

Chapter 26

USE AND ABUSE OF FORENSIC SCIENCES: THE O. J. SIMPSON CASE

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OVERVIEW

Two dark socks.

An old, shriveled up glove.

Blood—big spatters of it here, small droplets of it there.

A missing hour in the middle of the night.

Gaffes—an amazing, almost incomprehensible number of stupid blunders.

And, quite possibly, a few intentional misdeeds. Or even outright corruption.

Mix it all up and you have the recipe for the murder trial of the century. But then, of course, the *People v. O.J. Simpson* was much more than a court case. It was theater. It was soap opera. It was prime time entertainment. And yet it was entertainment of a whole new variety.

To an extent perhaps never before encountered in the history of the American legal system, this trial focused on the significance of physical and scientific evidence. Some pointed strongly toward Simpson's guilt in the murders of his ex-wife, Nicole Brown Simpson, and her friend, Ronald Goldman. Surprisingly, however, there were enough lapses in the evidence to suggest his innocence—no eyewitnesses, no jail house confessions, not even a murder weapon.

Much like the assassination of President Kennedy, the murders of Simpson and

Goldman have imprinted themselves on the nation's collective memory. It was the evening of June 12, 1994. Nicole had been to dinner with her family at Mezzaluna, a trendy southern California restaurant where she often ate. After a pleasant evening, she returned to her condo at 875 South Bundy Drive. No sooner had she walked in the door at about 9:35 p.m. than her telephone rang. It was her mother, Juditha Brown, saying she had left her glasses at the restaurant. Assuring her mother that she would retrieve them, Nicole called Mezzaluna. Ron Goldman, a waiter with whom she had become friendly, offered to bring the glasses by her home when his shift ended at 9:50 p.m.

That's the last time anyone would see or hear from Simpson or Goldman again. At exactly midnight, neighbors came across Nicole's Akita, which had blood on its paws and was barking persistently in what they described as a "wail." They followed the dog to the walkway and garden area outside of Nicole's home. There, they discovered the bodies.

When Los Angeles police arrived on the scene about 12:15 a.m., they found 35 year-old Nicole lying near the front gate of the condo at the foot of the stairs left of her front

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door, her bloodied body curled up in a fetal position. She had been stabbed several times, including a gaping slash across the front of her throat. A few feet away, detectives spotted the body of 25 year-old Ronald Goldman backed up against a tree stump and an iron fence and slumped to one side. His face, arms and hands had been repeatedly cut. Next to Goldman's right foot was an envelope containing a pair of eyeglasses. The Akita's bloody paw prints were also present on the sidewalk.

Within minutes, authorities identified the victims and learned that Nicole's ex-husband was O.J. Simpson. Almost immediately, the former football star became a suspect. And so it all began.

Everywhere one went in 1994 and 1995, the principal topic most people wanted to talk about was the O.J. case. Some were completely fascinated by it, openly admitting to being addicted to the nationally televised coverage by CNN or Court TV. Others talked about how bored or disgusted they were with the whole thing and how society was being over-saturated with information about the case. Clearly, the addicts outnumbered the bored and disgusted, for no other American news story has ever dominated the new ratings over such a long period of time.

Another interesting aspect of the Simpson case is the fact that almost everyone who knew anything about it took sides. There were those who believed that the evidence against the former football star was so overwhelming and so incriminating that he had to be guilty. And there were those who took the position that there was so much evidence—especially circumstantial evidence—linking O.J. to the crime in such a simple obvious manner that he must have been framed and that some of the evidence must have been fabricated.

Well, here's a novel thought: perhaps both positions were correct. To be sure,

there are several indisputable facts or arguments favoring each side of the coin. For example, prosecutors presented the following evidence:

1. Blood stains found at the crime scene genetically matched blood samples taken from Mr. Simpson.
2. The socks found at the foot of Simpson's bed contained blood stains that matched samples taken from the victims.
3. A glove found behind Simpson's home matched a glove found at the crime scene and contained blood stains that matched samples taken from the victims.
4. Blood droplets found in Simpson's white Ford Bronco genetically matched the victim's samples.
5. Hair found on the bloodied shirt worn by Ronald Goldman had the same characteristics as the samples taken from Simpson.
6. A mysterious shoe print discovered at the crime scene matched a Bruno Magli shoe. There was evidence that Simpson had purchased a pair of Magli shoes weeks earlier.
7. Simpson does not have an alibi for an hour of the time frame during which the murders are believed to have occurred.
8. There is significant evidence showing that Simpson physically abused his ex-wife and threatened to kill her if he ever caught her with another man.

While this laundry list seems pretty damning, keep in mind that some or all of it may be dirty laundry. An inventory of the evidence and arguments supporting the defense's case is also quite staggering.

1. A vial containing blood taken from Simpson subsequently revealed that 1.5 cc had disappeared while in police custody.
2. Two defense experts who examined the socks two weeks after the murders did not see any evidence of blood stains. Furthermore, the prosecution says it didn't discover and report the stains until

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3. The blood stains found on the socks also contained EDTA, a chemical preservative used to prevent blood samples from clotting. This would suggest that the blood was not directly transferred from the victims onto Simpson's socks.
 4. The gloves did not fit Simpson.
 5. Police allowed the bodies to lie outdoors for ten hours before permitting anyone from the coroner's office to examine the bodies at the crime scene.
 6. The forensic pathologist who performed the autopsies admitted to making up to 40 errors during his examinations.
 7. A lead detective in the case who found the glove at Simpson's estate was caught perjuring himself on the witness stand by claiming that he had not used a particular racial slur in more than ten years when, in fact, he had used racial and ethnic slurs frequently and most disparagingly in several hours of tape-recorded interviews with a screenwriter over a period of years. What does all of this mean? It's hard to say, but it raises a possibility that neither the prosecution nor the defense was willing to admit that Simpson was involved in the murders but either did not act alone or did not actually participate in them.

PRETRIAL EVENTS

From day one and throughout the trial, the logical flaw in this case was the assumption that it was an all-or-nothing proposition—either Simpson went to Nicole's apartment by himself, killed her and Goldman, then quickly washed and discarded his clothes and the murder weapon; or he didn't do it at all and was conspiratorially framed by law enforcement officials. Rather than claim that either one of these scenarios is completely and absolutely incorrect, I suggest that there is another possibility that is reasonably supported by the evidence.

As a result of all the media attention and shared fascination, the O.J. Simpson case took on a life of its own in the public mind. People began referring to the trial and all the legal wrangling simply as "O.J." Friends would ask one another not whether they had seen excerpts of the trial that day, but whether they had watched "O.J." It replaced the weather as the topic of conversation to fall back on.

At times, the lawyers seemed to be more like actors than advocates. Witnesses came across as if they were auditioning for parts

rather than offering testimony. And the judge—well, let's just say that he seemed more interested in the high-profile guests who paraded through his courtroom daily (Ted Koppel, Larry King and Diane Sawyer, to name but a few) than he did in running the trial in a tight, professional manner and keeping the lawyers under control.

One of the biggest problems with this trial was that, from an entertainment perspective, it had everything: suspense, celebrity, violence, sex, corruption. As the news media came to call it, it was, quite simply, "the trial of the century." But then again it seems to me that we have a trial of the century every few years.

Throughout our country's brief history, Americans have shown a strange fascination with the courts, especially criminal trials. This intrigue dates back at least to the Salem witch trials of the late 1600s, when several female members of the Massachusetts colony were hanged or burned at the stake as Satan's accomplices. Then, of course, there was the all-consuming interest in the fate of Lizzie Borden, who, legend has it,

"took an ax and gave her father 40 whacks." Often forgotten in the telling of that tale is that Borden was found not guilty.

Almost every decade, in fact, has featured a trial that could lay claim to this title. In the late 1940s, Charlie Chaplin's paternity suit in Los Angeles received nearly as much attention as the trials of 21 Nazi war leaders in Nuremberg, Germany. In 1951, the nation couldn't get enough news about Julius and Ethel Rosenberg, owners of a New York machine shop who were turned in by Mrs. Rosenberg's brother on charges of selling nuclear secrets to the Soviets. The cases of Jack Ruby and Sirhan Sirhan dominated legal headlines in the 1960s, as did the trials of the Black Panthers in Chicago and New Haven. In the 1970s, court enthusiasts were treated to the bizarre and gruesome murders committed by Charles Manson and to the ultimate in political crimes when several high-ranking officials of the Nixon administration were charged and convicted in the Watergate break-in. The 1980s, too, had a few celebrated cases. First, there was the Jean Harris affair. Then, of course, came the trial of John Hinckley, Jr., the man who tried to kill President Reagan, and his successful plea of not guilty by reason of insanity. Later in the decade, courts focused on such characters as Marion Barry and Oliver North.

For unforgettable trials, few decades will top the 1990s. First, there were the Menendez brothers in Los Angeles, whose novel defense in the murders of their parents painted them as victims rather than perpetrators. The largely unsuccessful prosecutions of the Los Angeles police officers who were caught on videotape beating Rodney King came next, and the Reginald Denny case that followed will long be remembered. Then, of course, there were the trials of Panamanian dictator Manuel Noriega, former Philippines First Lady Imelda Marcos, and boxing champ and convicted rapist Mike Tyson.

The major difference between the pre- and post-WWII cases, of course, is television. More recently, the advent of Court TV and CNN have not only allowed people to closely follow legal proceedings while sitting in their Lazy Boy® recliners instead of on hard, wooden benches, but they have also served to educate the public about many of the intricacies of our legal system.

