

Appendix

The Declaration of Independence

The following is the Declaration of **Independence** of **the** United States of America from Great **Brittain**. It was issued in 1777, **shortly after** the commencement of hostilities (fighting) between the US colonies and the British. While of not much legal importance in in the US today, it marks the **beginning** of the United States, and thus the foundation of its legal system, as much of the constitution, which developed several years later, was drawn from and foreshadowed by the principles stated in this document. The Declaration was written by Thomas Jefferson, the third president of the US.

The document tied the signers to a course of complete independence **from** Great Britain, and signed the death warrants of its **signators** had they failed. At **the** time it was issued, the US colonies were **small** and inconsequential in comparison to the overwhelming military power the British could; bring to bear. What ensued was a long and bitter revolutionary war, which dixed in 1781 with the defeat of **the British** at Yorktown, The war 1776-1 783, continued until the British **finally** granted the **colonies** independence.

The Declaration of Independence

Action of **Second** Continental Congress, **July** 4, 1776

The unanimous Declaration of the **thirteen** United States of America

WHEN in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Barth the separate **and** equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that **they** should declare the causes which **impel them** to the separation.

WE hold these Truths to be self-evident, that **all Men** are **created** equal, that they are endowed by their Creator with certain **unalienable** Rights, that among these am Life, Liberty and **the Pursuit** of Happiness --

That to secure these Rights, Governments are instituted among Men, **deriving** their just Powers from the **Consent** of the **Governed**, that whenever any Form of **Government becomes** destructive of **these** Ends, it is the Bight of the People to alter or to abolish it, and to institute new **Government**, laying its Foundation on **such** Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety **and** Happiness.

Prudence, indeed, will dictate that Governments long established should not be changed for light and **transient** Causes; and **accordingly** all **Experience hath shewn**, that Mankind are **more** disposed to suffer, while Evils are **sufferable**, **than** to right **themselves** by abolishing **the** Forms to **which** they are accustomed. But when a long Tram of **Abuses** and Usurpations, pursuing **invariably** the same Object, evinces a Design to **reduce them under** absolute Despotism, it is their Right, it is their **Duty**, to throw off such Government, and to provide **new** Guards for their **future** Security.

Such has been the patient Sufferance of these Colonies; and **such** is now **the** Necessity which **constrains** them to alter their former Systems of Government. The History of the present King of Great-Britain is a

History of repeated **Injuries** and Usurpations, all having in **direct Object** the **Establishment** of an **absolute Tyranny** over these States.

To prove this, let Facts be **submitted** to a candid **World**

He has refused his Assent to Laws, the most wholesome and necessary for the public Good

HE has **forbidden** his **Governors** to pass Laws of immediate and pressing Importance, unless **suspended** in their **Operation** till **his** Assent should **be** obtained; and when so suspended, he has utterly neglected to attend to them.

HE has refused to pass other Laws for the Accommodation of large Districts of People, **unless** those **People** would relinquish the Right of Representation in the **Legislature**, a Right inestimable to them, and formidable to Tyrants **only**.

HE has called **together** Legislative Bodies at **Places** unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of **fatiguing** them into Compliance with his **Measures**.

HE has dissolved **Representative** Houses repeatedly, for opposing with manly **Firmness** his Invasions on the Rights **of the** People.

HE has **refused** for a long Time, after such **Dissolutions**, to cause others to be **elected; whereby** the **Legislative** Powers, incapable of **the Annihilation**, have **returned** to the People at large for **their** exercise; the State remaining in the **mean** time exposed to **all** the Dangers of **Invasion** from **without**, and the **Convulsions** within.

HE has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage **their** Migrations **hither**, and **raising the** Conditions of new Appropriations **of Lands**.

HE has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

HE **has** made Judges dependent on his **Will alone**, for the Tenure of their **Offices**, and the Amount and Payment of their **Salaries**.

HE has erected a Multitude of new **Offices**, and sent **hither** Swarms of **Officers** to **harrass** our **People**, and eat out their **Substance**.

HE has kept among us, in Times of Peace, Banding **Armies**, without the consent of our **Legislatures**.

HE has **affected** to render the **Military independent of and** superior to the Civil Power.

HE has combined **with others to subject** us to a **Jurisdiction** foreign to our **Constitution**, and **unacknowledged** by our Laws; giving his Assent to their Acts of **pretended Legislation**:

FOR **quartering** large Bodies of **Armed** Troops among us;

FOR **protecting** them, by a **mock Trial**, from Punishment for any **Murders** which they should commit on the **Inhabitants of these** states:

FOR **cutting off our Trade with all Parts of the World**:

FOR imposing Taxes on us without our Consent:

FOR depriving us, in many **Cases**, of **the** Benefits of Trial by **Jury**:

FOR transporting us beyond Seas to be tried for pretended **Offences**:

FOR abolishing the free System **of** English Laws in a **neighbouring** Province, establishing therein an arbitrary Government, and **enlarging** its **Boundaries**, so as to render it at once an Example **and** fit Instrument for introducing the same absolute Rules into these Colonies:

FOR taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

FOR suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in **all** Cases whatsoever.

HE has abdicated Government here, by declaring us out of his **Protection** and waging War against us.

HE has plundered our Seas, ravaged our Coasts, burnt our **Towns**, and **destroyed** the Lives of our People.

HE is, at this Time, **transporting large** Armies of foreign Mercenaries to **complete** the Works of Death, Desolation, and **Tyranny**, already **begun** with circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally **unworthy** the Head of a civilized Nation.

HE has constrained our fellow **Citizens** taken Captive on **the** high Seas to bear Arms against their Country, to **become** the Executioners of their Friends and Brethren, or to fall themselves by their **Hands**.

HE **has** excited domestic **Insurrections** amongst us, **and** has **endeavoured** to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of **Warfare**, is an undistinguished Destruction, of all Ages, Sexes and Conditions.

IN every stage of these Oppressions we have Petitioned for Redress in the **most** humble Terms: Our repeated Petitions have been answered **only** by **repeated** injury. A Prince, whose **Character** is thus marked by every **act** which may **define** a **Tyrant**, is **unfit** to be **the** Ruler of a free People.

NOR have we been wanting in Attentions to **our** British Brethren. We have warned them **from** Time to Time of Attempts by their Legislature to extend an **unwarrantable** Jurisdiction **over us**. We **have** reminded them of the **Circumstances** of our Emigration and Settlement here. We have **appealed** to their native Justice and **Magnanimity**, and we **have** conjured them by the Ties of our common Kindred to disavow **these** Usurpations, which **would inevitably** interrupt our Connections and Correspondence. They too have been deaf to the Voice of Justice and of Consanguinity We must, therefore, **acquiesce** in the Necessity, which denounces our **Separation**, and hold them, as we hold the rest of Mankind, Enemies in **War**, in Peace, Friends.

WE, therefore, the **Representatives** of the UNITED **STATES OF AMERICA**, in **GENERAL CONGRESS, Assembled**, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do, in the Name, and by **Authority** of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies **are**, and of Right ought to be, **FREE AND INDEPENDENT STATES**; that **they** are absolved **from** all **Allegiance** to the British **Crown**, and that all political **Connection** between them and the State of Great-Britain, is and ought to be **totally** dissolve& and that as **FREE AND INDEPENDENT STATES**, they have full Power to **levy War**, conclude **Peace**, **contract Alliances**, **establish Commerce**, and to do **all** other Acts and Things which **INDEPENDENT STATES** **may** of right do. And for the support of this Declaration, with a firm Reliance on the **Protection** of divine Providence, we mutually pledge to each other **our** Lives, our **Fortunes**, and our sacred Honor.

John **Hancock**.

GEORGIA,

Button Gwinnett, Lyman Hall, **Geo.** Walton.

NORTH-CAROLINA,

Wm. **Hooper**, Joseph **Hewes**, **John Penn**.

SOUTH-CAROLINA,

Edward Rutledge, **Thos** Hey-ward, **junr.**, Thomas Lynch, **junr.**, Arthur **Middleton**.

MARYLAND,

Samuel Chase, Wm. **Paca**, **Thos.** stone, Charles **Carroll**, of **Carrollton**.

VIRGINIA,

George Wythe, Richard **Henry** Lee, Ths. Jefferson, Benja. Harrison, **Thos.** Nelson, jr., Francis **Lightfoot** Lee, Carter **Braxton**.

PENNSYLVANIA,

Robt. Morris, **Benjamin** Rush, Benja. Franklin, **John** Morton, **Geo.** Clymer, Jas. **Smith**, Geo. **Taylor**, **James** Wilson, **Geo.** Ross.

DELAWARE,

Caesar Rodney, **Geo.** Read.

NEW-YORK,

Wm. Floyd, **Phil.** Livingston, **Frank Lewis**, Lewis Morris.

NEW-JERSEY,

Richd. Stockton, **Jno. Witherspoon**, **Fras. Hopkinson**, John Hart, **Abra. Clark.**

NEW-HAMPSHIRE,

Josiah **Bartlett**, Wm. **Whipple**, Matthew Thornton

MASSACHUSETTS-BAY,

Saml. Adams. John Adams, **Robt.** Treat Paine, **Elbridge** Gerry.

RHODE-ISLAND AND PROVIDENCE, C.

Step. Hopkins, William **Ellery**.

CONNECTICUT,

Roger Sherman, **Saml.** Huntington, **Wm.** Williams, **Oliver** Wolcott.

IN CONGRESS, JANUARY 18, 1777.

The Constitution of the United States

PREAMBLE

We, the people of the United States, in order to form a more **perfect** Union, establish justice, insure domestic tranquility, provide for the common **defense**, promote the general welfare, and secure the blessings of **liberty** to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section 1.

Legislative powers; in whom vested. All legislative powers herein **granted** shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2

House of Representatives, how and by whom chosen **Qualifications** of a **Representative**. Representatives and direct taxes, how apportioned Enumeration. Vacancies to be **filled**. Power of choosing **officers**, and of impeachment.

