. Lee Bailey, Gerald Uelman, Alan Dershowitz, Peter Neufeld, Barry Scheck, Carl Douglas, Robert Blaiser, and Sara Caplan (Schuetz, 1999, p. 5). This team of lawyers argued that Simpson was not only free of guilt, but the victim of racist law enforcement officers

attempting to frame him for the double murder. As the defense attempted to show in the trial, they said the Los Angeles Police Officers mishandled evidence, even tampering and planting it in various places in order to make Simpson appear guilty. If that was not enough to convince jurors of Simpson's lack of guilt, the defense also contended that he was too weak to commit the crimes, and the famous bloody gloves did not fit his hands.

After trying to portray Simpson's character as more than just a jealous wife-beater, the defense began their assault on the prosecution's timeline. Several neighbors of Nicole Brown were called to the stand to testify. One neighbor claimed he was walking by Brown's home at the time the murders were supposedly taking place, and heard nothing suspicious. Neighbor Denise Pilnak testified that Brown's dog was not barking at 10:15 pm. Her dog began barking closer to 10:35 (CourtTV, 2004). If this was the case, then there would not have been enough time for Simpson to commit the murders at 10:35 and return home by 11:00 pm. A third neighbor stated that a car similar to Simpson's Bronco was at the scene. However, it sped off in the opposite direction of Simpson's home, which again would mean he did not have enough time to return to his residence (CourtTV, 2004).

The defense declared in opening statements that Simpson's physical state made it unlikely that he was responsible for the crimes. First of all, Simpson was simply too debilitated to commit a double murder. He suffered from rheumatoid arthritis, which affected his ability to move laterally. In addition, Simpson sustained many injuries to his knee while playing professional football, which would have made him too frail to overtake two people struggling for their lives. Finally, many people who saw Simpson on the plane to Chicago did not notice any injuries to his hands. The pilot of the aircraft stated that when he asked Simpson for an

autograph, he gladly obliged. He did not seem uneasy about anything, nor did he seem to have a cut on his left hand.

The next phase in the defense's presentation was to attack the forensic evidence presented by the prosecution. This evidence was extremely impressive from the state's standpoint, and the defense faced a formidable task in establishing doubt about the evidence's authenticity. They began by calling Simpson's hair stylist to the stand. Apparently, the hairs found at the scene showed evidence of dandruff, as well as being dyed. According to the hair stylist, Simpson had never had his hair dyed, nor did he regularly suffer from dandruff (CourtTV, 2004).

The blood found at both residences was extremely problematic for the defense. They pointed out that the blood found on the socks in Simpson's bedroom contained EDTA. This is a chemical substance used in police labs to preserve blood. It serves to keep the blood from clotting, and according to Dershowitz "any human being whose blood contained that much EDTA – which is an anti-coagulant – would bleed to death" (1996, p. 76). If the blood contained that much EDTA, then it must have been placed on the socks after the sample was collected by police officers. In addition, blood spatter expert Herbert McDonald testified that the blood on the socks did not appear to be spattered. It looked more like it had been smeared there, which also supports the theory that it was planted.

Next, the blood sample taken from Simpson while he was in custody was unaccounted for during a certain period of time. Instead of placing it in controlled police custody, Detective Phillip Vannatter kept it with him while walking around the Simpson home (Dershowitz, 1996, p. 74). This gave him ample opportunity to plant blood anywhere in the mansion, but even if he did not plant evidence this is plain proof that police made mistakes during the investigation. In

addition, there was much discussion as to the exact amount of blood that was drawn from Simpson. The defense claimed that a small amount was missing from the test tube, which fits in with the possibility of Vannatter planting it in various places.

Finally, Johnnie Cochran labeled the crime lab used to test the blood samples a “cesspool of contamination” (CourtTV, 2004). Due to such high possibilities of contamination and human error, Cochran claimed that the DNA results presented by the prosecution were invalid. There was no way to guarantee that during the time Vannatter was carrying the blood in his pocket it did not get tainted. Also, with a laboratory that problematic, the equipment may not be reliable either.

The defense called Dr. Henry Lee to the stand in order to help Simpson’s case. Dr. Lee, an expert in crime scene forensics, suggested the possibility of a second assailant. According to Lee, there seemed to be a possible second shoe print in blood at the crime scene. This print did not match the Bruno Magli shoeprints found in other places at the scene. If there was another assailant, police should have explored this possibility before arresting Simpson for the murders.