Then came O.J. Simpson. To explain the attention this case received is to understand the place the defendant occupies in the American psyche. Try to think of a more famous and respected American who has been accused of murder. All of the names previously mentioned and more can be considered, but while many of those people became famous for their alleged crimes, very few of them had previously been as well-known and universally admired as Simpson.

Born Orenthal James Simpson to Eunice and Jimmy Lee Simpson in San Francisco in 1947, the person we affectionately called "The Juice" had a roller coaster upbringing. In the months shortly after his birth, Simpson's parents noticed that something was wrong with his legs. Doctors said their son was ravaged by rickets—a vitamin D deficiency that weakens and disturbs the growth of bones. The physicians had an answer: break his legs and reset them with braces. But because the Simpsons were poor, they rejected the surgery, opting instead for a homemade brace using special shoes that O.J. often wore on the wrong feet. As a result, when his bones grew, he ended up bowlegged and with legs so thin that friends called him "Pencil Pins."

A below average student, Simpson focused on athletics instead and soon found himself running as fast as the other boys. Socializing was at least as important, and by the time he reached high school, his extremely outgoing and friendly personality had gained him a position of leadership. He headed a group called The Superiors, which

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organized school dances and community projects for young people, but he also created the Persian Warriors, a street gang that was a bit less community-minded than The Superiors, specializing in stealing and drinking.

At the age of 15, these antics landed O.J. in juvenile court. Going home and facing his parents that afternoon would be a defining moment in Simpson's life. Instead of his father waiting at the front door, there stood Willie Mays, the all-star outfielder for the San Francisco Giants. Mays, a friend of Simpson's football coach, had heard of O.J.'s athletic promise and agreed to try setting him on the right track. The legendary slugger talked with the teenager for a while, then took him to Mays' home, which was located in one of the wealthiest sections of town.

"This is the way to live," young O.J. was said to have remarked that day.

It was as if he had seen his road to success. Family members say he cleaned up his act and immediately decided to make athletics, especially professional football, his life and his ticket to fame and stardom.

The new attitude soon displayed itself on the football field. O.J.'s high school, Galileo High, had never been known for its athletic teams. That changed in Simpson's senior year. One of the first games of the season was against football powerhouse St. Ignatius, winners of their last 23 games. The first half was dominated by St. Ignatius, which took the lead 25-10. Then O.J. went to work, scoring touchdowns of 60, 80 and 90 yards.

So impressed was the coach at St. Ignatius that he immediately called someone he knew on the coaching staff at the University of Southern California to tell him about the potential recruit. USC was more than a little interested, but because of poor grades, Simpson was forced to attend a junior college for two years before they would offer him a full scholarship. When he finally got there, O.J. wasted no time breaking almost

every USC rushing record. Then, in 1968, he won the Heisman Trophy, college football's most prestigious award, and became the first selection in the NFL draft, taken by the Buffalo Bills.

For the next decade, O.J. dazzled fans of professional football. Like no other running back in history, he could find a hole in a defensive line and explode through it. At times, it seemed as if he could change direction in mid-air.

In 1973, he set the single-season rushing record with 2,003 yards—an incredible achievement considering that he was a member of a rather mediocre team. In fact, there are many football buffs who believe that if Simpson had played with a great team of that era, such as the Baltimore Colts or the Miami Dolphins, he might have become known as the greatest football player of all time.

Football was rough on O.J., and by the later 1970s his knees had started to give out. In an article published around that time, Simpson stated that he was so sore, bruised and beaten up after Sunday football games that he couldn't even practice again until Thursday. Finally, in 1978, he hung up his cleats and turned his gaze in other directions.

Throughout his football career, "The Juice" had become known to the public and friends alike as one of the nicest guys on Earth. He always made time to spend with children. He was generous to a fault with charities. Never did he turn away or charge money for an autograph. Once retired, the "good-guy" image, coupled with O.J.'s limitless ambition, guaranteed him a smooth transition into the commercial world.

First, Hertz made him its national spokesman, and O.J. became famous all over again, this time for running and leaping through airports to catch a plane. Then ABC, and later NBC, signed him on as a commentator on NFL games. Later still, he endeared himself to moviegoers everywhere

by acting in such hits as "The Towering Inferno" and the "Naked Gun" series. By the time Simpson divorced Nicole, his second wife, in 1992, his annual income from football commentary, movies and Hertz ads was estimated at about \$700,000 a year and his net worth at \$10 million.

Wealthy and popular beyond his wildest dreams, married first to his high school sweetheart and a proud father to two daughters and a son, O.J. appeared to be living a dream. But apparently, all was not as rosy as it seemed to be. Many friends, including Cleveland Browns superstar Jim Brown, say Simpson had a drug habit. Others, including his ex-wife, contend he was a womanizer who surrounded himself with young ladies readily willing to fulfill his sexual needs. There were stories about his temper, something that his millions of adoring fans never heard or read about before the murder trial.

Then, in 1980, tragedy struck. The Simpson's daughter, Aaren, was only 23 months old when she was found drowned in the family's pool. Although neither one of the Simpsons was to blame, this was the straw that broke their marriage. Shortly thereafter, the couple divorced.

Three years earlier, while still married, Simpson had met Nicole Brown, a waitress at a swank Beverly Hill nightclub called the Daisy. Eighteen years old, blond and beautiful, Nicole had been born in West Germany to a Stars and Stripes correspondent and his wife and raised in an unexceptional, middle-class atmosphere. In California, Brown had developed a reputation as a beach bunny, a free spirit who liked to dance and party. She and O.J. dated and then lived together for several years before marrying in 1985.

Even in Hollywood, they were a striking couple. He was good-looking and physically fit, showing no signs of age, and she was absolutely gorgeous. Together, they lived the good life. They frequented the hottest nightspots in Southern California, drove

white Ferraris, traveled in the most exclusive circles, and lived in million-dollar homes in Brentwood, Laguna Beach and Manhattan Beach. Most importantly, say friends, he loved being with her and she simply adored him. Despite their busy lives, they found time to have two children, a daughter and a son. To the public eye, they were the ideal couple, living in the perfect world.

Then came that notorious night, New Year's Day, 1989, when police were called to an estate on Rockingham Drive. When they arrived, they found Nicole standing outside crying. Her eye was black and bruised and blood dripped from her lip. She ran toward the police officers, begging for help.

"He's going to kill me," she screamed.

At the moment, the front door opened and Simpson, wearing only a robe, walked out.

"I don't want that woman sleeping in my bed anymore," he yelled. "I got two women and I don't want that woman in my bed anymore."

Informed that his wife wanted to press charges and have him arrested, Simpson retorted, "This is a family matter. Why do you want to make a big deal of it? We can handle it."

Eight times during their marriage, police were called to their house to intercede in the couple's domestic discord. Two of those incidents reportedly involved violence. We've all heard the 911 calls. We've all heard the threats from the defendant's own mouth. Most of us were shocked: This was not the O.J. Simpson we thought we knew. After Nicole's death, several witnesses would come forward to say that Simpson had also stalked his ex-wife. He was the ultimate in jealous husbands, they claimed. These repeated incidents, of course, would become the basis for the motive to which police and prosecutors later attributed the murders.

Most of us came to learn about the slayings of Nicole Brown Simpson and Ronald

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Goldman the afternoon after they occurred. Most everyone's first thought was, Where was O.J.?

Simpson's supporters contend that the police unfairly targeted him from the start and didn't even consider other potential suspects or look for evidence that might lead them to other suspects. As it turned out, there is some evidence pointing to a second assailant or an accomplice. Still, it was not inappropriate for the detectives to make their first inquiry with the victim's ex-husband.

When a murder like this happens, the initial reaction of every police detective, every forensic pathologist, every lawyer, and every seasoned journalist is, Where's the spouse? It's a logical connection to make. In fact, an intelligent observer would be stupid not to think this way. Statistics show that in our country, more people are killed by relatives or close friends than by complete strangers. When you have a homicide and are searching for suspects, you always start with family members—a spouse if the victim was married or divorced, parents if the victim was a child, and even brothers and sisters.

In this case, of course, there was another factor driving investigators toward Simpson. Many of them were aware of the couple's marital problems, and this made Simpson a prime suspect even without a stitch of evidence. Detective Mark Fuhrman, for one, certainly knew about their troubles; he had been one of the officers who responded to their residence on New Year's Eve, 1989. In fact, it is fair to say that it was because of Fuhrman's and the L.A. Police Department's institutional knowledge of the Simpson's squabbles that O.J., rightly or wrongly, became an instant suspect.

From the beginning, there was nothing ordinary about this case. The ex-wife of a major celebrity and a casual male acquaintance were horrendously slashed to death: all eyes, as in a made-for-television movie,

were on the celebrity husband. Simpson appeared every bit the grief-stricken widower. He hugged and kissed and cried with his children and their families. He even consented to additional police searches of his home and gave the authorities a lengthy statement. Throughout, he denied any involvement in the murders, stating that he had no idea why someone would want to kill his ex-wife or Goldman.

Even Simpson's eventual arrest was something only Southern California could dream up. On the evening of Friday, June 17, 1994, millions of people had their eyes glued to their television screens.

O.J. was in a white Ford Bronco driven by his longtime friend, Al Cowlings, moving 30 miles an hour down an empty Los Angeles interstate. Behind the Bronco, and traveling at the same rate of speed, were dozens of police cars with their blue lights flashing. Lining the side of the highway were people cheering and holding signs reading, "Go O.J." and "We love you O.J." Meanwhile, O.J. was in the back seat, supposedly with a gun pointed to his head, threatening to kill himself if the police got any closer.