1. The House of Representatives shall be **composed** of members chosen every second year by the **people** of the several States, and the elector in each State shall have the **qualifications** requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not **have** attained the age of **twenty-five** years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen

3. **Representatives [and direct taxes] shall** be apportioned among the several States which may be **included** within this Union, according to their respective numbers, [which shall be determined by adding the whole number of **free persons**, including those bound to service for a term of years, and excluding Indians not **taxed, three-fifths** of all other persons.] **The actual enumeration shall** be made within three years after **the** first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives **shall** not exceed one for **every** thirty **thousand**, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall **be entitled** to choose three, Massachusetts **eight**, Rhode Island and Providence Plantations **one**, **Connecticut** five, New York six, New Jersey four, **Pennsylvania** eight, **Delaware** one, Maryland six, Virginia ten, North Carolina **five**, **South Carolina** five, and Georgia **three**.

4. When vacancies **happen in the representation** from any State, the Executive **Authority thereof shall** issue writs of election to till such vacancies.

5. The House of Representatives **shall** choose their Speaker and other officers; and shall have the sole power of **impeachment**.

Section 3.

Senators, how and by whom chosen. How **classified**. State **Executive**, when to **make temporary** appointments, in case, etc. **Qualifications** of a Senator. **President** of the **Senate**, his right to vote. President pro tem., and other officers of the Senate, how chosen. Power to try **impeachments**. When President is **tried**, **Chief Justice** to preside. Sentence.

1. The Senate of **the** United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,] for six years; and each Senator shall have one vote.
2. **Immediately after** they shall be assembled in consequence of the first election, **they** shall be divided as equally as may be into three classes. The seats of the Senators of the **first** class shall be vacated at the expiration of the second year, of the second class at the expiration of **the** fourth year, and of the third **class** at the expiration of the sixth year, so that one-third may be chosen every **second** year; [and if vacancies happen by resignation, or otherwise, during the **recess** of **the** Legislature of any State, the **Executive** thereof may make temporary appointments until the next meeting of the Legislature, which shall then **fill** such vacancies.]
3. **No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years** a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be **chosen**.
4. **The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.**
5. The Senate shall choose their **other officers**, and also a President pro **tempore**, in the absence of the Vice President, or when **he** shall exercise the **office** of the President of the United States.
6. The Senate shall have **the** sole power to try all impeachments. When sitting for **that** purpose, they shall be on oath or **affirmation**. When the President of the United **States** is **tried**, the Chief **Justice** shall **preside**: and no person **shall** be convicted without the concurrence **of two-thirds of the** members present
7. Judgement in cases of impeachment **shall** not extend further than to removal **from office**, and **disqualification** to hold and enjoy any **office** of **honor, trust, or profit** under the **United** States: but the party convicted shall nevertheless be liable and subject to indictment, trial, **judgement** and **punishment**, according to law.

section 4

Times, **etc.**, of holding elections, how **prescribed**. One session in **each** year.

1. **The** times, places and **manner** of holding elections **for** Senators and **Representatives**, shall be prescribed **in each State by the Legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.**
2. The Congress shall assemble at least **once** in every year, and such meeting **shall** be on the first Monday in **December**,] unless they by law appoint a different day.

section 5.

Membership, Quorum, **Adjournments**, Rules, Power to punish or expel. Journal. **Time** of adjournments, how limited, etc.

1. Each House shall be the **judge** of the elections, returns and **qualifications** of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may **adjourn** from day to day, and may **be** authorized to compel the attendance of absent members, in such **manner, and under such penalties** as each House may provide.
2. Each House may determine the **rules** of its proceedings, punish its members for disorderly behavior, and, with the **concurrence** of two-thirds, expel a member.
3. Each House shall keep a *journal* of its proceedings, and from time to time **publish** the same, **excepting such parts** as may in their **judgement** require secrecy; and the **yeas** and nays of the members of either House on any question shall, at the desire of **one-fifth** of those **present**, be entered on the journal.
4. Neither House, during the session of Congress, **shall**, without the consent of the other, **adjourn** for more than three days, **nor** to any other **place** than that in which the two Houses shall be **sitting**.

Section 6.

Compensation, Privileges **Disqualification** in certain cases.

1. The Senators and Representatives shall receive a compensation for their services, to be **ascertained** by law, and paid out of the **Treasury** of **the** United States. They shall in all cases, except treason, **felony** and breach of the peace, be **privileged** from arrest **during** their attendance at **the** session of their **respective Houses, and** in going to and **returning** from the same; and for any speech or debate in either House, they **shall** not be questioned in any other place.
2. No Senator or Representative shall, during the *time* for which he was **elected, be** appointed to any civil office under the authority of the United States, which **shall have** increased during such time; and no person holding any **office** under the United States, shall **be** a member of either House during his **continuance in office**.

Section 7.

House to originate all revenue **bills**. Veto **Bill** may be passed by two-thirds of each House, **notwithstanding**, etc. **Bill**, not returned **in ten days** to become a law. Provisions as to **orders, concurrent resolutions**, etc.

1. **All bills** for raising revenue shall originate in the House of Representatives; but **the** Senate may propose or **concur** with amendments as on other **bills**.
2. Every **bill** which **shall** have passed the House **of Representatives** and the Senate, shall, **before** it become a law, be presented to the president of the United States; if **he** approve, he **shall** sign it, but **if not**, he shall

return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, **resolution**, or vote to which the concurrence of the Senate and **House** of Representatives may be **necessary** (except on a question of **adjournment**) shall be **presented** to the **president** of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be r-e-passed by **two-thirds** of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a **bill**.

Section 8.

Powers of Congress

The Congress shall have the power

1. to lay and **collect** taxes, duties, imposts and excises, to pay the debts and provide for the common **defence** and general welfare of the United States; but **all** duties, imposts and **excises** shall be uniform **throughout** the united States:
2. To borrow money on the credit **of the** United States:
3. To regulate commerce with **foreign** nations, **and** among the **several** states, and with the Indian tribes:
4. To establish an uniform rule of **naturalization**, and uniform laws on the subject of **bankruptcies** **throughout** the united states:
5. **To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:**
6. To provide for the punishment of counterfeiting the securities and current **coin of** the United States:
7. To **establish post-offices** and post-roads:
8. **To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective** **writings** and discoveries:
9. To constitute **tribunals** inferior to the supreme **court**:
10. **To define** and **punish** piracies and felonies committed on the high seas, and **offences** against the law of **nations**:
11. **To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:**

12. To raise and support armies, but **no** appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the **militia** to execute the laws of the **union**, suppress insurrections and repel invasions:

16. To provide for organizing, arming and disciplining the militia, and for governing such part **of them** as **may** be employed in the service of the United States, reserving to the states respectively, the appointment of the **officers**, and the authority of training **the** militia according to the discipline prescribed by Congress:

17. To exercise exclusive legislation in all cases whatsoever, over such **district** (not exceeding ten **miles** Square) **as** may, by **cession** of **particular** states and the **acceptance** of Congress, become the seat of the government of the United States, and to exercise like authority over **all places** purchased by the consent of the **legislature** of the state in which the same **shall** be, for the erection **of forts**, magazines, arsenals, dock-yards, and other **needful** buildings: And,

18. To make all laws **which** shall be necessary and proper for **carrying** into execution **the** foregoing powers, and **all** other powers vested by this **constitution** in the government of the United States, or in any department or officer thereof

Section 9.

Provision as to migration or importation of certain persons. **Habeas** Corpus, Bills of attainder, **etc.** Taxes, how apportioned. No export duty. No commercial preference. **Money**, how drawn from **Treasury**, etc. No titular **nobility**. **Officers** not to receive **presents**, etc.

1. The migration or importation of such persons as any of the states now existing shall **think** proper to admit, shall not be **prohibited** by the **Congress** prior to the year 1808, but a tax or duty may be imposed on such importations, not exceeding **10** dollars for each person.

2. The privilege of the writ of habeas corpus **shall** not be suspended, **unless when** in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or ex post facto **law shall** be passed

4. [**No capitation**, or other direct tax shall be laid unless in proportion to the census or enumeration herein **before directed to be** taken.]

5. No tax or duty shall be laid on **articles** exported from any state.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over **those** of another: nor shall vessels bound to, or from one state, be obliged to enter, clear, or pay duties in another.

7. No money **shall** be drawn from the treasury but in consequence of **appropriations made by law**; and a regular statement **and** account of the receipts and **expenditures** of all public **money** shall be published from time to **time**.

8. No title of nobility **shall** be granted by the United States: And no person holding **any** office or profit or trust under them, shall, without the consent of the Congress, **accept** of any present, **emolument, office,** or title, of any kind whatever, from any king, prince, or foreign state.

Section 10.

States **prohibited** from the **exercise** of certain powers.

1. No state shall enter into any treaty, alliance, or confederation; grant letters **of marque** and reprisal; **coin** money; emit bills of credit; make any thing but gold and **silver coin** a tender in payment of debts; pass any bill of attainder, ex post facto law, or law **impairing** the obligation of contracts, or **grant** any **title** of **nobility**.

2. No **state** shall, without the **consent** of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its **inspection** laws; and the net produce of all **duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States;** and all such laws shall be subject to the revision and **control** of the Congress.

3. No state **shall**, without the consent of Congress, lay any duty oftonnage, keep **troops,** or ships **of war** in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in a war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

Section 1.

President: his term of **office.** Electors of President; number and how **appointed.** **Electors** to vote on same day. Qualification of President. On whom **his** duties devolve in case of his removal, death, etc. President's compensation. His **oath of office.**

1. The Executive power shall be vested in a President of the United States of America. He shall hold **office** during the term of **four** years, and together **with** the Vice President, chosen for the same term, be elected as follows

2. **[Each State]** shall appoint, in such manner as the Legislature may **direct,** a number of **electors, equal** to the whole number **of** Senators and Representatives to **which** the State may be entitled in the Congress: but **no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector** [The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at **least** shall not be an **inhabitant of the** same State with themselves. And they shall make a list of all the persons voted for **each;** which list they shall sign and certify, and transmit sealed to **the seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed;** and if there be more than one who have **such majority, and have an equal number of votes, then the House of Representatives shall immediately** choose by ballot **one** of them for President; and if no **person** have a majority, **then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes**

shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.]

3. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4. No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5. [In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.]

6. The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7. Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Section 2.