The defense then switched gears from attacking the evidence to attacking the witnesses, primarily Detective Mark Fuhrman. While on the stand, Fuhrman claimed he was not racist and had never used the word “nigger” (CourtTV, 2004). However, the defense proved otherwise. Witness for the defense Laura Hart McKinney had been writing a screenplay on big city cops, for which she interviewed Fuhrman. McKinney tape recorded all of their conversations, with Fuhrman’s permission. On these tapes, Fuhrman used the term “nigger” 42 times, which proved he was racist, but also called into question the fact that Fuhrman was the officer who discovered the bloody glove at Simpson’s estate (Schuetz, 1999, p. 60). Even further, Fuhrman told McKinney that he sometimes pulled over African American men driving with Caucasian women

when they committed no offense. Fuhrman said that even if they committed no criminal infraction, he would find a reason to pull them over (CourtTV, 2004).

In addition to being racist, Fuhrman entered the Rockingham estate owned by Simpson without permission or a warrant. When police officers were not immediately granted access by Simpson, Fuhrman jumped the fence and let the other officers in. All evidence seized during this time could have been deemed inadmissible due to the 4th Amendment protection against illegal search and seizure (Gardner & Andersen, 2004, p. 13). If Judge Lance Ito had declared Fuhrman's entrance a violation of this law, then all evidence would have been useless, including the bloody glove found at Simpson's home. This became a vital point of argument for the defense, since Fuhrman had also told McKinney that he had previously tampered with evidence in other cases. Fuhrman gave her a detailed description of how he could make an old injection mark on an addict into a fresh one by picking the scab (Dershowitz, 1996, p. 55). This proved yet again that Fuhrman's testimony could not be trusted, and any evidence he worked with was questionable.

Finally, Johnnie Cochran made a few valid points about the items worn by the murderer. First of all, a ski cap does not serve as a very good disguise. Cochran demonstrated this by parading around the courtroom wearing a similar hat to the one found. If the hat did not mask the assailant's appearance, then why would he use it as a disguise? Also, when Simpson was asked by the prosecution to try on the gloves from the crime scene, they did *not* fit his hands (CourtTV, 2004). It is illogical for a murderer to use gloves that do not fit his hands, lest they allow him to leave handprints behind or other evidence. Even if Simpson used the gloves and wore the ski cap, he would not rationally leave two items at the scene only to take the matching glove to his own home for disposal.

The defense attempted not to prove Simpson's complete innocence, but only to raise enough questions about the prosecution's case so that the jury could not reasonably feel convinced of his guilt. After all, the verdict is simply "not guilty," which does not mean the jury feels he is innocent. After many days of testimony and argument, the defense rested its case.

The Prosecution's Rebuttal

The prosecution was then forced to respond to the defense team's contentions. Mainly, the prosecution challenged the notion that Simpson was too frail to commit the murders. Simpson not only still played sports such as golf for fun, but he made an exercise video two weeks prior to the murders. Simpson was shown doing push-ups, punching moves, and even making jokes to the camera about using the moves to hit one's wife (CourtTV, 2004). This made it obvious that Simpson was capable of committing murder, despite any old football ailments. The defense called NFL doctor Robert Huizenga to the stand to testify for Simpson's condition and physical injuries. However, on cross-examination by the state, Huizenga said there was never a finding of physical limitation that would have prevented Simpson from murdering the two victims (Clark, 1997, p. 423).

In previous pictures of Simpson wearing the Aris Light gloves he owned, the gloves seemed snug and almost too short. An executive from the glove company testified at trial, stating that the style and size of gloves found in connection to the murders should have fit Simpson, and they were identical to a pair he was seen wearing in 1991 (CourtTV, 2004).

The prosecution defended their timeline by challenging Denise Pilnak's testimony. Pilnak claimed to be a clockophile, or some one who is obsessed with time. Despite her

elaborate timeline of events that night, she got the name of the restaurant wrong where she and a friend had dinner that night. But more importantly, Pilnak couldn't even tell the jury how long she had been in court that morning; particularly what time she entered (Clark, 1997, p. 420). The prosecution said that this proved Pilnak could have erred in her estimation and their timeline was not inaccurate.

The prosecution ended by challenging the accusations against their forensic evidence. The DNA evidence was retested, and the results still supported the notion that Simpson and Goldman's blood were found in the Bronco. That alone linked Simpson to the victim and the murder scene. Also, the police nurse who withdrew Simpson's blood was re-called. He testified that he overstated the amount of blood he took in previous testimony (CourtTV, 2004). Under review, it was found that a lesser amount had been taken, and therefore none was missing from the test tube. This also meant that none of the blood could have been used to plant evidence framing Simpson.