Every major network had dropped its normal prime time programming to broadcast this surreal scene. More than 95 million people watched Simpson run that night—more than had ever seen him carry a football! Friends and family took to the airwaves to beg the former football star not to harm himself and to turn himself in. Then, as if the entire episode were staged, Robert Kardashian, Simpson's close friend and lawyer, came forward to read a letter Simpson had written. Most interpreted it as a suicide note:

To Whom it May Concern:

First everyone understand. I have nothing to do with Nicole's murder. I loved her, always have and always will. If we had a problem, it's because I loved her so much.

Recently, we came to the understanding

that for now we were not right for each other, at least for now. Despite our love, we were different and that's why we mutually agreed to go our separate ways.

It was tough splitting for a second time but we both knew it was for the best. Inside I had no doubt that in the future we would be close friends or more. Unlike what has been written in the press, Nicole and I had a great relationship for most of our lives together. Like all long-term relationships, we had a few downs and ups.

I took the heat New Year's 1989 because that's what I was supposed to do. I did not plead not contest for any other reason but to protect our privacy and was advised it would end the press hype.

I don't want to belabor knocking the press, but I can't believe what is being said. Most of it is totally made up. I know you have a job to do, but as a last wish, please, please, leave my children in peace. Their lives will be tough enough.

At times I have felt like a battered hus-

band or boyfriend but I loved her, make that clear to everyone. And I would take whatever it took to make it work.

Don't feel sorry for me. I've had a great life great friends. Please think of the real O.J. and not this lost person.

Thanks for making my life special. I hope I helped yours.

Peace and love, O.J.

As we all know, Simpson finally turned himself in at his Brentwood estate later that evening. At that point, it certainly did not look good for the Hall-of-Famer. Under the law, intentionally running from police can be used in court as evidence of guilt. Five days later, on June 22, Simpson stood before Los Angeles Superior Court Judge Cecil Mills and pleaded "Absolutely, 100 percent not guilty."

This marked the official beginning of one of the most bizarre murder cases the United States has ever seen.

PRELIMINARY HEARINGS

A week later, preliminary hearings began to determine whether there was enough evidence to put Simpson on trial. Officially called a "probable cause hearing," this is also an opportunity for defense attorneys to see just how strong a case the prosecution has. The flip side of this is that they also get a chance to see if there are any major holes or errors.

The first day of testimony in the preliminary hearing focused on a knife that Simpson had allegedly bought at a Los Angeles store. Police said they were still looking for the knife and believed it to be the murder weapon. While they didn't have the knife itself, they said, they did know exactly what it looked like and how long and wide it was. However, I have learned that not everything the L.A. stations were reporting was accurate. For example, one TV station

reported—and many others later repeated the story—that police had found a ski mask used in the crime. Eventually, it was revealed that there was no ski mask.

Even though the time of death was estimated to have been between 10 p.m. and midnight, the official report said that a representative of the medical examiner's office did not examine the bodies until approximately 10:30 a.m.—more than 10 hours after the slayings. Furthermore, the autopsies on the two bodies were not performed until the next day, more than 30 hours after being discovered.

The police investigators had not called the medical examiner's office until 6:30 a.m. to notify them of a homicide. Even then, the medical examiner's office was told simply to stand by; in fact, it was not until 8:15 a.m. that police called back and requested that a

representative to the crime scene. The coroner arrived at the scene, but the bodies had already been turned out, the pathologist on duty was not available, and the legal investigator was not present.

A trained, experienced investigator should get to the scene as quickly as possible to collect physical evidence, identify witnesses, and properly follow up. However, in this case, the coroner took a long time to arrive at the scene to conduct the autopsies.

There are many factors that can affect the time of death. The time of death is calculated to within a few hours. A solid estimate of the time of death, which is a key factor in a homicide case, is determined by the body's cooling rate, rigor mortis, lividity, and muscle changes. Factors such as settling of blood, decomposition, and gravitational pull can also affect the time of death.

The sooner the bodies are examined, the more accurate the time of death will be. Because the coroner's office was not notified until more than 10 hours after the slayings, the deputy medical examiner was unable to perform the autopsies until 10:30 a.m. This delay in the autopsies told the jury that the value of the evidence was less than it would have been.

Also present at the scene were the following individuals:
 Case Reporter: [Name]
 Date: June 22, 1994
 Mode of Death: Homicide
 Victim: [Name]
 Address: [Address]

DOB: 5/15/59
 Age: 35

representative of the coroner's office come to the crime scene. Even after an investigator arrived at the scene, she was not permitted to examine the bodies right away. As it turned out, this individual was not a forensic pathologist or even an experienced medical-legal investigator.

A trained, experienced medical examiner should get to this kind of crime scene as quickly as possible to ensure that the physical evidence is properly collected and preserved, and that the chain of evidence is properly followed. Most importantly, however, it is up to the medical examiner or coroner to determine the time of death in homicides to the closest degree possible.

There are three primary ways of measuring time of death. None is precise, but when calculated together, they can give a pretty solid estimate. The first is algor mortis, which is a measurement of how much the body has cooled since death. The second is rigor mortis, or the stiffening of the corpse's muscles. Finally, there is livor mortis, the settling of blood in the body as a result of gravitational flow.

The sooner a medical expert can gauge these factors, the more reliable the estimate will be. Because police did not permit the coroner's office to be at the crime scene for more than 10 hours, the best estimate for time of death that could be made by the deputy medical examiner who conducted the autopsies was between 9 p.m. and 12:45 a.m. This was a completely useless finding. It told the homicide detectives nothing of value.

Also presented at the preliminary hearing were the final post-mortem protocols:

Case Report: Department of Coroner
Date: June 14, 1994
Mode of Death: Homicide
Victim: Simpson, Nicole Elaine Brown
Address: 875 S. Bundy Drive
Los Angeles, CA 90049
DOB: 5/19/59
Age: 35

Height: 65 inches
Weight: 129 lbs
Eyes: Brown
Hair: Blond
Scars: Breast
Place of Death: Outside of residence
Clothing: Decedent was wearing a short black dress, blood stained. Also, black panties.

Evidence of Injury: Four stab wounds to the neck, three stab wounds to the scalp, two cut wounds on the right hand and one cut wound on the left hand.

Opinion: Death is attributed to multiple sharp force injuries, including deep incised wounds of the neck and multiple stab wounds of the neck. The sharp force injuries led to the transection of the left and right arteries, and incisions of the left and right internal jugular veins causing fatal exsanguinating hemorrhage. Injuries present on the hands, including an incised wound of the right hand, are compatible with so-called defense wounds.

The autopsy report also stated that the fatal neck injury was "gaping and exposes the larynx." In fact, the wound was more than five inches long and two inches deep. "The edges of the wound are smooth," the report continued, indicating that it was not inflicted with a serrated knife. The toxicology report showed no evidence of illegal drugs and a blood-alcohol level of only 0.2, which could be accounted for by two glasses of wine or a couple of beers a couple of hours earlier.

Goldman's autopsy report was almost as gory. It reads as follows:

Case report: Department of Coroner
Date: June 14, 1994
Mode of Death: Homicide
Victim's name: Ronald Lyle Goldman
DOB: 7/2/65
Age: 29
Height: 69 inches
Weight: 171 lb.
Eyes: Hazel
Hair: Brown
Remarks: Tattoo on right shoulder

Clothes: The decedent was wearing a long-sleeved sweater (it was extensively blood-stained). Also, a pair of bloodstained Levi jeans, sweat socks and canvas type boots.

Evidence of Injury: More than two dozen stab wounds to the neck, face, scalp, chest, abdomen, thigh and hands.

The report also contended that a stab wound to the left side of the neck that severed the jugular vein was the fatal injury. This wound was three inches long with smooth edges. Like Nicole's toxicology report, Goldman's showed no signs of any illegal or prescribed drugs. Unlike Nicole's, however, it did not show any alcohol either. Finally, both reports stated that the bodies showed evidence of numerous ant bites, apparently a consequence of their having been allowed to remain at the murder scene for several hours.

The prosecution seemed to dominate the first week of the Simpson hearing, producing seemingly endless physical evidence connecting the defendant to the crime scene and the murders through blood sample matches. The second week produced even more fireworks, but this time, it was bad news for the prosecution. Lawyers from the district attorney's office thought that calling Los Angeles Deputy Medical Examiner Irwin Golden to the witness stand would simply lead to the routine questions and answers. It was not to be.

Everything went fine under direct examination. Dr. Golden quickly answered the key questions, giving the number of stab wounds on each victim, their length, and other pertinent information. He did, however, admit that it was a significant error not to have a medical examiner's investigator or forensic pathologist at the crime scene on the night of the slayings.

It was under cross-examination by defense attorneys that Dr. Golden and the credibility of the entire Los Angeles Medical Examiner's office took its biggest hit. The defense team had obtained a copy of the

minutes of an internal meeting at the coroner's office which detailed between 30 and 40 errors or incidents of mishandled evidence in this case. Several were very significant. They included the following:

- (1) Nicole Brown Simpson's blood-stained dress was improperly dried, hanging into a communal drip pan below the drying rack, where it could have soaked up impurities from the drying clothing of other dead bodies.
- (2) A bottle of liver bile was improperly marked as containing urine.
- (3) The bodies were stored in unlocked homicide crypts, allowing anyone access to tamper with the evidence.
- (4) Personal effects were not immediately removed and placed in envelopes, as policy requires. Expensive jewelry was not removed from Simpson's body until it arrived at the coroner's office 13 hours after the death.
- (5) Simpson's stomach contents were mistakenly discarded. (By examining the stomach contents, a forensic pathologist could have offered an educated estimate of time of death based on when she last ate and how much had been digested).
- (6) Simpson's body was never examined for evidence of sexual assault.
- (7) The wounds to Simpson and Goldman were not adequately examined to see whether they could have been inflicted by the 15-inch knife prosecutors contended could have been the murder weapon.