President to be Commander-in-Chief. He may require opinions of cabinet officers, etc., may pardon. Treaty-making power. Nomination of certain officers. When President may fill vacancies.

1. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have the power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

Section 3.

President shall communicate to Congress. He may convene and adjourn Congress, in case of disagreement, etc. Shall receive ambassadors, execute laws, and commission officers.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he may receive ambassadors, and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4.

All civil offices forfeited for certain crimes.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

section 1.

Judicial powers. Tenure. Compensation.

The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Section 2.

Judicial power; to what cases it extends. Original jurisdiction of Supreme Court Appellate. Trial by Jury, etc. Trial, where

1. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; [to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.]

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before-mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Section 3.

Treason defined. Proof of. Punishment

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV

Section 1

Each State to give credit to the public acts, etc. of every other State

Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Section 2.

Privileges of citizens of each State. Fugitives from Justice to be delivered up. Persons held to service having escaped, to be delivered up.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states. (see 14th Amendment)

2. A person charged in any state with treason, felony, or other crime, who shall flee justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. [No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.]

Section 3.

Admission of new States. Power of Congress over territory and other property.

1. New states **may be admitted by the** Congress into this union; **but no new state shall be formed or erected** within the **jurisdiction** of any other state, nor any state **be** formed by the **junction** of two or more states, without the consent of the legislatures of the states **concerned**, as **well as of the** Congress.

2. The Congress shall have power to dispose of and make **all needful rules** and regulations **respecting** the territory or other **property** belonging to the **United** States; and **nothing in** this **constitution** shall **be** so **construed** as to **prejudice** any claims of the United States, or of any particular state.

section 4.

Republican form of government guaranteed. Each State to be protected.

The United States shall **guarantee** to every state in this **union**, a republican form of government, and shall protect each of them against **invasion**; and on application of the legislature, or of the executive (**when** the legislature cannot be convened), against domestic **violence**.

ARTICLE V

Amendments

The **Congress**, whenever **two-thirds** of both houses shall deem it **necessary**, shall **propose** amendments to this **constitution**, or on the application of the legislatures of two-thirds of **the** several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and **purposes**, as part of this constitution, when ratified by the **legislatures** of **three-fourths** of the several states, or by conventions in three-fourths thereof, as the one or the other mode of **ratification** may be proposed by the Congress: Provided, that no amendment which may be made prior to the year 1808, **shall** in any **manner** **affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent**, shall be **deprived** of its equal **suffrage** in the Senate.

ARTICLE VI

1. All debts **contracted** and engagements entered into, **before** the adoption **of this** constitution, **shall** be as valid against the United States under **this** constitution, as under the **confederation**.

2. This **constitution**, and the laws of the United States which shall be made in pursuance thereof **and all** treaties made, or which **shall** be made, under the authority of the United States **shall be** the **supreme** law of **the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any** state to the contrary notwithstanding.

3. The senators and representatives before-mentioned, and the members of the several state legislatures, and all executive and judicial **officers**, both of the United **States** and **of the several** states, shall be bound by oath or **affirmation**, to support this **constitution**; but no religious test shall ever 'be required as a **qualification** to any **office** or public trust under the **United** States.

ARTICLE VII

The ratification of the **conventions** of nine states, shall be **sufficient** for the **establishment** of this constitution between the states so ratifying the same.

AMENDMENTS

The **Ten** Original Amendments: The Bill of Rights. Passed **by Congress** September **25**, 1789. Ratified December **15**, 1791.

AMENDMENT I

Congress shall make no law **respecting** an **establishment** of **religion**, or prohibiting the **free** exercise **thereof**; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II

A well-regulated militia, being necessary to the security of a free State: the right of the people to keep and bear arms, shall not be infringed

AMENDMENT III

No soldier shall, in time of **peace** be quartered in any house, without the consent **of the** owner, nor in time of war, but in a **manner** to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and **effects**, against unreasonable **searches** and **seizures**, shall not be violated, and no **warrants** shall issue, but upon **probable** cause, supported by **oath** or affirmation, and **particularly** describing the place to be **searched**, and the persons or things to be seized

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

AMENDMENT VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively, or to the people.

AMENDMENT XI

Passed by Congress March 4, 1794. Ratified February 7, 1795

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

AMENDMENT XII

Passed by Congress December 9, 1803. Ratified July 27, 1804

The Electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, [before the fourth day of March next following,] then the Vice-President shall act as President as in case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such numbers be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

AMENDMENT XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

Passed by Congress **June 13, 1866, Ratified** July 9, 1868

section 1.

All persons born or **naturalized** in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall **make** or **enforce** any law which shall abridge the privileges or **immunities** of citizens of the United States; nor shall any State deprive any **person** of **life**, liberty, or **property**, without due process of law, nor to deny to any person within its jurisdiction the equal **protection of the** laws.

section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of **persons** in each State, **excluding** Indians not taxed. But when the right to **vote** at any **election** for the choice of **Electors** for President and Vice-President of the **United States**, Representatives in **Congress**, the executive and **judicial officers** of a State, or **the members** of the **Legislature thereof**, is denied to any **of the male inhabitants of such State, being** twenty-one years of age, and citizens of the United States, or in any way abridged, except **for participation in rebellion, or other crime**, the basis of representation **therein shall be** reduced in **the proportion which the** number of such **male** citizens shall bear to **the whole** number of **male** citizens twenty-one years of age in such State.

Section 3

No **person** shall be a Senator or Representative in Congress, or Elector **of President and Vice-President**, or hold any **office, civil or military**, under the United States, or under any State, who, **having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.** But **Congress** may by a **vote of two-thirds of each House, remove** such disability.

section 4.

The validity **of the public** debt of the United States, **authorized by law**, including debts **incurred** for payment of **pensions and bounties** for services in suppressing **insurrection or rebellion, shall not be questioned.** But **neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.**

Section 5

The Congress shall have the **power** to enforce, by **appropriate legislation, the provisions of this article.**

AMENDMENT XV

Passed by Congress **February** 26, 1869. **Ratified** February **3, 1870**.

Section 1.

The **right** of citizens of the United States to vote **shall** not be denied or abridged 'by the United States or by any State on account of race, color, or previous condition of servitude

Section 2.

The Congress **shall** have the power to **enforce** this article by appropriate **legislation**.

AMENDMENT XVI

Passed by Congress July 2.1909. **Ratified** February 3, 1913.

The Congress shall **have** power to lay and collect taxes on incomes, from whatever **sources** derived, without apportionment among the several States, **and without** regard to any census or enumeration.

AMENDMENT XVII

Passed by Congress May 13.1912. **Ratified** April 8, 1913.

The Senate of the United States **shall** be **composed** of **two** Senators **from** each **State**, **elected** by the people thereof, for six years; and each **Senator** shall have one vote. The electors in each State shall **have** the qualifications requisite for electors of the most numerous **branch** of the State **Legislatures**.

When vacancies happen in the **representation** of any State in the Senate, the executive **authority** of such State shall issue writs of election to fill such vacancies: **Provided**, That the **Legislature** of any State may empower the Executive thereof to make temporary appointments until the **people fill** the **vacancies** by election as the **Legislature** may **direct**.

This amendment **shall** not be **so construed** as to affect the election or term of any **Senator** chosen **before** it becomes **valid** as **part** of the Constitution.

AMENDMENT XVIII

Passed by Congress December 18, 1917. Ratified **January 16, 1919**. (Altered by Amendment 21)

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XIX

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XX

Section 1.

The terms of the President and the Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2.

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

Section 3.

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice-President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

Section 4.

The Congress may by law provide for the case of the death of any of the persons from whom the House of representatives may choose a President whenever the right of choice **shall** have devolved upon them, and for the case of the death **of** any of the persons **from** whom **the** Senate may choose a Vice- President whenever the right of choice shall have devolved upon them.

Section 5.

Sections 1 and 2 shall take **effect** on the 15th day of October following the ratification of this article (**October** 1933).

Section 6.

This article shall be inoperative **unless** it **shall** have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within seven years from the **date** of its submission.

AMENDMENT XXI

Passed by Congress February 20, 1933. Ratified December 5, 1933.

Section 1.

The Eighteenth article of amendment to the Constitution of **the** United States is **hereby** repealed.

Section 2.

The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3

This article shall be inoperative **unless** it shall have been ratified as an amendment to **the Constitution** by conventions in the several States, as provided in the Constitution, within seven **years** from the date of the submission **hereof to the** States by the Congress.

AMENDMENT XXII

Passed by Congress March 21, 1947. Ratified February 27, 1951.

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once.

But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT XXIII

Passed by Congress June 16, 1960. Ratified March 29, 1961.

section 1

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXIV

Passed by Congress August 27, 1962. Ratified January 23, 1964.

Section 1.

The right of citizens of the United States to vote in any primary or other election for **President** or Vice President, for electors for President or Vice President, or for **Senator** or Representative in Congress, **shall** not be denied or abridged by the United States or any State by reason of **failure** to pay poll tax or any other tax.

section 2

Congress **shall** have power to **enforce** this **article** by appropriate **legislation**.

AMENDMENT XXV

Passed by Congress **July 6, 1965. Ratified** February JO, 1967

Section 1.

In case of **the** removal of the President from **office** or of his **death** or resignation, the Vice President **shall** become President.

Section 2

Whenever there is a vacancy in **the office** of **the Vice** President, **the** President shall **nominate** a Vice President who **shall** take **the office** upon **confirmation** by a majority vote of both houses of Congress.

Section 3

Whenever the President **transmits** to **the** President **Pro** tempore of the **Senate** and the Speaker of **the** House of Representatives his written declaration that he is unable to **discharge the** powers and duties of **his** office, and until **he** transmits to **them** a written declaration to **the** contrary, such powers and **duties** shall be **discharged** by **the** Vice **President** as Acting President.

Section 4.

Whenever the Vice President and a majority of either the **principal officers** of **the** executive **departments** or of such other body as Congress **may** by **law** provide, transmits to the **President** Pro tempore of the Senate and **the** Speaker of **the** House of **Representatives** their written **declaration** that the **President** is **unable** to discharge **the powers** and duties of **his office**, the Vice President shall immediately assume **the** powers and **duties** of **the office** as Acting President.