In addition, experts were brought to the stand to contend the assertion that blood containing EDTA meant it was automatically planted at the scene. According to expert witness Roger Martz, the EDTA found on the socks was only in a very minute amount. Blood containing police lab levels of EDTA would show up as tall bars on a graph of test results. The blood from the socks, however, only showed two very short bars. Martz said the EDTA could be present from detergent or certain foods that use it as a preservative (Clark, 1997, p. 425). This means that the blood was not necessarily planted, because EDTA could show up anywhere.

Finally, Dr. Henry Lee's claim that another footprint suggested another assailant was disproved. This print could have been made by Goldman's jeans. In addition, Lee was not an initial investigator present at the scene. The footprint could have been made by a witness, law

enforcement personnel, or by the victims' families. There was no way to determine when the print was made, let alone if it was a second assailant who was responsible.

After a total of 126 witnesses were called, both sides made their closing arguments and rested their cases (Schuetz, 1999, p. 5). The trial had lasted ten months, and was one of the longest trials ever recorded (Schuetz, 1999, p. 5).

The Verdict

The verdict was announced on October 2, 1995 (Schuetz, 1999, p. 5). After only four hours of deliberation, Simpson was found not guilty of first or second degree murder for both victims, Nicole Brown and Ronald Goldman by a jury including nine blacks (Schuetz, 1999, p. 182, Dershowitz, 1996, p. 99). After spending 474 days in jail, Simpson was freed. The announcement of the verdict was watched by millions of Americans, and the results either shocked or thrilled each and every one. It was one of the most controversial trials ever seen, and it ended on a happy note for Orenthal James Simpson. He was acquitted, and allowed to return to his home a free man.

As explanation of the verdict, the jurors cited the large number of questions raised by the defense. Why had Vannatter carried blood in his pocket all over Simpson's home? Why had Fuhrman entered Simpson's estate without a warrant, and then separated himself from other officers to look around alone? As a juror mentioned in Dershowitz's 1996 book, "The judge instructed us that if we believe that a witness lied about one issue, we should view the rest of his testimony with suspicion and are even free to reject it all" (p. 91). The jury followed this order, and chose to acquit Simpson of all charges. Another juror wrote after the trial that even though

he felt Simpson was possibly guilty, he could not convict on the basis that “he simply could not believe the police who gathered the evidence” (Dershowitz, 1996, p. 95).

Conclusion

In my personal opinion, I feel that the prosecution presented enough raw evidence to convict Simpson. However, due to errors in collection, testing, and witnesses lying on the stand, I feel that the jury was correct not to convict the defendant. It is not the defense’s job to prove a case; they must simply *disprove* the case of the prosecution. They did exactly that. The defense did an excellent job of raising questions as to all witnesses’ credibility and the integrity of evidence collected. The burden of proof was on the state, and they simply could not counter the points raised by the defense. Too many questions went unanswered, too many stones were left unturned, and the only thing an honest jury could do was set Simpson free. Justice seems to have been rightly served.

I did not, however, agree with some of the tactics employed by the defense team. Instead of seeking justice for the brutal murder of two innocent people, the defense made the case more about “policing the police”, as Cochran stated many times during trial (Abramson, 1996, p. 15). The person on trial was no longer OJ Simpson, but the LAPD officers who testified. According to Abramson (1996, p. 15), “The implication of Cochran’s remarks was that delivering such a message was more important than convicting even a guilty murderer.” Though I do feel that the trial ended justly according to the United States Criminal Justice System, I feel that the defense did not act in a morally just way.

Many American citizens were outraged by the result of this trial. However, with a better understanding of the processes and protocol that must be followed in our justice system, the average person must understand that this is the only possible verdict that could have been reached. The police made mistakes, as all humans do, and even if this means setting a guilty man free it is the only way to keep our justice system intact. Perhaps the jury was operating on an idea of unreasonable suspicion of law enforcement officers, as Randall Kennedy states (1996, p. 34). Several jurors felt that he “probably” did it, but as Paul Butler discusses, “Probably guilty is not good enough under the Constitution” (Butler, 1996, p. 39). As the law states in our country, Simpson was innocent until proven guilty, and his guilt was not proven beyond a reasonable doubt.

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Reasonable Doubt:

Finding OJ Simpson Not Guilty

Case Background

- Former NFL star Orenthal James Simpson married Nicole Brown on February 2, 1985
- They had two children during their 7 year marriage
- There was a history of abuse, and Simpson pled no contest to some of the battery charges
- In 1992, Nicole Brown Simpson filed for divorce



Background, cont.