On cross-examination by Mr. Shapiro, Dr. Golden seemed confused and embarrassed by the office's mistakes. He was especially humiliated when the questioning turned to the fact that tests which might determine whether the alleged murder weapon matched the stab wounds had not been conducted.

Shapiro: You understand a man is sitting in jail, faced with charges of double homicide, do you not? When would you suggest doing these tests?

Golden: Now?

Eventually, all of these bungles led to the defense's basic argument that Simpson had been framed for the murder by racist police officers. For example, they claimed that the blood at the scene that matched Simpson was taken from the sample he had voluntarily supplied the day after the slayings.

Little by little, law enforcement officials leaked reports of DNA matches to the news media. First, it was match with blood found on the glove and on the socks. Then it was Simpson's blood at the crime scene and in the Bronco. A single drop of dried blood on a sidewalk or handrail or sweater might not appear to be much, but in reality it is a storehouse of information for modern-day scientists.

One of the first methods of linking Simpson to the crime scene was what is called an ABO blood typing test, a method first used in the early 1900s for categorizing

blood. There are four possible blood types: A, B, AB, and O. If a person has type A blood, that means he or she has a special substance called "A antigen" on the surface of his or her red blood cells. If a person has type AB blood, then both A and B antigens are present. If there are no antigens, then that person is said to have type O blood. The blood found at the Simpson crime scene was type A, the same as Nicole and O.J., Goldman had type O blood.

Despite the supposedly strong evidence in the hands of the state, prosecutors refused to allow experts hired by the defense to conduct their own tests.

The next four months were occupied by legal wrangling and strategy setting by both sides. Prosecutors took the position that Simpson and Simpson alone was the killer. Defense attorneys contended that a racist police detective planted evidence in an attempt to frame their client.

THE CRIMINAL TRIAL

The trial, which began on January 23, 1995, took an amazing 33 weeks and involved 126 witnesses and more than 1,000 exhibits. The case also broke the previous record held by the trial of Charles Manson for sequestering a jury, which was 225 days.

From the start, this trial was frequently out of control. Los Angeles Superior Court Judge Lance Ito, generally given very high marks by those who had appeared before him over the years, had allowed pretrial publicity to get out of hand. It had nothing to do with the cameras in the courtroom. The problem rested with lawyers speaking outside of the courtroom. The anonymous leaks, especially by law enforcement, were absolutely inappropriate, and Judge Ito should have put a stop to it early on. Unfortunately, he did not.

The excesses began with the opening

statements by Marcia Clark and Johnnie Cochran. Generally, if a lawyer cannot explain his or her case in less than two hours, then that attorney does not have a good grasp of the facts in the case or the direction he or she wants to go. In the Simpson case, both Clark and Cochran took more than a day to describe to the jury the evidence they would present. After a couple of hours, the jurors start tuning the lawyers out. There are some studies that show that jurors even become resentful of lawyers who are too wordy.

The state did a good job in three portions of its case. First, it established with reasonable certainty that Simpson had a clear motive to kill his ex-wife. Witness after witness talked about how abusive Simpson was during the marriage and how, after their separation, he became violently jealous of her

boyfriends.

Two particular pieces of evidence drove this point home most effectively. One was a videotape of Simpson exercising, in which he instructed viewers as he ran in place and jabbed into the air to imagine that they were "working out with your wife, if you know what I mean." While this proved little, it certainly looked bad. The second, far more devastating evidence came in the form of Nicole's diary. In it, she wrote that Simpson had beaten her while they were having sex and once demanded that she have an abortion. The diary also provided ammunition that Simpson was stalking his ex-wife. "O.J. is following me again, Mommy. I'm scared," she wrote. "I go to the gas station, he's there. I go to the Payless shoe store, and he's there. I'm driving and he's behind me."

In addition to creating a motive for the murder, prosecutors did an excellent job of establishing means. Through a series of witnesses, they were able to show that Simpson had no alibi during a one-hour time frame in which the state contends the murders occurred. This was crucial, and not an easy thing to prove. However, the prosecutors were burdened by the fact that the police had not called the medical examiner to the crime scene immediately. As a result, an exact time of death could not be given.

Witnesses for the prosecution said that Nicole called Mezzaluna at 9:45 p.m. and that Goldman left with the glasses at 9:50 p.m. Five minutes away, O.J. Simpson and house guest Brian "Kato" Kaelin were said to have driven to McDonald's in Simpson's Bentley to grab some dinner. They arrived back home at about 9:40 p.m. Kaelin testified that Simpson said he was going to his room to shower and prepare for a late flight to Chicago. Telephone records show that Simpson tried calling his new girlfriend, a model for Victoria's Secret, at 9:40 p.m. But no witnesses came forward to say they saw or talked with Simpson for the next hour or

more.

At 10:15 p.m., neighbors told police they heard the dog's wail. Seven minutes later, limousine driver Allan Park arrived at the Simpson mansion early. He did not remember seeing the white Ford Bronco parked on the street outside of the estate. Park waited until 10:40 p.m., then buzzed the house's intercom system. There was no response.

About 10:45 p.m., Kaelin stated that he heard three thumps on the wall outside the house. At 10:55 p.m., Park claimed he saw a large, shadowy figure enter the front door of the house. Minutes later, Simpson responded on the intercom saying he had fallen asleep and would be down shortly. It also was at 10:55 p.m. that Nicole's neighbor, Steven Schwab, found her upset Akita a few blocks from Nicole's home.

"The dog seemed agitated," Schwab told the jury. "It was very unusual for a dog to be barking that way. I noticed that there was blood on the paws."

At 11:01 p.m., Simpson exited his home and got in the limo. Park said Simpson complained of being hot, even though it was a cool evening. Simpson's flight aboard American Airlines for Chicago left at 11:45 p.m.

At about midnight, neighbors of Nicole walked her Akita down the street. When they approached 875 Bundy, the Akita led Sukru Boztepe and his wife, Bettina, to the bodies. At 12:10 a.m., they called the police and emergency crews.

It was important for the prosecutors to establish that the murders happened about 10:15 p.m. That would have given Simpson enough time to leave Kaelin, drive to 875 Bundy Drive, commit both murders, clean up, dispose of the evidence, and race back to his home a few miles away. Any later than 10:30 p.m., and there was no way for Simpson to have accomplished the feat.

To raise doubt about the time of death, defense attorneys tried to use a series of wit-

nesses to suggest that the slaying could have occurred much later, such as 10:45 p.m. or 11 p.m. They called four very credible witnesses who testified that they were walking along Bundy Drive that evening between 10:20 p.m. and 10:30 p.m. and heard no wailing dog. In fact, one witness, Robert Heidstra, stated that he heard two men arguing near the crime scene about 10:40 p.m. However, Heidstra also testified that he saw a car resembling Simpson's Bronco speeding away from the crime scene at about 10:45 p.m.

The third element the prosecution had to prove was Simpson's presence at the crime scene. They did this very keenly through blood stains and spatters at the scene of the murder, in Simpson's Bronco, on a glove found behind Simpson's house, and on two socks at the foot of his bed.

Gary Sims, a criminalist with the California Department of Justice laboratory in Berkeley, testified that blood on the right-handed glove found behind Simpson's guest house matched Goldman's. On the glove's middle finger, Sims said he found blood stains that were a mixture of blood from Nicole and Goldman. Furthermore, Sims told the jury that blood spatters on the socks undoubtedly came from Nicole Brown Simpson.

Using powerful DNA testing, Dr. Robin Cotton, director of Cellmark Diagnostics, the company that performed the experiments, spent two weeks on the witness stand explaining the basics of DNA. DNA, she explained, stands for deoxyribonucleic acid, a substance that contains an individual's genetic blueprint. Using samples of blood, hair, semen, skin or other human tissue, scientists can map genetic patterns. Just like a fingerprint, each person's DNA is different and can provide a unique identity marker, except for between identical twins. DNA is made up of four basic components or chemical bases: adenine, guanine, thymine and

cytosine. Scientists abbreviate them using their first letters—A, G, T and C. Many people compare DNA to the alphabet. Just as the 26 letters from A to Z are used to form words, DNA bases are linked to form strands.

There are two kinds of DNA tests: RFLP and PCR. PCR is the quickie test, taking about a week to get a result. However, it is not nearly as accurate or definitive as the RFLP test. The chances of a match in a PCR test range from 1 in 100 to 1 in 2,000. PCR is also the newer of the two tests. Here's how it works:

- (1) DNA is extracted from tissue or fluids and is purified. A pinhead amount of blood or tissue or one hair is sufficient.
- (2) The intact DNA is combined with short fragments of known DNA called primers, and other chemicals that cause the DNA to be replicated. With 30 cycles of replication, the amount of DNA increases one million times.
- (3) Small quantities of the replicated DNA are then applied to eight to 10 spots on a reagent strip. Each spot contains a different segment of known DNA. If the replicated DNA contains a segment matching the known segment, a blue color appears on the spot.
- (4) The pattern of spots from a sample taken at a crime scene is compared to that taken from a suspect.

PCR is so new that few state courts have allowed it to be admitted as evidence in criminal trials. On the other hand, the RFLP examination has been accepted by nearly every court in the country. Taking at least six weeks to perform, the accuracy of the RFLP test ranges from 1 in one million to 1 in one billion, or even higher. Here's how the RFLP test is conducted:

- (1) DNA from blood or other tissue is collected from the crime scene and the suspects. A larger sample size is required than with the PCR test.