Thereafter, when the President transmits to **the** President Pro **tempore** of the Senate and the Speaker of the House of Representatives his written declaration **that** no inability exists, he **shall resume the** powers and

duties of his office **unless** the Vice President and a majority of either the principal **officers** of the executive departments or of such other body as Congress may by **law** provide, transmits within four days to the President Pro **tempore** of the Senate and the Speaker of the House of **Representatives** their written declaration that the President is unable to discharge the powers and duties of his **office**. Thereupon Congress **shall decide** the issue, assembling within **forty-eight** hours for that purpose if not **in** session. If the Congress, within twenty-one days **after** receipt of the latter written **declaration**, or, if **Congress** is not in session **within** twenty-one days after Congress is required to assemble, determines by two-thirds vote of both **houses** that the President is unable to discharge the powers and duties of his **office**, the Vice President shall continue to **discharge** the same as Acting **President**; otherwise, the President shall resume the powers and duties of his **office**.

AMENDMENT XXVI

Passed by Congress March 23, 1971. Ratified June 30, 1971.

Section 1

The right of citizens of the United States, who are **18** years of age or older, to vote **shall** not be denied or abridged by the United States or any state on account of age.

section 2.

The Congress shall have power to enforce this article by appropriate legislation.

Sample Jury Instructions

The Following are the jury instructions taken from the actual trial transcripts (as downloaded from the **Internet**²¹), and given to the jurors in the **OJ Simpson murder trial** *almost* verbatim, with some minor analysis and explanation written by the author attached for your convenience. Beyond attempting to explain the manner in which the jury in the OJ Simpson criminal trial reached their decision, it is the belief of the author of this **text**, that these instructions are also a valuable tool towards understanding the American criminal justice system as a whole, as they include valuable **information** explaining the functioning of the American jury system, as well as the evidentiary rules of the US legal system.

The original portions are reproduced in large print, whereas the author's comments are in small print. In addition, certain portions have been highlighted, to draw attention to particularly salient (**important**) sections. They are presented largely in the form the jurors themselves received them, and it is the hope of the author of this article that they will aid the foreign reader in better understanding how an American jury reaches a verdict in a criminal trial. The instructions are by no means unique, and are largely drawn **from** model jury **instructions** of the state of California, as augmented by Judge Lance **Ito** of the California judiciary.

OJ Simpson Murder Trial Jury Instructions - Sep. 22, 1995

All right, ladies and gentlemen of the jury, you **have** heard **all** the **evidence**, and it is **now** my duty to instruct you on **the** law that applies to this **case**. After I conclude reading these **instructions** to **you**, we will commence with the argument of counsel. The law requires that I read these instructions to you here in open court. Please listen carefully. It is **also** my **personal** policy **that** you will have these instructions in **their written** form in the jury room to refer **to** during the **course** of your deliberations.

You **must base your** decision on the **facts** and the law. You have two duties to **perform first, you** must determine **the** facts from the **evidence received** in **the** trial and not **from any other source**. A fact is something that is proved **directly** or **circumstantially** by the evidence, or by **stipulation**. A stipulation is an agreement between the attorneys regarding the facts. Second you must apply the law that **I** state to **you** to the **facts**, as **you** determine them, and **in** this way, arrive at your verdict, and any finding you were instructed to include: with your verdict.

You **must accept and follow the law** **as I state it to you, whether** or not **you agree with** the law. If anything concerning the law said by **the** attorneys in their arguments or at any other time during the trial **conflicts** with my instructions on the law, you **must** follow my **instructions**. You **must** not be **influenced** by pity **for** a defendant or by prejudice against him. You must not **be** biased against **the defendant** because he has **been** arrested for this offense, charged with a crime, or **brought to trial**. None of these **circumstances** is evidence of guilt, and you must not infer or **assume** from any or all of **them** that he is

²¹ In addition to the information contained herein, there is a very considerable **amount** of additional documentation, (i.e.. motions, **rulings**, new articles, **transcripts** of cross examinations.. .) available on **the Internet** on **the "OJ Simpson Trial"** home page.

more likely to be **guilty** than **innocent**. You must not be **influenced** by mere sentiment, **conjecture**, sympathy, **passion**, prejudice, public opinion, or public feeling. **Both** the **prosecution** and the **defendant** have a right to expect that you will **conscientiously** consider and weigh the evidence, apply the law and reach a **just** verdict, regardless **of the consequences**.

If any rule, direction or idea is **repeated** or stated in **different ways than** these **instructions**, no emphasis is **intended**, and you must not draw any inference because of its repetition. Do not single out any particular **sentence** or any individual point or instruction, and ignore the others. **Consider the instructions** as a whole and each in light of all the others. The order in which the **instructions** are given has no **significance** as to their relative importance.

Statements made by attorneys during the trial are not evidence, although if the attorney has stipulated to or agreed to a fact, you must regard that fact as conclusively proven. **If an objection was sustained to a question, do not guess what the answer might have been, do not speculate as to the reason for the objection. Do not assume to be true** any insinuation suggested by a question asked of a witness. A question is not evidence, and may be considered only as it enables you to understand the answer. **Do not consider for any purpose any offer of evidence that was rejected by the court, or any evidence that was stricken by the court. You must treat it as though you had never heard it.**

You must decide all questions of fact in this case from the evidence received here in court in this trial and not from any other source. You must not make any independent investigation of the facts or the law, or consider or discuss facts as to which there has been no evidence. This means, for example, that you must not on your own visit the scene, conduct experiments or consult reference works or persons for additional information. You must not discuss this case with any other person except a fellow juror, and you must not discuss the case with a fellow juror until the case is submitted to you for your decision, and then only when all 12 jurors are present in the jury room.

Evidence consists of the testimony of witnesses, writings, material objects, or anything presented to the senses and offered to prove the existence or non-existence of a fact. Evidence is either direct or circumstantial. **Direct evidence is evidence that directly proves a fact without the necessity of an inference. It is evidence which, by itself, if found to be true, establishes that fact. Circumstantial evidence, is evidence that if found to be true proves a fact from which an inference of the existence of another fact may be drawn. An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts established by the evidence. It is not necessary that facts be proved by direct evidence. They may be proof also by circumstantial evidence, or by a combination of direct evidence and circumstantial evidence. Both direct evidence and circumstantial evidence are acceptable as a means of proof. Neither is entitled to any greater weight than the other. However, a finding of guilt as to any crime, may not be based on circumstantial evidence unless the proof circumstances are not only one, consistent with the theory that the defendant is guilty of the crime, but two, cannot be reconciled with any other rational conclusion. Further, each fact which is essential to complete a set of circumstances necessary to establish the defendant's guilt, must be proved beyond a reasonable doubt. In other words, before an inference essential to establish guilt may be found to have been proved beyond a reasonable doubt, each fact or circumstance upon which such inference necessarily rests, must be proved beyond a reasonable doubt.**

Also, if the circumstantial evidence as to any particular count is susceptible of two reasonable interpretations, one of which points to the defendant's guilt, and the other to his innocence, you must adopt that interpretation which points to the defendant's innocence and reject that interpretation

which points to **his** guilt. **If**, on the other hand, one interpretation of such evidence **appears** to you to be reasonable, and the other interpretation to be unreasonable, you must accept **the** reasonable interpretation and reject the unreasonable.

If you find that before this trial, the **defendant** made a **willfully false** or deliberately misleading statement concerning the crimes for which he is now being tried, you may consider such statement as a circumstance tending to **prove** consciousness of guilt. However, such conduct is not **sufficient** by itself to prove guilt and its **weight** and significance, if any, are matters for your determination.

Certain evidence was **admitted** for a limited purpose. At **the** time this evidence **was** admitted, you were admonished **that** it could not be considered by you for any other purpose other than **the limited** purpose for which it was admitted. Do not consider such limited **evidence** for any **purpose**, except a limited purpose for which it was admitted. Neither side is required to call as **witnesses**, **all** persons who may have been present at any of **the events** disclosed by the **evidence**, or who may **appear** to **have** some **knowledge** of these events, or to produce all objects or documents mentioned or suggested by the evidence.

Testimony **given** by a witness at a prior proceeding, who was **unavailable** at this trial, has been read to you **from** the reporter's transcript of that proceeding. You must consider such testimony as if it had been given before you in this trial. With the **exception** of Nurse **Thano Peratis**, **evidence that on some former** occasion, a witness made a statement or statements that were inconsistent **or consistent** with his or her **testimony** in this trial, may **be considered by** you, not only for the **purpose** of testing the **credibility** of the witness, but also as **evidence** of the truth of the facts, as stated by the witness on such **former** occasion. Evidence of the **Thano Peratis** videotape statement, which is People's exhibit 615, which may include statements that **were** consistent or inconsistent with his former testimony, presented by **reading** the **transcript** of his former testimony, given before both excuse me, given at the **preliminary** hearing, may be considered by you solely for the purpose of testing the **credibility** of Mr. Peratis's former testimony. **If** you disbelieve a witness testimony that he or she no **longer** remember a certain event, such testimony is inconsistent **with** a prior statement or statements by him or her, **describing that event**.

Every **person** who **testifies** under **oath** is a **witness**. You are the sole **judges** of the believability of a **witness** and the weight to be **given** the testimony of each **witness**. In determining the believability of a witness, you may consider anything that has a tendency and reason to prove or **disprove the truthfulness** of the testimony of the witness **including, but** not limited to any of the following; the extent of the **opportunity** or the **ability** of **the witness** to see or hear or otherwise become aware of any matter about which the witness has **testified**, the **effects**, if any, **from** the use of consumption of **alcohol**, drugs or other intoxicants by the witness at the time **of the** events about which the witness has testified, or at the time of his or her testimony, the **ability** of the witness to remember or to communicate any matter **about** which the witness has **testified**, the character and quality of that testimony, **the** demeanor and manner of the witness while **testifying**, the **existence** or nonexistence of a biased interest or other **motive**, evidence of the existence or **non-existence of any fact testified to** by the witness, the attitude **of** the witness toward this action or toward the giving of testimony, a statement previously made by the **witness** that is **consistent** or inconsistent with the **testimony** of **the witness**, **the** character of the **witness** for honesty or **truthfulness** or their opposites, an admission by the **witness** of **untruthfulness**.