- Brown made friends with Ronald Goldman, an aspiring actor, two years after her divorce from Simpson
- On June 13, 1994 police were called to Nicole Brown's home, where they found her and Goldman stabbed to death
- The children were still asleep upstairs as police began their investigation

Background, cont.



- Five days after the start of the investigation, OJ Simpson fled police in a low speed chase
- After a 60 mile excursion, Simpson drove his now notorious white Ford Bronco to his Brentwood home
- He surrendered to police and was charged with double murder

The Night of the Murders

- **June 12, 1994** - Nicole Brown went to dinner with her two children and other friends and family at the Mezzaluna Restaurant. Brown returned home with her two children after stopping for ice cream. At 9:15, one of her sisters called the Mezzaluna to report that their mother forgot her glasses. Ronald Goldman offered to return them.

The Night of the Murders

- **9:00-9:30 pm** - OJ Simpson and Brian Kaelin, a friend staying in the Simpson's guest house, went to McDonald's for dinner
- **9:45 pm** - Simpson and Kaelin returned to his Brentwood home
- **9:50 pm** - Goldman left the restaurant with the glasses in a white envelope
- **10:15 pm** - A neighbor reported hearing a dog constantly barking at Nicole Brown Simpson's home
- **10:25 pm** - Limousine driver Allan Park arrived at Simpson's home

The Night of the Murders

- **10:40 pm** - Kaelin heard three loud bumps outside the wall of his room. Park began buzzing the intercom and got no response
- **10:55 pm** - Park called his boss to report that Simpson was not home and was told to wait until 11:15, shortly before 11:00 Park saw a 6 foot tall 200 pound black man walking across the driveway
- **11:00 pm** - Kaelin went to investigate the noise and saw the limo driver. Park again buzzed the intercom and Simpson answered, stating that he overslept and had been in the shower

The Night of the Murders

- **11:00-11:45 pm** - Simpson put his bags in the limousine and Park drove him to the airport, where Simpson departed on a flight to Chicago
- **June 13, 1994 12:10 am** - The bodies of Nicole Brown and Ronald Goldman were discovered outside her home, thus spurring the investigation



The Prosecution's Theory



- The prosecution, headed by Marcia Clark, claimed Simpson left his home shortly before 10:00 in his White Ford Bronco
- After arriving at Brown's home, he brutally stabbed both Brown and Goldman, cutting his left hand in the struggle
- He left blood drops from his hand at the scene, and also carried blood from the victims into his Bronco and his home
- Simpson returned to his home in time to catch his flight to Chicago, which gave him ample opportunity to hide or destroy evidence after the crime

The State's Case

- Witness testimony helped form a picture of the abuse Nicole Brown suffered at the hands of her former husband, OJ Simpson
 - Police detective John Edwards responded to a 911 call made by Nicole Brown in 1989. Upon his arrival at the scene, Brown emerged from the bushes severely beaten, screaming "He's going to kill me!"
 - Ronald Shipp, a police officer and friend of Simpson's, claimed OJ told him he had dreams about killing Nicole
 - Denise Brown testified as to Simpson's brutal treatment of her sister Nicole, including comments he made about how she belonged to him

The State's Case



Allan Park

- The state established a timeline, which could prove Simpson had plenty of time and little difficulty committing the murders
- The testimony of Allan Park, the limo driver sent to pick up Simpson, was vital to the state's contention that Simpson was not at home during the time of the murders
 - He did not recall seeing Simpson's Bronco parked out front

The State's Case

- Detective Mark Furman
 - He was the officer who took Simpson to jail for domestic abuse charges
 - He observed what looked like blood on the door handle of Simpson's Bronco
 - He discovered a bloody right-handed glove at Simpson's home which seemed to match the glove found at Brown's
- Detective Phillip Vannatter
 - He observed many blood drops and smears at Simpson's home and near his Bronco
 - He observed the bloody leather glove at the scene which seemed to match the one found by Furman



The Defense's Theory

- The defense contended that not only was Simpson innocent, but he was being framed by LAPD Police Officers
 - They tampered with evidence, and evidence was mishandled time and time again
 - One of the prosecution's strongest witnesses was a racist
- He was too weak and debilitated to commit such a heinous crime
- The bloody gloves did not fit Simpson's hands