- (2) The DNA is chemically cut into fragments using restriction enzymes.
- (3) The resulting fragments are placed in a gel and separated into bands by running electric current through it, a process called electrophoresis.
- (4) The pattern, still visible at this point, is transferred to a nylon membrane.
- (5) Radioactive DNA probes are applied to the membrane, and they bind to matching DNA sequences. Excess, unattached, DNA probes are washed away.
- (6) X-ray film is placed next to the membrane. The film is developed, revealing a pattern of bands where the radioactive probe has bound to the DNA fragments. This DNA profile is the genetic fingerprint.
- (7) The final DNA fingerprint is a pattern of light and dark bands that looks like a supermarket bar code. The DNA fingerprint is compared to DNA from other samples, such as blood found at a crime scene.

Almost no one disputes the power of DNA analysis. Having a forensic scientist take the witness stand and tell the jury that evidence found at the crime scene connects the defendant to the crime by million or billion to one odds is strong testimony. Yet the truth is that no one regulates DNA testing. In 1991, Congress tried to pass the DNA Identification Act, which would have set standards for lab testing and guidelines for presenting evidence. Congress failed, and today there is no regulation regarding how evidence is collected, preserved, or tested.

In her testimony, Dr. Cotton said that five drops of blood discovered outside of Ms. Simpson's home did not come from either victim. However, she said that were 170 million to one odds that they did come from O.J. Simpson. Then came the most significant point in her testimony: Blood found on the socks in Simpson's bedroom contained a DNA match of Nicole Brown Simpson.

When asked how many other people, white or black, could have this type of DNA, Dr. Cotton said that it was less than one in 9.7 billion human occupants of the Earth.

While there is widespread acceptance of DNA and its usefulness, however, there remain major concerns regarding the astronomical percentages that many of the genetic testing laboratories employ.

The defense took a twofold approach to attacking the blood and DNA results. First, they accused police of stealing blood samples taken from Simpson and planting them on his clothing; we will get to this later. It was their second plan of attack, in which they claimed that the positive DNA results came from contaminated samples, that was off-base and misleading. You can take blood or any human tissue, throw it into the sewer, retrieve it, and it will not produce a false positive. It may no longer produce a definitive result, but it would not create a false positive.

On the other hand, there was a question of contamination within the lab itself. The issue was whether Simpson's own blood contaminated the test sample, which would have then produced a false positive. This could have happened if the lab technicians had accidentally sprayed or dripped Simpson's blood sample into the test sample.

Whether the defense attorneys like it or not, if the DNA results come back a match, arguing contamination is nothing more than an attempt to confuse the jury.

That's not to say that the prosecution's case was clean or without faults. Certainly, it was not. In fact, the prosecutors did something that, if not unethical, was clearly unfair and improper. After Dr. Golden, the deputy medical examiner, made such a fool of himself and the Los Angeles Coroner's office at the preliminary hearing, prosecutors chose not to call him as a witness during the trial.

This is unheard of. Perhaps never before has there been a case in which a board-certified forensic pathologist, working as a full-

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time employee of medical examiner's office, performed an autopsy and then was not called to testify at the trial, even though he was still actively employed at that same office and physically available. By keeping Dr. Golden off of the witness stand, they also saved themselves from another potentially embarrassing problem. During the preliminary hearing, Dr. Golden testified that two knives could have been used in the slayings. This was a bombshell to the prosecution, dramatically hurting its case.

Instead, they called Dr. Lakshmanan Sathyavagiswaran, the Coroner of Los Angeles County and Dr. Golden's boss. For nine days, Dr. Sathyavagiswaran painted a picture of how he believed the murders occurred. It was dramatic testimony, grabbing the undivided attention of the jury and bringing tears and horror to most in the courtroom. He described each and every wound, showing photographs of each to the jury.

"Nicole died of multiple stab wounds to the neck," Dr. Sathyavagiswaran told jurors. Most graphic were the photographs that focused on the slashes to the throat that were so deep they nearly separated her head from her body.

The Los Angeles coroner laid out the following scenario: The assailant stabs Nicole Simpson four times in the neck. He also rams her head into the metal gate or fence, knocking her unconscious. It is at this point that Ronald Goldman shows up. Taking Goldman by surprise, the attacker grabs him from behind, forcing him into a small, gated area measuring six feet by four feet. The attacker then makes two parallel cuts across Goldman's neck.

"If Mr Goldman was confronted by the assailant in this confined area, he has no means to escape, especially if he is cornered between that railing and the tree and that sapling," Dr. Sathyavagiswaran told the jury. "He has no place to escape to. He's stuck

there. He was held so he couldn't move, so these controlled cuts could be made." These slashes were fatal, the doctor added, although it probably took Goldman a few minutes to actually bleed to death. It was after this, he testified, that the assailant jabbed his or her knife into Goldman to make sure he was indeed dead.

"The stab wound entered the right chest, went through the seventh rib, then the right lung and came to strike the fourth rib," Dr. Sathyavagiswaran told the jury.

With Goldman out of the picture, the attacker returns to Nicole Brown Simpson, who Dr. Sathyavagiswaran contends was still unconscious at this time. Under this scenario, the assailant places his foot on Nicole's back, grabs her hair with his left hand, pulling her head back and exposing her throat. With the knife in his right hand, the attacker then nearly slices the victim's neck in half.

"I would say she died within a few minutes, probably much less than a minute," he testified. "She would have gone into rapid shock with this massive injury."

Much of the coroner's testimony was based on pure conjecture. Could there not have been other equally plausible physical scenarios? Is it possible that the attacker was this tall or this small? If the assailant had been six-feet, two inches tall (as Simpson is), would he have been able to overpower the shorter Goldman?

But Dr. Sathyavagiswaran had another mission on the witness stand than to simply announce the official cause of death or to demonstrate just how horrible these murders were. The prosecution wanted testimony supporting their scenario regarding the time of death. They needed to show that these slayings could have occurred in the scant amount of time during which Simpson could not produce an alibi.

Under direct questioning from Los Angeles County Deputy District Attorney

Brian Kelberg, Dr. Sathyavagiswaran provided the prosecutors with the ammunition they needed.

Kelberg: Doctor, what is your opinion regarding the length of time it took for these murders to have occurred?

Dr. Sathyavagiswaran: I felt that the injuries sustained could have been in rapid succession.

Kelberg: How fast? A minute or so?

Dr. Sathyavagiswaran: Yes. A minute is a long time. I mean, we all heat our coffee cups in the microwave oven, and you know, it takes a long time.

Kelberg: Demonstrate 60 seconds for us.

Dr. Sathyavagiswaran: You take any knife and just go home and plunge it quickly and you'll see you can do 15 thrusts in about 15 seconds. It doesn't take that long to do a sharp-force injury with a sharp knife. (He demonstrated this by pumping his fist up and down in a stabbing motion).

Under cross-examination by defense attorney Robert Shapiro, the coroner admitted that his office had made more than 30 mistakes in this case. The most important, he agreed, concerned the fact that police had not informed his department of the deaths for more than eight hours. This allowed Shapiro to hammer home the fact that the authorities could not say for sure when the deaths occurred, as well as to present the possibility of multiple attackers.

Dr. Sathyavagiswaran: We can only give an estimated range. We cannot give any precision.

Shapiro: Based on your examination of the body, what is the time frame when these homicides took place?

Dr. Sathyavagiswaran: No.

There is reason for considerable doubt about the state's scenario for the murders. In fact, based upon the evidence, it is highly unlikely that it could have happened that way at all.

The first concern involves the amount of blood at the scene of the homicides. The

victims were both young, healthy individuals in good physical condition and not under the influence of alcohol or drugs. Cutting their carotid arteries and jugular veins would have caused blood to spurt several feet. Add to that the fact that they were under attack. There was great terror and excitement that would have sent their blood pressures skyrocketing. This would have significantly increased the force of the blood coming up from the aorta.

Blood is not water. It doesn't simply seep into the ground and disappear. Blood is viscous. When blood dries, it congeals on clothes, on skin, wherever it settles. In this case, it should have been everywhere. The attacker must have been soaked in blood. If O.J. Simpson is indeed the killer of Nicole Brown Simpson and Ronald Goldman, there are many questions that the prosecution failed to answer:

- Where did all of the blood go?
- How did he peel his clothing off?
- Where did the clothes go?
- How did so little blood—only a few small spatters—get on the Bronco?
- How come none of it got on him?
- Why was there no evidence of blood anywhere on the white carpet in Simpson's house?

Surely the police detectives checked every sink, shower, and drain in Simpson's house. If there had been blood washed down those drains, some of it would have stuck on the filters, but there was no testimony to that extent.

Before it rested its case on July 7, the prosecution did get in a few more zingers. FBI special agent William Bodziak testified that shoe prints discovered at the crime scene came from an unusual size 12 rubber sole Italian-made Bruno Magli shoe. The shoe size was said to match a Reebok tennis shoe found in Simpson's closet, though police made it clear that the print found at the crime scene did not match the Reebok. In

addition, investigators also admitted no Bruno Magli were ever found.

The final state witness was FBI agent Douglas Deedrick, a fiber and hair expert, who told jurors that fibers matching carpet fibers in Simpson's Bronco were found at the murder scene. More importantly, he said that hairs with characteristics similar to those of the defendant's were also discovered at the crime scene.

While most agreed that the state's case had holes, it probably was strong enough to obtain a conviction in any other case in this country, but not in this case, and not in Los Angeles.