Discrepancies in a **witness's** testimony, or between **his** or her testimony and **that of others**, if there were any, do not **necessarily** mean **that the** witness should be discredited. Failure **recollection** is a common experience, and innocent **misrecollection** is **not** uncommon. It is also a **fact** that two persons witnessing an incident or transaction often will see or hear it differently. Whether a **discrepancy** pertains

to a fact of importance, or only to a trivial detail, should be considered in weighing its significance.

A witness who is willfully false in one material part of his or her testimony, is to be distrusted in others. You may reject the whole testimony of a witness who has willfully testified falsely as to a material point unless, from all the evidence, you believe the probability of truth favors his or her testimony and other particulars.

You are not bound to decide an issue of fact in accordance with testimony of a number of witnesses which does not convince you, as against the testimony of a lesser number or other evidence which appeals to your mind with more convincing force. You may not disregard the testimony of the greater number of witnesses merely from caprice, whim, prejudice or from a desire to favor one side as against the other. You must not decide an issue by the simple process of counting the number of witnesses who have testified on the opposing sides. The final test is not in the relative number of witnesses, but in the convincing force of the evidence.

You should give the testimony of a single witness whatever **weight** you think it deserves. However, **testimony by one witness which you believe concerning any fact is sufficient for the proof of that fact.** You should **carefully review** all **evidence** upon which the proof of such **fact** depends. A person is **qualified to testify as an expert if he or she has special knowledge, skill, experience, training or education sufficient to qualify him or her, as an expert on the subject to which his or her testimony pertains.** A duly qualified expert may give an opinion on questions and controversy at a trial. To assist you in deciding such questions, you **may** consider the opinion with the **reasons given** for it, if any, by the expert who gives the opinion. You may also consider the **qualifications** and the **credibility** of the expert. **You are not bound to accept an expert opinion as conclusive but should give to it the weight to which you find it to be entitled.** You may disregard any such **opinion** if you find it to be **unreasonable.**

In examining an expert witness, counsel may propound to him or her a type of question known in the law as a hypothetical question. By such a question, the witness is asked to assume to be true a set of facts and to give an opinion based upon that assumption. In permitting such a question, the Court does not rule and does not necessarily find that all the assumed facts have been proved. The Court only determines that those assumed facts are within the probable or possible range of the evidence. It is for you, the jury, to find from all the evidence whether or not the facts assumed in a hypothetical question have been proved. If you should find that any assumption in such question has not been proved, you are to determine the effect of that failure on the proof. Excuse me. You are to determine the effect of that failure of proof on the value and weight of the expert opinion based on the assumed facts.

In resolving any conflict that may exist in the testimony of expert witnesses, you should weigh the opinion of one expert against that of another. In doing this, you should consider the relative qualifications and credibility of the expert witnesses as well as the reasons for each opinion and the facts and other matters upon which it was based. In determining the weight to be given the opinion expressed by any witness who did not testify as an expert witness, you should consider his or her credibility, the extent of his or her opportunity to **perceive** the matters upon which his or **her** opinion is **based** and **the** reasons, if **any**, given for it. You are not required to accept such opinion but should give to it the weight, if any, to which you find it to be entitled.

The Court has admitted physical evidence, such as blood, hair and fiber evidence, and experts' opinions concerning the analysis of such physical evidence. You are the sole judges of whether any such evidence

has a tendency and reason to prove any fact at issue in this case. You should carefully review and consider all the **circumstances surrounding** each item of evidence, including, but not limited to, its discovery, collection, storage and analysis. If you **find** any item of evidence does **not** have a tendency and reason to prove any element of the crime's charge or the identity of perpetrator of such of the crime's charge, you must disregard such evidence.

You have heard **testimony** about frequency estimates calculated for matches between known reference **blood** samples and some of the **bloodstain** evidence items in this case. The random match probability statistic used by DNA experts is not the equivalent of a statistic that tells you the likelihood of whether a defendant committed a crime. The random match probability statistic is the likelihood that a random person in the population **would** match the characteristics that were found in **the** crime scene evidence and in the **reference** sample. These **frequency** estimates are being presented **for** the limited purpose of assisting you in determining what significance to attach to those bloodstain **testing results**. Frequency estimates and laboratory errors are **different** phenomena. Both should be considered in determining what significance to attach to **bloodstain testing** results.

Evidence has been introduced for the purpose of showing that the defendant committed crimes other than that for which he is on trial. Such evidence, if believed, was not received and may not be considered by you to prove that the defendant is a person of bad character or that he has a disposition to commit crimes. Such evidence was received and may be considered [sic] by you only for the limited purpose of determining if it tends to show a characteristic method, plan or scheme in the commission of criminal acts similar to the method, plan or scheme used in the commission of the offense in this case, which would further tend to show the existence of the intent, which is a necessary element of the crime charge. The identity of the person who committed the crime, if any, of which the defendant is accused, or a clear connection between the other offense and the one of which the defendant is accused, so that it may be inferred that, if the defendant committed the other offenses the defendant also committed the crimes charged in this case. The existence of the intent, which is necessary which is a necessary element of the crime charged the identity of the person who committed the crime, if any, of which the defendant is accused, a motive for the commission of the crime charged.

For the limited purpose for which you may consider such evidence, you must weigh it in the same manner as you do **all** the evidence all the other evidence in this case. You are not permitted to consider such evidence for any other purpose. Within the meaning of the preceding instructions, such other crime or crimes purportedly committed **by** a defendant must be proved by a preponderance of the evidence. You must not consider such evidence for any purpose **unless** you are **satisfied** that the defendant committed such **other** crimes or crimes [sic]. The prosecution has the burden of proving these facts by a preponderance of the evidence. Within this limited context, **preponderance** of the evidence means evidence that has more convincing force and the greater probability of truth than that opposed to it. If **the** evidence is so **evenly** balanced that you are **unable** to find that the evidence on either side of an issue preponderates, your finding on that issue must be against the party who has the burden of proving it. You should consider **all** the **evidence** bear upon bearing upon every issue, regardless **of** who produced it.

Motive is not an element of the crime charged and need not be shown. However, you may consider **motive** or lack of motive as a **circumstance** in this case. Presence of motive may tend to establish guilt. Absence of motive may tend to **establish innocence**. You will therefore give its **presence** or absence, as the case may be, the weight to which you find it to be entitled.

A defendant in a **criminal trial has a constitutional right not** be compelled to **testify**. You **must not** draw any inference from the fact that a defendant **does not testify**. **Further, you must** neither discuss this matter, nor permit it to **enter** into your **deliberations** in any way. In **deciding** whether or not **testify**, the defendant may choose to **rely upon the state of the evidence and upon the failure, if any, of the prosecution** to prove beyond a reasonable doubt every essential element of the crime charged **against** him. No lack of **testimony** on the defendant's part will make up for a **failure** of proof by the **prosecution**, so as to support a **finding** against him on any such essential element.

An admission is a statement made by the **defendant**, other than at his trial, **which** does not by itself **acknowledge** his guilt of the **crimes** for which such **defendant** is on trial, **but** which **statement** tends to prove his guilt when **considered** with the **rest** of the evidence. You are the exclusive judges as to whether **the defendant made an admission, and if so, whether such statement is true in whole or in part**. If you should find that **the defendant did not make the statement, you must reject it**. If you find that it is true in **whole and in part, you may consider the part which you find to be true**. Evidence of an oral admission of the **defendant** should be **viewed** with caution.

No person may be convicted of a criminal offense unless there is some proof of each element of the crime independent of any admission made by him outside of this trial. The identity of the person who is alleged to have committed a crime is not an element of the crime, nor is the degree of the crime. Such identity or degree of the crime may be established by an admission.

Witness Ron Shipp testified to a **statement** alleged to have been made by **the defendant concerning** dreams. You **must first determine whether such statement was made by the defendant**. If you find the **statement was not made by the defendant, you shall disregard the statement**. If you find that **the statement** referred to **subconscious thoughts while asleep, you are to disregard the statement**. If you find that the **statement referred to an expression of a desire or expectation, you may give to such statement the weight** to which you **feel** it is **entitled**. Evidence of oral statements by a **defendant** should **be** viewed with caution.

A defendant in a criminal **action** is presumed to be innocent **until the contrary is proved**, and in **case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to a verdict of not guilty**. This presumption **places upon the prosecution the burden of proving him guilty beyond a reasonable doubt**.

Reasonable doubt **is defined as follows**. It is not a mere **possible doubt**, because everything **relating** to **human affairs is open** to some **possible** or imaginary doubt. It is **that state** of the case **which**, after the **entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition** that they **cannot** say they feel an **abiding conviction of the truth of the charge**.

The **prosecution has the burden of proving beyond a reasonable doubt each element of the crimes** charged in **the information and that the defendant was the perpetrator of any such charged crimes**. The **defendant is not** required to prove **himself innocent** or to prove that **any other person committed the crimes charged**.

In the crimes charged in counts one and two, there must exist a union or joint **operation of act or conduct** and a certain **specific intent or mental state in the mind of the perpetrator**. Unless such specific intent **and/or** mental state exists, the crime to which they relate is not **committed**. The crime of murder in the

second degree requires to **specific** intent to kill, known as express malice. The crime of murder in the **first** degree **requires** the **specific** intent to kill, known as express malice, **and** the **mental state** of premeditation and **deliberation**. These terms are more **fully defined** later in these instructions.

The specific intent or **mental** state with which an act is done, may be shown by the circumstances **surrounding the** commission of the act. However, you may not find the defendant **guilty** of the crimes **charged** in **courts** one and two or the crime of second degree murder, **which** is a lesser crime, **unless** the proved circumstances are not only, one, **consistent** with **the** theory that **the** defendant had the required specific intent or mental state, but, two, cannot be reconciled with any **other** rational **conclusion**. **Also**, if the evidence as to any **such specific** intent or mental **state** is susceptible of two reasonable interpretations, one of which points to the existence of **the specific** intent or **mental** state, and the other to the absence of the specific intent or mental state, you must adopt that interpretation which points to the absence of **the** specific intent or **mental** state. If, on the other hand, one interpretation of the **evidence** as to such **significant** intent or mental state appears to you to be reasonable, and the other **interpretation to be unreasonable**, you must accept the reasonable interpretation and reject the **unreasonable**.