The Defense's Case

- The defense attempted to discredit the prosecution's proposed timeline
 - A neighbor who walked by Nicole Brown's home heard nothing suspicious going on at the time the murders were supposedly taking place
 - According to neighbor Denise Pilnak, the dog did not start barking until around 10:35, which would not provide enough time for Simpson to commit the murders and return to his home
 - Another neighbor claims that a car similar to Simpson's was at the scene, but it sped away in the opposite direction of his home

The Defense's Case

- Simpson's Physical State
 - He suffered from rheumatoid arthritis and this affected his ability to move laterally
 - He sustained many injuries to his knee, which made him too frail to overtake two people struggling for their lives
 - Many people who saw Simpson on the plane to Chicago did not notice any injuries on his left hand

The Defense's Case

- Problems with forensic evidence
 - The hairs found in the ski cap were dyed and showed evidence of dandruff, neither of which seemed to be characteristic of Simpson's hair
 - The blood on the socks found in Simpson's room contained EDTA, a chemical used in police labs to preserve blood
 - According to Herbert McDonald, the blood on the socks doesn't appear to be spattered, it looks as though it was smeared which could mean it was planted
 - The blood that was taken from Simpson once he was in custody was unaccounted for during a certain time period and handled poorly by police, leading to accusations that some was removed from the test tube it was placed in
 - The labs used to test the DNA from the blood samples was a "cesspool of contamination" which made the results unreliable

The Defense's Case



- Dr. Henry Lee – Forensics Expert
 - Suggests the possibility of a second assailant, while the prosecution claimed Simpson acted alone
 - There seemed to be a possible second shoe print in blood at the scene that was different from the others found at the scene

The Defense's Case

- Detective Mark Furman
 - Laura Hart McKinney interviewed Furman for help with a screenplay about big city cops
 - Furman used the term "nigger" more than 30 times on the tape recorded interviews, proving he was racist and calling into question the fact that Furman was the officer who found the bloody glove at Simpson's estate
 - He even stated that he sometimes pulled over African American men who were driving with Caucasian women even when they did nothing wrong



The Defense's Case

- Furman also entered the Rockingham estate by jumping a fence to let other officers in
 - Any evidence seized during this time could have been considered inadmissible due to the 4th Amendment
 - All citizens have a right to be free from illegal searches and seizures, and by entering without permission or a warrant, the evidence was potentially inadmissible because the officers had no right to be there

The Defense's Case

- One of the most important points made by the defense was that the gloves did not fit the defendant
 - They were far too small
 - It also made no sense for Simpson to leave one glove and a ski cap that didn't even mask his appearance, only to bring the other glove back to his home



The Rebuttal Case



- The prosecution challenged the notion that Simpson was too frail to commit double murder
 - He still played sports for fun
 - He made an exercise video two weeks prior to the night of the murders, doing push-ups, punching moves, and even making jokes about using the moves to hit your wife

The Rebuttal Case

- In previous pictures of Simpson wearing similar gloves to the ones used at the crime scene, they look short and snug
 - An executive from the glove company stated that the size and style found at the scene should fit Simpson, and they were identical to a pair he wore in 1991
- DNA evidence was retested, and the results still support the notion that Simpson and Goldman's blood were found in the Bronco

The Rebuttal Case

- The police nurse who drew Simpson's blood overstated the amount withdrawn in his previous testimony
 - Upon review it was found that a lesser amount had been taken, and therefore none was missing
- The supposed second footprint that Dr. Henry Lee claimed belonged to another assailant could have been made by Goldman's jeans

The Verdict

- After only two hours of deliberation, the jury reached a verdict for what has been called the "trial of the century"
- Simpson was found not guilty of first or second degree murder for both victims, Nicole Brown and Ronald Goldman
- After spending 474 days in jail, Simpson was finally freed



Conclusion

- I feel that the prosecution had more than enough raw evidence to convict Simpson
- However, due to errors in collection, testing, and witnesses lying on the stand, I feel that the jury was correct not to convict the defendant
- The defense did an excellent job of raising questions as to all witnesses' credibility and the integrity of the evidence collected
- The burden of proof was on the prosecution, and they simply could not present a strong enough case to convict Simpson

Credits

- Photos and images were taken from the following websites:
 - <http://www.courtty.com/casefiles/simpson/index.html>
 - <http://www.law.umkc.edu/faculty/projects/ftrials/Simpson/Simpsonaccount.htm>
 - <http://www.cnn.com/US/OJ/verdict/defense/>
 - <http://epguides.com/TraceEvidence/>
- All information presented was taken from my Senior Honors Thesis, "Reasonable Doubt: Finding OJ Simpson Not Guilty."

Reasonable Doubt:

Finding OJ Simpson Not Guilty