One of the main issues for the defense team was to decide who to call to the stand and who not to call. A great amount of attention was being focused on whether Simpson himself would take the stand. Some members of the defense team were trying hard to convince the former football star that he should not. But people, especially famous people, have big egos. They want to tell their side of the story. They want to stand before the men and women in the jury box and tell them in no uncertain terms that they are innocent.

O.J. Simpson was no different. While some of his lawyers were encouraging him to stay off the witness stand, friends were apparently telling him to do the opposite. They were telling him that the world wanted to see him under oath, swearing that he had nothing to do with this crime.

To demonstrate the possible pitfalls, Bailey and the other defense attorneys hired an independent trial lawyer from out of state to come to Los Angeles and conduct a mini-mock trial in Simpson's cell. For two days, the lawyer, a woman hired because her trial technique is similar to that of Marcia Clark, grilled Simpson. The demonstration did not go well for the defendant. The lawyer repeatedly tore him apart on cross-examination. She made him look guilty. His defense

attorneys hoped that this would convince him that he should not take the witness stand.

Just as interesting, the lawyers had many debates about which witnesses they should call. What many people don't know is that members of the defense team voted on each and every witness. Simpson cast a vote, also.

The defense case, at this point, was simple. They wanted to show a general pattern of incompetence on the part of law enforcement in this case. With clear evidence that investigators had contaminated exhibits by placing them in the same bag with a blanket used to cover Nicole Simpson's body, this point was not difficult to make. At times, it seemed as if the Los Angeles police investigators were their own worst enemy. They provided the defense with many targets.

Since the defense could not really attack the credibility of the DNA results, they argued that Simpson's blood did indeed appear in samples recovered from the crime scene, but that he had been framed. A small portion of a vial of blood—about 30 drops—taken as a sample from Simpson was missing and unaccounted for. The defense claimed that the police had taken this and planted the blood drops on the Bronco and at the crime scene.

To bolster its claim, the defense called an outstanding forensic toxicologist, Dr. Frederic Rieders, to testify that blood found at the gate of Nicole Brown Simpson that matched O.J. Simpson also contained EDTA, or ethylene diamine tetraacetic acid, a chemical preservative. The same was true of the blood samples found on the socks which matched Ms. Simpson.

Dr. Rieders' test used chemical compounds isolated and identified by the rate at which they move through liquid as well as by their molecular weight, whole and in pieces. This was the defense's key to showing that something fishy was up. If there was EDTA, then the blood did not come directly

from the person. It was quite possibly taken, stored, preserved, then placed on the socks and the gate, or, in some negligent fashion, contaminated. While this did not prove that O.J. Simpson did not commit the murders, it did help to establish reasonable doubt.

Rieders' testimony led into even more startling testimony by another prominent expert in blood spatter evidence, Professor Herb MacDonell. During the first week of August, MacDonell took the witness stand and announced that the blood on the socks had not gotten there as a result of a natural spatter, but that it had been applied through "direct compression." In other words, the blood had seeped through one side of the sock onto the other side of the sock, indicating that there was no ankle in the foot when the stain was deposited. The stain on each side of the sock measures one inch by one and half inch.

Dr. Michael Baden then testified for the defense. In just a couple of hours on direct examination, attorney Robert Shapiro elicited testimony from this forensic pathology expert that effectively neutralized all the major points that the prosecution had set forth in more than a week's testimony by the chief medical examiner of Los Angeles.

Shapiro: You were in the courtroom and heard Dr. Sathyavagiswaran's testimony, were you not?

Dr. Baden: Yes, I was here and I heard him.

Shapiro: Do you agree with his scenario on how this crime occurred? Do you believe that Nicole Brown Simpson was lying face-down unconscious when her throat was slit?

Dr. Baden: No, I do not. While I have great respect for Dr. Sathyavagiswaran's, I simply disagree with him. I think his testimony was more to produce visual image, an awful image, than to explain the truth. In my opinion, when she received the final wound, she was 18 inches off the ground.

Shapiro: What do you base your opinion on?

Dr. Baden: The pattern of the blood spurts onto the steps of the victim's condominium. The blood on the step doesn't match. In my opinion, when the last cut was given, she was higher up.

Shapiro: Was she unconscious when the fatal cuts were applied?

Dr. Baden: My opinion is that she struggled with the assailant or assailants prior to succumbing when her neck was cut. There were nine or 10 cut or stab wounds on her body before she suffered the fatal injuries.

Shapiro: As an expert witness for the defense, did you examine the medical evidence in this case?

Dr. Baden: Yes, I did.

Assistant District Attorney Brian Kelberg: Give us your professional opinion of how this autopsy was handled and did you find evidence of your own that the Los Angeles medical examiner's overlooked?

Dr. Baden: By examining the brain, I discovered a bruise caused by a blunt force injury. Miss Simpson had suffered a blow to the head that caused brain damage, and that's significant to a forensic pathologist. I will agree with you that these autopsies were not perfect. There were numerous mistakes. But I don't want to trash Dr. Golden. Dr. Golden did a fine job as far as I'm concerned. His autopsy is better than most autopsies and better than the autopsy of President Kennedy.

Baden's biggest bombshell came when he described visiting the Los Angeles police crime laboratory less than two weeks after the homicides took place. He told jurors that he had examined nearly all of the physical and medical evidence collected by authorities, including the bloodied socks found in Simpson's bedroom. There was only one difference between his findings and the prosecution's: he saw no evidence of blood on the socks. This was big. Keep in mind that Los Angeles authorities did not report finding the blood stains on the socks until August—more than six weeks after the socks were recovered. This played directly into

the defense's theory that the blood on the socks had been planted to frame Simpson.

The next day, under cross-examination by prosecutor Kelberg, Dr. Baden made several additional key points for the defense team:

- That the report of Goldman's stomach contents indicated that he died sometime after 10:15 p.m.
- That, based on evidence of defensive wounds on the victims' hands, both victims struggled with their killer or killers.
- That Goldman's knuckles were bruised, indicating that he struck his assailant.

As compelling as Dr. Baden was, the star of the entire show had to have been Dr. Henry Lee. Even *The New York Times* wrote that Dr. Lee dazzled jurors with his courtroom demeanor and humor.

During more than four days on the witness stand, Dr. Lee provided backbone to the defense team's claim that there was more than one attacker. In dramatic fashion, he announced that in his examination of the crime scene, he found "imprints" on the sidewalk where the homicides occurred that appeared to be shoe prints. There were several of these imprints with identical markings. But not all of the imprints were on the ground. One was found on Ronald Goldman's blue jeans, which was consistent with the attacker kicking his or her second victim.

Dr. Lee also poked a hole in the prosecution's assertion that the murders took place in blitzkrieg fashion. Instead, he said, the evidence pointed to a long, protracted struggle. For instance, he said, there was a knife cut in Goldman's boot indicating he may have tried kicking back, a hole in the dirt at the crime scene that could have been dug out in a struggle, dirt caked on top of and in the cracks of Goldman's boots, and blood drops that had been smeared.

At the same time, Dr. Lee slammed law enforcement for how they handled the evi-

dence. He said that he found the bloodied socks packaged together in the same envelope, meaning they contaminated each other.

Under cross-examination, prosecutors asked him why he was shown in photographs examining evidence without using gloves, a hair net or a lab jacket.

"They didn't offer me those things," Lee responded. "Doesn't matter what I wear. Space suit, body armor—evidence still contaminated."

Dr. Lee also blasted Los Angeles officials for treating him "in a very mean, hostile fashion" when he traveled there to review the evidence. The policy of nearly every medical examiner's office in this country is to allow colleagues hired by the defendant's or plaintiff's lawyers to review and even test evidence.

Dr. Lee's appearance on the witness stand had coincided with the discovery by the defense team of tape-recorded interviews in which Los Angeles police detective Mark Fuhrman used racial slurs dozens of times—directly contradicting his own testimony early in the trial that he had not used such language over the past 10 years. On these tapes, Fuhrman discusses beating criminal suspects and planting evidence against defendants.

Amazingly, Judge Ito ruled that the defense lawyers could play only two examples of Fuhrman using the word "nigger" in the interviews. They could not play any of the clips of the detective elaborating on framing suspects. In making his ruling, the judge said the tapes were more prejudicial than probative.

Many trial observers felt that Judge Ito's decision was wrong and unfair. Here was a key witness for the prosecution who found a key piece of evidence against the defendant. Yet, the defense attorneys were prohibited from playing testimony to the jury that proved that this detective had a propensity

for fabricating evidence. To those people who believe that the police can do no wrong, it is relevant to note that in 1995, the Los Angeles District Attorney's office dropped charges against three individuals charged in three separate homicides after it was learned that police investigators had tampered with evidence or fabricated evidence in order to obtain a conviction.

California authorities claimed they would conduct a thorough investigation into the statements made by Detective Fuhrman. However, there is much doubt about the sincerity and probative value of these so-called "internal probes." There was a lot of hype at the time of the announcement, but the proposed inquiry quickly fizzled out. Unfortunately for the people of Los Angeles, police misconduct and ineptitude have long been a problem in their community.

At any rate, with Judge Ito's ruling keeping the tapes out of evidence and away from the ears of the jury, the defense was confronted with a problem: how to support their theory that Simpson was the victim of a racist frame-up. They used the only avenue available to them, witnesses.

In one day, defense attorneys called two women, Kathleen Bell and Natalie Singer, to the witness stand. Both claimed they had brief social encounters with an off-duty Detective Fuhrman. Neither said it was pleasant. Both said he repeatedly used racial epithets. Both said he voiced hatred toward interracial couples. They testified that he talked about using his position as a police officer to beat black people and fabricate evidence against minorities.