Evidence has been received for the purpose of showing that the defendant was not present at the time and **place** of the commission of the **alleged** crime for which he is here on trial. If, after **a** consideration **of all** the evidence, you have **a reasonable doubt** that the defendant **was present** at the **time the** crime was committed, **you must find him not guilty**.

The **defendant** is **accused** in **courts** one and two of having committed the crime of **murder**, a violation of Penal Code Section 187. Every **person** who **unlawfully kills a human being with malice aforethought** is **guilty of the crime of murder, in violation of Section 187 of the California Penal Code**. In order to **prove such** crime, each of the **following elements must be proved one, a human being was killed, two, the killing was unlawful, and, three, the killing was done with malice aforethought**.

Express malice is defined as **when** there is **manifested** an intention **unlawfully** to kill a human being. The mental state excuse me when it is shown that a killing **resulted from** the intentional doing of an act with express malice, no other mental state need be **shown to establish** the mental state of **malice aforethought**. The mental state **constituting** malice aforethought does not necessarily require any ill will or hatred **of the** person killed. The word, "**aforethought**" does not imply deliberation of the **lapse of considerable** time. It only means that **the** required **mental** state must precede rather than follow **the** act.

All killing which is **perpetrated** by any kind of **willful, deliberate and premeditated killing**, with express malice **aforethought** is **murder** of the first degree. The word "willful", as used in this instruction, means intentional. **The word, "deliberate"** means formed, or arrived at, or determined **upon** as a result of careful **thought** and weighing of the **considerations** for and against the proposed course of action. The word, "premeditated" means considered **beforehand**. **If you find that the killing was preceded and accompanied by a clear, deliberate intent on the part of the defendant to MI, which was the result of deliberation and premeditation, so that it must have been formed upon pre-existing reflection and not under a sudden heat of passion or other condition precluding the idea of deliberation, it is murder of the first degree.**

The **law does not undertake to** measure in **units** of time the **length** of **the** period **during** which the thought must be pondered **before** it can ripen into an intent to kill which is truly **deliberate and** premeditated. The

time will vary with **different individuals** and under varying **circumstances**. The true test is not **the** duration of time, **but** rather the extent of the reflection. A cold, **calculated judgment** and decision may be arrived at in a short period of time. But a mere **unconsidered** and rash impulse, even though it **includes** an **intent** to **kill**, is not such deliberation and premeditation as will fix an **unlawful killing** as murder **of the** first degree. To **constitute** a deliberate and premeditated killing, the slayer must weigh and consider the **question** of killing and the reasons for and against such a choice and, having in mind the consequences, **he decides to and does kill**.

Murder of the second degree **is** the **unlawful** killing of a human being with **malice aforethought**, where there is manifested an intention **unlawfully** to kill a human being but the evidence is **insufficient** to **establish** deliberation and premeditation. **Murder** is classified into two degrees **and if you should find** the defendant guilty of murder, **you** must determine and state in your verdict, whether you **find** the murder to be of the **first** or **second** degree.

If you are convinced beyond a reasonable doubt that the crime of murder has been committed by the defendant, but you have a reasonable doubt whether such a murder was murder of the first or of the second degree, you must give the defendant the benefit of the doubt and return a verdict fixing the murder as the second degree. Before you may return a verdict in this case, you must also agree unanimously, not only as to whether the defendant is guilty or not guilty, but also, if you should find him guilty of an unlawful killing, you must agree unanimously as to whether he is guilty of murder of the first degree or murder of the second degree.

If you find the defendant in this case guilty of murder in the first degree, you must then determine the following special circumstance whether the following special circumstance is true or not true. The defendant has, in this case, been convicted of at least one crime of murder in the first degree and one or more crimes of murder in the first or second Degree. The prosecution has the burden of proving the truth of a special circumstance. If you have a reasonable doubt as to whether a special circumstance is true, you must find it to be not true. In order to find a special circumstance alleged in this case to be true or untrue, you must agree unanimously. You will state in your finding excuse me you will state your special finding as to whether this special circumstance is or is not true on the form that will be supplied to you.

To find the special circumstance referred to in these instructions as multiple murders convictions is true, it must be proved that the defendant has, in this case, been convicted of at least one crime of murder in the first degree and one or more crimes of murder in the first or second degree. You are not permitted to find a special circumstance alleged in this case to be true, based upon circumstantial evidence unless the proved circumstance is not only, one, consistent with the theory that a special circumstance is true, but, two, cannot be reconciled with any other rational conclusion. Further, each fact which is essential to complete a set of circumstances necessary to establish the truth of a special circumstance must be proved beyond a reasonable doubt.

In other words, before an inference essential to establish a special circumstance may be found to have been proved beyond a reasonable doubt, each fact or circumstance upon which such inference necessarily rests must be proved beyond a reasonable doubt. Also, if the circumstantial evidence is susceptible of two reasonable interpretations, one of which points to the truth of a special circumstance and the other to its untruth, you must adopt that interpretation which points to its untruth and reject the interpretation which points to its truth. If, on the other hand, one interpretation of such evidence appears to you to be reasonable and the other interpretation to be unreasonable, you must accept the reasonable interpretation and reject the unreasonable.

Each count charges a distinct crime. You must decide each count separately. The defendant may be found guilty or not guilty of either or both of the crimes charged. Your finding **as** to each count must be stated in a separate verdict form. If you are not **satisfied** beyond a reasonable doubt that the defendant is guilty of the crime charged, you may nevertheless convict him of any lesser crime if you are convinced **beyond** a reasonable doubt that **the** defendant is guilty of such lesser crime.

The crime of Second Degree **Murder** is a lesser to that of First Degree Murder. Thus, you are to determine whether the defendant is guilty or not guilty of First Degree Murder, as charged **in** Counts One and Two, or of any lesser crime. In doing so, you have discretion to choose the order in which you **evaluate** each crime and consider the evidence pertaining to it. You may find it productive to **consider** **and reach** tentative conclusion on all charges and lesser crimes, before reaching any final verdicts. However, the Court cannot accept a guilty verdict on a lesser crime unless you have unanimously found **the** defendant not guilty of the greater crime.

It is alleged in Counts One and **Two** that in the commission of the crime charged, the defendant personally **used** a deadly or dangerous weapon. If you find **such** defendant of the crime thus charged or a lesser included crime, you must determine whether or not such defendant personally used a deadly or dangerous weapon in **the** commission of **such** crime. A deadly or dangerous weapon means any weapon, instrument or object that is capable of **being** used to **inflict** great bodily injury or death. The term, "used a deadly or **dangerous** weapon," as used in this **instruction**, means to display such **weapon** in an intentionally menacing **manner** or intentionally to strike or hit a human being **with** it.

The **prosecution** has the burden of **proving** the truth of this allegation. **If** you have a reasonable doubt whether if you have a reasonable doubt that it is true, you must find it to be not true. You will include a special finding of that question **in** your verdict using **a** form that will be supplied **to** you for that purpose.

The purpose of the Court's **instructions** is to **provide** you with the applicable law **so** that you may arrive at a just and lawful verdict. Whether some instructions apply will depend upon **what** you find to be the facts. Disregard any **instruction** which **applies** to facts determined by you not to exist. Do not conclude that because an instruction has been given **that** the Court is expressing any opinion as to the **facts** of this case.

All right, ladies and gentlemen, this concludes the instructions that I am going **to** give to you prior to the arguments of the attorneys. As I indicated to you, we **will** stand in recess until Tuesday morning, September the **26th**, to begin at nine o'clock with the arguments of the attorneys. It's an interesting date, because if you'll recollect, those of you who came to us in the **first** batch of jury selection, we actually started jury selection on September 26, 1994, and I see some people recollect that date.

Brown Family **Wrongful** Death Complaint (Civil Suit)

The following is the civil complaint filed by the Brown family on behalf of the estate of **Nicole** Brown Simpson, deceased. The suit is file on her behalf by her father, the executor of her estate, and is a good representation of a California (US) civil claim. There would be minor stylistic differences from state to state, but the following is a good example of the general format, and will hopefully assist the reader in understanding both the **overall** process, and the OJ Simpson civil trial in **particular**. Very similar complaints were **filed** by the parents of Ronald Goldman, deceased, separately, as they **are** now divorced and have been for several years.

The standard civil complaint contains information regarding the claim, addresses of the litigants (parties suing and being sued), general facts surrounding the claim, and other necessary information for the court to determine whether a legal claim has been stated, and to enable it to proceed in a fair and proper manner.

LOUIS H. BROWN, in **Pro Per**
Executor and **Personal Representative**
of the Estate of **Nicole** Brown **Simpson**
222 **Monarch** Bay
Dana Point, **California** 92629

JOHN QUINLAN KELLY - OF COUNSEL
Attorney at Law
330 Madison Avenue
New York, New York **10017**
(2 12) 697-2700

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF **LOS** ANGELES

LOUIS H. BROWN **as** **Executor and personal**
representative of the Estate of NICOLE
BROWN SIMPSON, deceased,

Plaintiff,

vs.