"Cops are God," Bell quoted Fuhrman as saying.

More damaging was the testimony of Laura Hart McKinney, the North Carolina professor to whom Fuhrman had made the racist statements during 10 years of interviews for a movie script on which she was working. She had fought hard in court to

keep the tapes out of the hands of the defense attorneys, but a North Carolina judge had ordered them turned over anyway.

McKinney told the jurors that Fuhrman had lied to them when he claimed he had not uttered racial slurs in 10 years. In fact, she said, she had him on tape using the "N" word 42 times, including during a few interviews since Simpson's arrest. It was powerful testimony. The jurors took extensive notes.

The next day, defense attorneys subpoenaed Detective Mark Fuhrman to testify. In one of the most dramatic moments of the trial, they asked the investigator if he had ever used the "N" word in the past 10 years. He refused to answer, citing his Fifth Amendment right not to incriminate himself in possible crimes. The defense attorneys asked Fuhrman if he had perjured himself earlier in the trial. Again, the detective took the Fifth.

While it was a devastating moment for the public perception of the prosecution and the Los Angeles Police Department, the jurors would never hear a word of it. They were not present during this questioning, and the appellate courts ruled that the jury could not be told about it. The defense understandably saw this as a serious blow to their case. They wanted the jury to see and hear Fuhrman refuse to answer questions about whether he had planted evidence. They wanted the jury to see and hear Fuhrman declining to answer questions regarding his racist statements that had been captured forever on tape.

There were, of course, a slew of other witnesses called by the defense. Each offered a little nugget of information meant to poke a hole in the state's case. For example:

Stephen Valerie, A UCLA graduate student, sat next to Simpson on the American Airlines flight from Los Angeles to Chicago. He testified that he looked at Simpson's

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hands for an NFL Super Bowl ring and saw no evidence of cuts, as prosecutors had contended. (Neither did he see a Super Bowl ring, but that's because Simpson's team had never won an NFL championship.)

Jim Merrill, a Hertz employee who picked up Simpson at Chicago's O'Hare International Airport, said he saw no cuts on the football star's hands and that Simpson was cheerful and appeared happy. By contrast, Merrill testified, on his return to the airport, Simpson was frantic and cried while making three phone calls to friends.

Raymond Kildruff, a vice president for Hertz, took Simpson to the airport to catch a flight from Chicago back to Los Angeles the morning after the slayings. He said Simpson did have a bloody bandage on his left hand at that time.

Juanita Moore, O.J.'s barber, told the jury that Simpson had dandruff. An expert witness testified for the prosecution that hairs found at the crime scene were from a black man but showed no sign of dandruff.

In all, the defense called 53 witnesses. Throughout this time, however, the main question on everyone's mind was whether the defendant himself would take the stand. The public certainly wanted to hear from him, and no doubt the prosecutors wanted their own chance to examine him. The only words we had heard out of his mouth were an occasional, "Yes, your Honor" and one, "too tight," when he tried to put the gloves on his hands.

Despite all of the speculation by legal pundits, the defense team kept Simpson's intentions secret. Finally, on September 25, as the defense was closing its case, Judge Ito asked whether the defendant was waiving his right to testify on his own behalf. Cochran responded that Simpson wished to address the court on this matter. Even though the jury was not in the room, Marcia Clark objected. She said it would be allowing Simpson to testify without taking the witness

stand or being subject to cross-examination.

"This is a very obvious defense bid to get material admitted that is not admitted in court," Clark argued. "Please don't do this, your Honor. I beg you."

Judge Ito took Clark's plea as an affront to his ability to keep control over his courtroom and insisted that all he was interested in was knowing whether Simpson was going to forego his right to testify. With that, Simpson rose in his chair.

Simpson: "Good morning, your honor. As much as I would like to address some of the misrepresentations about myself and my Nicole, and our life together, I am mindful of the mood and the stamina of this jury. I have confidence, a lot more it seems than Miss Clark has, of their integrity and that they will find as the record stands now, that I did not, could not and would not have committed this crime. I have four kids. Two kids I haven't seen in a year. They ask me every week, 'Dad, how much longer before this trial is over?'"

Judge Ito: "Mr. Simpson, you do understand your right to testify as a witness and you chose to rest your case at this. . . ."

Simpson: (Nods in agreement)

Judge Ito: "All right. Thank you very much, sir."

Clark: "Since he would like to make these statements to the Court, I would like the opportunity to examine him about them. May he take a seat in the blue chair and we'll have a discussion?"

Judge Ito: "Thank you."

On Tuesday, September 27, closing arguments began. Marcia Clark and Christopher Darden went over every single piece of evidence. They talked about the timeline and Simpson's lack of an alibi. They reminded the jury of the 911 phone calls Nicole had made to police and the evidence of spousal abuse, including large photographic blow-ups that highlighted bruises around Nicole's eyes and cheeks. The arguments ranged

from the serious (DNA evidence) to the ridiculous (Kato Kaelin, O.J. Simpson's house guest and an aspiring actor).

Most trial commentators believed that the two most interesting aspects of Clark's final statements dealt with Detective Fuhrman and the miscues involving the scientific and medical evidence. These were the two areas in which the prosecution had the most to lose. In discussing Fuhrman, for instance, Clark made the following points:

Did he lie when he testified here in this courtroom saying that he did not use racial epithets in the last 10 years? Yes.

Is he a racist? Yes.

Is he the worst the LAPD has to offer? Yes.

Do we wish that this person was never hired by LAPD? Yes.

Should LAPD have ever hired him? No.

In fact, do we wish there was no such person on the planet? Yes.

But the fact that Mark Fuhrman is a racist and lied about it on the witness stand does not mean that we haven't proven the defendant guilty beyond a reasonable doubt. And it would be a tragedy if, with such overwhelming evidence, you found the defendant not guilty in spite of all that because of the racist attitudes of one police officer.

When it came to the sloppiness of Los Angeles forensic experts, Clark followed a similar tack:

The defense lawyers throw out questions about whether LAPD has some bad police officers. Does the scientific division have some sloppy criminalists? Does the coroner's office have some sloppy coroners? The answer to all of these questions is, sure. Yes, they do. That's not news to you. I am sure it wasn't a big surprise. We should look into quality control; things should be done better, things could always be done better. There is no question about that, but we are not here to vote on that today.

In response, defense attorney Johnnie

Cochran and Barry Scheck hammered home the key points that favored Simpson's innocence. Like a prize boxer, Cochran jabbed at the hot spots, sounding more like a Southern Baptist evangelist than a trial lawyer and invoking more Bible verses than legal citations. He also used rhyme and reason.

"Remember these words: If it doesn't fit, you must acquit," Cochran told the jury, referring to the glove demonstration that was so devastating to the prosecution's case. He continued to challenge the prosecution's theory, specifically the position that Simpson donned a disguise the night of the murders.

"If I put this knit cap on, who am I?" Cochran asked, displaying his flair for courtroom theatrics by putting on a dark knitted ski cap like the one prosecutors had claimed the defendant wore. "I'm Johnnie Cochran with a knit cap on. From two blocks away, O.J. Simpson is O.J. Simpson."

He jumped on Detective Fuhrman with both feet, calling him a racist bigot who planted evidence to frame black defendants. He even went so far as to compare Fuhrman to Adolph Hitler.

On Friday, September 29, the case of the *State of California vs. Orenthal James Simpson* was placed into the hands of the jury. One year and three days after jury selection began, the case was coming to a conclusion. The jury had heard from 11 defense attorneys and nine prosecutors. The state had called 58 witnesses who took 10 weeks. Prosecutors introduced 723 pieces of evidence, compared to 392 exhibits for Simpson's side. There were more than 16,000 objections made, of which 9,000 were overruled. The jurors had been sequestered for 266 days and nights and paid only \$1,330 each for their service. The state had spent \$3.6 million to investigate and prosecute Simpson. Another \$3 million had been spent on food, shelter and security for the jurors.

Most experienced lawyers and courtroom observers believed that the jury deliberations would last for at least several days. After all, there was so much evidence and so many theories to discuss. Many knowledgeable attorneys opined that there would be a mistrial with a hung jury. But as we all know, after less than three hours of actual deliberations, the jury announced they had reached a verdict.

As if employed by the television networks, Judge Ito postponed making the verdict public until 10 a.m. the next day. Several of the lawyers had made quick trips out of town and the judge wanted to give them time to get back. This delay did one thing: it allowed time and opportunity for a great deal of speculation concerning the imminent verdict by legal pundits on national and local television and radio. Prominent trial lawyers, district attorneys, and law school professors were interviewed for their thoughts on the case. Interestingly, most were predicting a guilty verdict. They based this opinion on two facts.

First, the jury had asked Judge Ito to read back the testimony of the limousine driver who took Simpson to the airport on the night of the slayings. The jurors only wanted to hear the direct testimony and not the cross-examination by defense attorneys. Some lawyers believed that members of the jury were trying to nail down the timeline, and considered the limo driver to have been a key witness for the prosecution.

Second, none of the jurors would look at Simpson when they reported in open court that they had reached a decision.

On the other hand, a few trial commentators interpreted these events differently and predicted unequivocally that Simpson would be acquitted of all the charges.

At 1 p.m. Eastern Standard Time, the nation stopped working. Millions of people planned their lunch breaks to be near a TV set. It was like a Super Bowl or World Series.