ORENTHAL JAMES SIMPSON,

Defendant

CASE NO: SC036876

COMPLAINT FOR DAMAGES-
SURVIVAL ACTION
(C.C.P. Section 377.30)

Plaintiff alleges:

FIRST CAUSE OF ACTION

- 1) **On** or about November 7, 1994, Louis H. Brown was appointed executor of the Estate of **Nicole** Brown Simpson, **deceased**, by the Superior Court of California County in Los Angeles, in Case No. **SP002 190**. 'Testamentary **letters** are attached **hereto**, marked **Exhibit** A and incorporated herein by this reference.
- 2) Plaintiff is the Executor and personal representative of the Estate of **Nicole** Brown Simpson
- 3) That at **all** times herein mentioned, all **acts** occurred in the community of Brentwood, **County** of **Los** Angeles, State of California.
- 4) Orenthal James Simpson is and was a resident of the County of Los Angeles.
- 5) At all times herein mentioned, decedent Nicole Brown Simpson was a resident of the County of Los Angeles.
- 6) The true names or capacities, whether individual, corporate, associate or otherwise of the defendants designated **herein** as Does 1 through 10, inclusive, and each of them, are unknown to **plaintiff**, who **therefor** **sues** said defendants by such **fictitious** names, and plaintiff will ask leave to amend this complaint at such time as the true names and/or capacities are ascertained. Plaintiff is **informed** and believes, and thereon alleges, **that** each defendant designated herein as DOE is responsible in some **manner** for the events and happenings herein referred to, and caused or contributed to the **injuries** and damages to **plaintiff** as herein alleged.
- 7) On or about June 12, 1994, after the foregoing cause of action arose in **her** favor, **Nicole** Brown Simpson, who would have **been** the plaintiff in this action if **she** had lived, died as the legal result of the wrongful acts of **Orenthal** James Simpson and Dms 1 though 10.
- 8) On or about June 12, 1994, **Orenthal** James Simpson and Does 1 **through** 10, planned and prepared to assault, batter and murder Nicole **Brown** Simpson and did thereafter brutally, and with **malice** **aforethought**, stalk, attack and repeatedly stab and beat decedent, Nicole Brown Simpson. Defendants, and each of them, **left** her **on the walkway** in front of her residence to die. 'Nicole Brown Simpson **survived** the brutal attack for some unknown **period** of time and thereafter bled **to** death as a direct legal result of the **wrongful** and homicidal acts of Orenthal James Simpson and Does 1 through 10.
- 9) The attack was perpetrated by defendant Orenthal James Simpson and Does 1 **through** 10 with **the full** knowledge that the assault **and battery** upon decedent's body would lead to her death. Each of the acts alleged herein were done with a wanton, **reckless** disregard for the rights of the decedent and with the full knowledge that she **would** die as a result of said acts.
- 10) As a proximate result of the assault, battery and murder of Nicole Brown Simpson by defendants, and each of **them** **decedent** was required to and did employ physicians and surgeons to examine, treat and care for her **and** did incur medical and incidental expenses in an amount unknown at this time. The complaint will be amended according to proof when the amount becomes known.
- 11) On or about June 12, 1994, and immediately prior to decedent's death, personal property of decedent was destroyed as a legal result of defendants' **wrongful** acts. The amount of said property **is** unknown at **present**. Plaintiff **will amend** this **complaint** according to proof when said amount becomes known.
- 12) **In** doing the acts herein alleged, defendant, and each of them, acted **with** oppression, fraud and malice, and plaintiff is entitled to punitive and exemplary damages in an amount to be proven at the time of trial.

WHEREFORE, plaintiff prays judgment as follows:

- 1) For **medical** and related expenses according to **proof**.
- 2) For personal property according to **proof**.
- 3) For punitive and exemplary damages according to **proof**.
- 4) For costs of suit herein incurred.**
- 5) For such other and further **relief** as the court may deem proper.

Dated: June 12, 1995.

By:

/s/ Louis H. Brown

**LOUIS H. BROWN, as Executor
and personal representative of the Estate of
Nicole Brown Simpson, deceased, in Pro Per**

Sample Jury Verdict Form (Civil Trial)

The following is the jury verdict form used by the jury in the OJ Simpson civil trial. It is the author's sincere belief that this document might be able to shed light on the functioning of the jury in an American civil suit as well as the disparate outcomes between the civil and criminal trials. Subsequently the following jury form has been included for your scrutiny (review).

The Jury Form

The jury foreperson signs and dates the form after each question is agreed upon by a 9-3 or better vote.

SPECIAL VERDICT

We, the jury of the above-entitled action, find the following special verdict on the questions submitted to us:

Question No. 1:

Do you find by a preponderance of the evidence that defendant Simpson willfully and wrongfully caused the death of Ronald Goldman?

Write the answer "yes" or "no" below.

Yes No

Answer: _____

If your answer to Question No. 1 is "no," do not answer Question Nos. 2, 3, and 4, and instead proceed to Question No. 5. If your answer to Question No. 1 is "yes," proceed to Question No. 2.

Question No. 2:

Do you find by a preponderance of the evidence that defendant Simpson committed battery against Ronald Goldman?

Write the answer "yes" or "no" below.

Yes No

Answer: _____

If your answer to Question No. 2 is "yes," proceed to Question No. 3.

If your answer to Question No. 2 is "no," do not answer Question Nos. 3 and 4, and instead proceed to Question No. 5.

Question No. 3:

Do you find by clear and convincing evidence that defendant Simpson committed oppression in the conduct upon which you base your finding of liability for battery against Ronald Goldman?

Write the answer "yes" or "no" below.

Yea No

A n s w e r

If you answered "yes" to Question No. 2, proceed to Question No. 4.

Question No. 4:

Do you find by clear and convincing evidence that defendant Simpson committed malice in the conduct upon which you base your finding of liability for battery against Ronald Goldman?

Write the answer "yes" or "no" below.

Yes No

Answer: _____

Proceed to Question No. 5.

Question No. 5:

Do you find by a preponderance of the evidence ~~that defendant~~ Simpson committed battery against Nicole Brown Simpson?

Write the answer "yes" or "no" below.

Yes No

Answer: _____

If your answer to Question No. 5 is "yes," proceed to Question No. 6

If your answers to Question Nos. 1 and 5 are "no." proceed to date, sign, and return the verdict form.

Question No. 6:

Do you find by clear and ~~convincing evidence~~ that defendant Simpson committed oppression in the conduct ~~upon~~ which you base your ~~finding~~ of liability for battery against Nicole Brown Simpson?

Write the answer "yes" or "no" below

Yes No

Answer: _____

If you answered "yes" to Question No. 5, proceed to ~~Question~~ No. 7

Question No. 7:

Do you ~~find~~ by clear and convincing ~~evidence~~ that defendant Simpson committed malice in the conduct upon which you base your finding of liability for battery against Nicole Brown Simpson?

Write ~~the~~ answer "yes" or "no" ~~below~~.

Yes No

Answer: _____

If you ~~answered~~ "yes" to Question No. 1, answer ~~Question~~ No. 8.

Question No. 8:

We award damages against defendant Simpson and in favor of **plaintiffs Goldman and Rufo**, in the aggregate, as follows:

Amount

Answer: \$ _____

Date, sign, and **return** the verdict **form**.

DATED: _____, 1997 _____

A Glossary of Legal Terms and Phrases

Introduction to the Glossary

The following terms, phrases and definitions represent the meaning of words in the text which have been put into bold style. They also represent some words which are also considered **useful** towards **obtaining** a clear understanding of the accompanying text. Many of these words and phrases have been identified because they are likely to be frequently encountered by readers engaging in the study or practice of business and law. Therefore, the author urges the reader to make an extra effort to commit many of the seemingly more **useful** words to memory.

Terms and Phrases Defined:

Accused: One who is legally challenged by government authorities with guilt in a crime, but remains innocent until proven guilty

Act: A bill passed by a legislature and signed by the executive, which then becomes law; statute. For example, this new Act will regulate illegal pollution of the environment.

Ad Hoc: An arbitral proceeding where the rules are created by the parties to suit their needs, and are not entirely attributable to any institution or government.

Agent: Someone who is authorized to act on someone's behalf. For example, the agent of the company submitted the bid.

Alternative Dispute Resolution Any means of settling a dispute (disagreement) among the parties other than going to court. Some examples include Conciliation, Mediation, the Mini-Trial and Arbitration.

Amendments: A written change or modification to an existing **law**. For example, because the criminals discovered a way to evade the law; the statute was amended to make it easier for the government to enforce.

Amicably: In a **friendly** manner, or without the use of coercion

Arbitration: The settlement of a dispute through the use of a neutral third party who's decision in the matter is of a **binding** nature upon the parties. Both parties must have ample opportunity to present their arguments in a fair proceeding.

Arbitration clauses: The actual written agreement often contained in the contract establishing the determination of the parties to seek arbitration in the event of a dispute regarding their agreement. Arbitration clauses are generally considered to be separate agreements from the actual contract, and thus severable.

Articles of Incorporation: The rules governing a corporation.

Assault and Battery: A common law, and **generally** now a statutory crime involving the threat to cause another bodily harm (assault) and the actual offensive physical *contact* (**battery**).

Assets: **All** of the items that contribute to the **networth** of a person or thing. Very similar to "capital"

Attach: To lay legal claim to an item, generally as the result of overdue debts.

Attack: In the scope of this text, it means to legally challenge a person, and proceed against him in court in an **effort** to gain control of his personal property.

Auditors: People that evaluate a business organization's financial records.

Bail: An amount of money determined by a judge, which must be **left with** the court to guarantee that the accused in a crime will **return** for his trial. If the accused **fails** to appear in court he forfeits the money. The judge **will** usually look to the resources of the accused, as well as the seriousness of the crime when determining the amount.

Bankruptcy Protections: Legal measures provided by statute to prevent a person who is bankrupt **from** becoming completely destitute, and thus unable to earn a living. These protective measures generally refer to the family home, Clothing and possibly a car, thus enabling a bankrupt person to provide for himself and his **family** (if applicable).

Back Taxes: Taxes which were not paid in past years and which are now overdue.

Benefits: Anything of positive **value** that is received (i.e. money, housing **allowances**, tax credits, ...).

Breach of Contract: The **failure** to meet the agreed upon duties and obligations in a timely manner, required in the terms of a contract. In the common law legal system this can include terms, which are assumed to be present **in** the contract through usages of trade and industry standards, unless expressly excluded

Bribe: An illegal **gift** of value given to another for the purpose of **influencing** that persons decision making power. For example, the company's agent secretly paid a bribe of \$1 ,**000,000** US to the government official to obtain the construction contract.

Bonuses: Cash or other valuable incentives paid to employees on special occasions as rewards for good service.

Capital: Anything of value

Case Law: Law divined **from** the precedential value accorded to previous cases of a similar nature,

Childsupport: Money paid by the noncustodial parent **after** a divorce to the custodial parent ostensibly for the purpose of raising their child.

Cite. Legal citation; A series of numbers and abbreviations which denote the exact reference number of a case in both federal and state legal reports, The citation **further** identities the court that decided the case, and the date of the decision. All cases submitted to a judge or arbitral tribunal must be accompanied by the correct legal citation for verification purposes before they **are** accorded **precedential** value.

Cited: To bring a case or text to the attention of one's audience, in the circumstances of a legal or arbitral setting this would be to the judge's or arbitral tribunal's attention.

Closed Corporation: A corporation where the **controlling** majority of shares is in the hands of a small stable group of people who control the corporation. This group is usually either a single person or a single family. Minority shareholders have little or no control over the corporation, and thus this stock is usually not traded or sought.

Coercive: The threat or use of force to obtain one's end or goals. In legal circumstances this would generally involve the threat of going to **court** or of taking punitive economic measures against the other party.

Coming Due: Identifies an approaching date when demand for payment by creditors will be made.

Common Law: A legal system which involves a mixture of statutes and case law to define and interpret the law in every situation

Company's Books: The **financial** records of a company.

Conciliation: The attempted settlement of a dispute in a **friendly** , mutually cooperative manner, and without the aid of a third party.

Corporation: A business owned by shareholders, but managed by corporate officers nominated by its Board of directors. The separation of ownership **from** management of the corporation provides its shareholders (owners) with a certain degree of protection from liability stemming from the actions of the corporation.

Cover: Within many legal systems, the statutory or common law **ability** to replace nonconforming goods (unsuitable goods) with conforming or adequate goods within a reasonable time period, and not be considered in breach of contract.

Cover-up: To hide the truth **from** those who seek to discover it.

creditworthiness: The degree to which **lending** institutions are willing to give you money based upon your past **financial** conduct, your current earnings and your current networth.

Decorum: The procedural and behavioral rules **maintained** in a legal proceeding.

Delineated: To create boundaries and divide responsibilities.

Detriment: Anything of negative value that one receives (i.e. debts, stress,...).

Distinguished: To be **differentiated from** a similar case based upon key (important) dissimilar factors.

Duties: Assigned tasks which are that person's or entity's responsibility to **fulfill**.

Embezzle: To illegally take **funds** entrusted to one's self for your own personal needs. For example a bank or corporation president writes **himself** checks **from** the treasury for no authorized purpose (i.e. to buy a new Mercedes car for his daughter's **birthday**).

Employment Contract: Contracts **defining** the terms and conditions of an **individual's** employment for a particular **organization** or entity.

Entity: Any group, organization or being

Evidence: Information **which** is admissible in court, and which supports one side's position. In **arbitral** proceedings the admission standards for evidence are **generally** not as difficult as in more formal courtroom trials.

Expansion: Growth.

Expert Testimony: Evidence given by an expert in a particular **field** as to **his** beliefs and opinions regarding some point or issue of contention between the parties to a dispute.

Extradite: To **forcefully** send an individual to a country where he/she is subject to prosecution for crimes.

Extradition Treaty: A treaty between nations governing the terms and conditions for extradition of those accused of crimes in another country.

Formal Demand For Payment: A legal letter asking for payment of money owed, and generally a formality (requirement) required by many jurisdictions before being able to proceed against the debtor in court.

Funds Cash, Money

Go Under: To become bankrupt, insolvent.

Government Investigators: **Government** agents who attempt to discover wrongdoing. Similar to police officers, but generally specialists in a particular field.

Grease Payments: Payment of money to government **officials** to encourage them to do their jobs in a more **efficient** manner. For example, the company paid the government employee 500 baht, so that he would finish their visa applications quickly. **While** nominally bribes, grease payments are distinguished under the IJS Foreign Corrupt Practices Act by the fact that they are only designed to encourage a government employ to do his duty, rather than break **his** nation's law.

Held Without Bond: To be kept in prison awaiting trial without an opportunity to get out on bail.

Incorporation: The legal act of registering a corporation with the state

Independent: Being free of outside control. Able to make decisions without the approval of others.

insider Trading: Trading in shares (stock) conducted by people with special (private or secret) knowledge of the dealings of the company through their official positions (i.e. lawyers, accountants, corporate officers), and which is not yet **available** to the public.

Internal Revenue Service, IRS: The US federal governmental body tasked with enforcing the tax laws.

Interpretation: The expression of **one's** belief as to the meaning of a particular law or **case**.

Judge: In most legal systems the individual tasked with deciding the outcome of a case, or simply overseeing it to guarantee its fairness.

Justify To provide reasons so as to excuse otherwise improper actions

Letter of Rejection: A legal document **refusing** (rejecting) acceptance of goods delivered. This is generally used when a supplier sends **nonconforming** (substandard) materials or goods.

Letter of Revocation: A legal document used to revoke or terminate a legal right previously granted to an institution, organization or person. A common examples is a letter revoking a power of attorney, possibly in the form of a proxy agreement.

Liability: The ability to be held accountable to one's creditors or other claimants for misdeeds or debts accrued in the course of conducting business.

Litigate: To sue in court, Engage in legal action against another.

Lobbying Group: A group of **nongovernmental** actors which seek to promote legislation (laws) favorable to their client's interests through the provision of campaign contributions (money) and educating the respective legislative members with information favorable to their clients' interests. Some powerful American lobbying groups are the Tobacco Lobby (representing cigarette manufacturers) and the National **Rifle** Association (representing gun owners).

Local Law: The law of the jurisdiction where the action occurred or is being **pursued**.

Long-Arm Statute: **A variety** of US state statutes, which permit the various states to exert jurisdiction over the legal dispute in question, so long as minimum contacts between the state and disputants in involved can be proven, Minimum contacts can be as inconsequential as the disputants having done business in the state or a significant event involved in the dispute having occurred within the states.

Long-term Stability: The capability to generally endure and maintain its present levels of success over a substantial period of time. This is the opposite of Short-term stabii.

Lucrative: Highly profitable.

Middle of the Road: Neither Progressive nor Conservative.

Mini-trial: A hybrid form of mediation sometimes used in America. The location resembles or often times is an actual courtroom, and the proceedings are presided over by a judge who conducts a mock trial, albeit nonbinding upon the parties. **If** it were to become binding then it would become a variation of arbitration.

Mediation: Where the parties to a dispute seek the intervention of a third party to assist them in amicably settling their dispute, but the mediator does not have the authority to issue binding decisions as does the arbitrator,

Murder: A crime involving the intentional death of a person. by another

Nonantagonistic. Where the opposing sides in a dispute do not view each other as opponents and work to reach a mutually **acceptable** position.

Noncustodial Parent: The parent who does not have legal guardianship of a divorced couple's child.

Normal Standard **of Industry**: The usual **industry** standard or norm as to the quality of goods provided at various prices, and with varying manufacturing techniques.

On Notice: To be aware of an important fact (i.e. that coffee is hot)

Oral Agreement : An agreement which is spoken and not written. They are renowned for being difficult to prove in court due to the lack of reliable or indisputable evidence available to prove the terms of **the** agreement,

Ordinary **Inspection** Methods: Inspection procedures that are routinely carried out in a particular trade or industry, when receiving goods,

Party: A group or individual involved in some type of legal proceeding or relationship

Partners: The members of a partnership

Partnership: In general, an organization where two or more **people** are in complete control, and each possesses the right to ownership of the whole.

Partnership Agreement: The contract which is the foundation of a partnership, and which describes the relationship **of the** parties, their rights and **privileges** therein as well as duties and obligations to each other.

Possess: To have control **over**. To be in one's power or **possession**.

Potentially: Having or possessing the ability to be something

Power of Attorney (General): A general document designed to give another person control over your **affairs** (the ability to act on your behalf), when you are unable or unwilling to act in person. The individual generally need not be an attorney. "Special" Powers of Attorney are used only for specific actions, and do not give the **Attorney-In-Fact** powers over your **affairs** beyond those specifically identified in the Special Power of Attorney.

Private Enterprise: **All** business which is not conducted under the direction and control of the government, and where the owners retain their surplus earnings as profit.

Proceeding: Any endeavor **entered** into **with** some goal or purpose in mind as the **direct** end result of said action.

Proxy: The legal right to vote another's **shares**.

Public Disclosure: To make **known** to all who wish to know important **information** regarding a particular issue or **organization**.

Public Statement: An expression of **information made** to the **general population** or a similarly large body of **people**.

Registration: The **official** listing (registering) of an **organization** or **person** with a governmental **body**.

Responsibilities: **One's** obligations or duties owed to another party.

Resume (or C.V. in Europe): A document **detailing** an individual's work and **educational** history. It also generally includes personal information such as special **skills** and **hobbies**.

Robbery: **Stealing from a person** or place with **the** aid of a weapon.

scandal: An event which ignites popular anger, usually **directed against** the **government**, and often times involving illegal activities or grossly **inefficient** use of the governmental resources. For example, the bribery scandal involving the **President** of Brazil forced his resignation.

Securities Law: A body of laws governing the stock markets.

Situs: **Latin for location**, commonly used in documents of a legal nature.

Sole Proprietorship: Any business owned by a single individual and not a **partnership** or **corporation**.

Sophistication: The **level** of **difficulty** or **specialization** that has been **achieved**. For example, a **telecommunications** company would **be sophisticated**, whereas a **small** labor intensive **family farm** would not be.

Standard Usage of Trade: **The legal meaning** of certain words and **expressions** within a particular industry, which **often** might have quite **different** or **contradictory definitions** outside of that trade or industry.

State **Enterprise:** Any **company** owned **primarily** by a **government**.

State Intervention: Any interference by the **government** in the **normal** conduct of **business**.

Statute: A written law passed by a legislature

Stock. Certifiable shares of **ownership** in a corporation

Susceptible: Subject to outside influences. In the case of a **sole proprietorship** this means the owner's ability to be personally held accountable for all his firm's actions. Similar to liable.

Treasury: The division of an organization or body responsible for overseeing its funds.

Uniform Commercial Code, UCC: A statute which governs the **sale** of goods in the United States as well as numerous other aspects of trade and commerce.

Unrecorded: Something which has **left** no tangible proof of its existence

US **Jurisdiction**: The area under the control of the court system of the United States.

warrant: An official writ (document) signed by a judge, which **empowers** the proper authorities to enforce the orders contained therein. Some of the more common warrants include search warrants and arrest warrants.