People were betting on how it would turn out. Restaurants were offering free orange juice and Bloody Marys to customers who came to watch the verdict announced live. No doubt about it, the case of the *State of California vs. O.J. Simpson* had become pop culture.

The words will go down in history: "We, the jury, in the above entitled action, find the defendant, Orenthal James Simpson, not guilty of the crime of murder..."

The trial of the century was over, and the overwhelming response was negative. The moment that the jury announced its decision, many were calling for jury reforms. Some wanted non-unanimous jury verdicts in criminal cases. Others sought sanctions for lawyers who openly ask jurors to ignore the law. There were those who wanted cameras eliminated from the courtroom.

However, it is highly doubtful that this case will leave any great legal legacy. Why? Because what most people fail to understand about the Simpson trial is that it was not the norm. In fact, it was a complete and fantastic anomaly, an aberration. For that reason, we should not judge the criminal justice system based on this case.

That being said, there was a lot we learned from the Simpson trial. First, it educated many to the rules of law, such as "innocent until proven guilty" and "beyond a reasonable doubt." From Michael Baden, Henry Lee, Herb MacDonell and Frederic Reiders, the average person received a lesson in forensic sciences and pathology. The public learned how DNA works and how crime scenes are, or should be, investigated.

The case certainly exposed the tragedy of spousal abuse as well. There can be no doubt that Simpson badly mistreated Nicole during their marriage. While there was no evidence that he had physically abused her since 1989, his jealousy was well documented. We can only hope that this verdict encourages women to come forward to get

help in situations where they have been abused.

Perhaps the greatest lesson to learn in this case has to do with what can legitimately be expected from our legal system. In debating what led the jury to reach its decision, legal experts questioned whether it was the Fuhrman factor, commonly referred to as "the race card," or the prosecution's failure to present enough reliable evidence. Perhaps these people are missing the point: It wasn't "or"—it was "and."

To be sure, the jurors must have been aware of the racism that was prevalent throughout the case, but the fact is that the defense, using top-notch scientific experts, created a great deal of doubt in the state's evidence. Those two elements worked together to bring about a verdict of acquittal. Either by itself most likely would have led to a hung jury.

It would appear that the prosecutors made a huge mistake early in the trial by not exposing Fuhrman as a racist. The prosecutors and his fellow detectives had worked with him for years. They had to know his bigoted beliefs and vicious propensities. A

person doesn't make these racial statements to strangers, as was unveiled at trial, and not say similar things to co-workers. Indeed, we have come to learn that the U.S. Department of Justice had previously investigated Fuhrman for possible civil rights violations.

Assuming that prosecutors knew about some of the prior statements and acts by Fuhrman, we can conclude that they committed a fatal error by making him a key witness. For instance, they could simply have decided not to use the glove as evidence, thereby keeping Fuhrman off the witness stand. That would have taken the race card away from defense attorneys.

What lasting impact this case will have on our society remains unclear, although some interesting feedback has already been registered. Americans were divided in their opinion of Simpson's guilt along racial lines: 70 percent of white people polled believed he was guilty while 70 percent of African-Americans felt he was innocent. This division was obvious the day the verdict was announced. Groups of black people were shown cheering as white people were viewed in shock and crying.

THE CIVIL TRIAL

However, if Simpson believed his troubles regarding this issue were over, he was wrong. Even before the criminal trial had ended, the families of Ronald Goldman and Nicole Brown filed multi-million dollar civil wrongful death lawsuits against Simpson.

While it may seem unfair that a person be put on trial twice for the same thing, the lawsuit was clearly within the boundaries of the law. It would be unconstitutional for prosecutors and police to put Simpson on trial a second time after being acquitted. That's called double jeopardy. However, just because a person is cleared by a criminal court jury does not mean that the defendant

does not remain susceptible to a civil court action.

However let's be intellectually honest here. This case was not about the money, as the plaintiffs' lawyers insisted. It was about having a court state on the record that Simpson was responsible for these two deaths. It was about punishing the defendant. So, while it may not have been double jeopardy in a legal sense, those prosecuting the former football star certainly had two bites of the apple.

The news media, as well as most of the pundits, called it "OJ II." But it was no rerun. The second trial would resemble very

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little of the first version. The lawyers on both sides were different. Johnnie Cochran and Marcia Clark were gone to write their books and star in their own television shows. They were replaced by much less known trial attorneys, Daniel Petrocelli for the Goldmans and Robert Baker for Simpson.

Gone was Judge Ito. Enter Los Angeles County Superior Court Judge Hiroshi Fujisaki. From the opening gavel, the judge made it clear to the news media, to the lawyers, and to the world that this case would be different. He made it clear he was not going to tolerate the shenanigans perpetrated in the criminal trial.

Judge Fujisaki kicked cameras out of the courtroom. He limited what lawyers on both sides could say to reporters outside the courtroom. He tightly controlled what evidence jurors could hear. It was almost like he wanted to prove that not all Asian-American judges would get swooped up in the bright glare of the Simpson drama.

The criminal case was tried in downtown Los Angeles, where the jury pool is predominantly black. The civil case was filed in Santa Monica (which is still Los Angeles County), which is closer to where the murders took place, and where the jury pool was mostly white.

Keep in mind that the rules of evidence governing a civil case are significantly different from a criminal case, where the defendant has heightened rights because his freedom is in jeopardy. First, the burden of proof is dramatically lower in a civil case. Plaintiff lawyers must only prove beyond a preponderance of evidence that the defendant injured them. That means that if 51 percent of the evidence points toward Simpson, then the jury must find him liable for the deaths of his ex-wife and Ronald Goldman. In the criminal trial, the evidence must be beyond a reasonable doubt; many legal experts say that the equivalent of being 98 or 99 percent sure that he did it.

At the same time, the defendant's rights are not as great in a civil trial. In a criminal trial, the prosecution could not force Simpson to testify. To do so would violate his Fifth Amendment right against self-incrimination. Judges typically give defense attorneys greater leeway in challenging the government's case in a criminal trial while also placing tighter restrictions on what prosecutors can and cannot do.

In simple terms, the defendant has all the rights in a criminal trial, but in a civil case, the playing field is level. As a result of looser rules on the plaintiffs in the civil trial, the evidence presented to the second Simpson jury was vastly different. For example, the new evidence in the civil trial included the following:

- Testimony that Simpson failed a polygraph test in the days after he was arrested.
 - The plaintiffs were able to show that Simpson owned a dark sweat suit similar to the one worn by the killer.
 - Testimony that Nicole called a women's shelter days before her death saying she was scared of her husband.
 - Jurors were to read Nicole's diary, which recounted in her words how Simpson had beat the "holy hell" out of her.
 - Evidence that during the now infamous slow speed chase of the white Ford Bronco, Simpson had with him a "get-away disguise," a passport, \$8,700 in cash, several changes of underwear and toiletry bag.
 - Testimony that during the chase, Simpson told detectives trying to convince him to throw away his gun and turn himself in that the only "person who deserves to be hurt is me."
 - The discovery of photographs of Simpson wearing Bruno Magli shoes—the same kind of shoes that experts testified had left the imprints at the murder scene.
- Of course, Simpson's lawyers were able to

add a few new pieces of evidence to the puzzle, too. On cross-examination, former Los Angeles homicide detective Philip Vannatter, who headed the criminal investigation, admitted that he took samples of the victim's blood from the coroner's office following the autopsy. Not only was this a violation of policy, it also fed the theory that Simpson was framed by police.

To me, the most important revelation during the civil trial once again came from Henry Lee. While Michael Baden once again flew to Los Angeles to testify before the civil jury in the case, Henry opted to have his testimony videotape recorded in advance. During his testimony, Henry surprised the courtroom and the lawyers when he told them that in a reexamination of the crime scene photographs, he had discovered a second trail of blood leading away from the bodies. To Henry, Michael, and myself, that was additional proof that one person could not have committed these murders. Someone else had to be there.

While the addition of new evidence played an important factor in the trial, it was the evidence that Judge Fujisaki refused to allow in the case that upset Simpson's lawyers the most. The judge decided he would not allow any reference to Detective Mark Fuhrman and his racist comments to be uttered before the jury. This was very frustrating to the defense, which was trying to present a case that police framed Simpson.

The biggest factor separating the criminal and civil trials was Simpson himself. As charming a salesman and celebrity as Simpson had been in his life, it all faded when he took the witness stand. Under intense cross-examination, Daniel Petrocelli repeatedly caught Simpson in contradictions and apparent lies. For example:

- Simpson testified that he cut his hands the morning after the murders in his hotel room in Chicago after learning of the

slaying of his ex-wife. However, during his first interview with police, Simpson said that he cut himself "somewhere when I was rushing out of my house" on his way to the airport to catch a plane to Chicago.

- Simpson vehemently denied he ever owned a pair of size-12 Bruno Magli shoes. However, Petrocelli provided jurors with 31 photographs showing the defendant wearing those very shoes.
- Simpson said he never received the telephone message from his girlfriend, Victoria's Secret model Paula Barbieri, that she wanted to break up with him the very day of the murders. However, Petrocelli produced a phone record, notes from his own psychologist, an admission in his own police statement and a statement from Barbieri contradicting Simpson's statement. Not only did this prove Simpson was lying, Petrocelli argued, it showed he had reason to be upset that day.
- Simpson denied over and over that he ever hit Nicole. After all the eyewitness testimony, police reports, Nicole's own diary, and the vivid photographs of bruises on her face, Simpson's credibility was gone. No one believed anything he would say thereafter.

There is little doubt that this case was decided the day Simpson placed his left hand on the Bible, raised his right hand and swore before the jury to "tell the truth, the whole truth, and nothing but the truth, so help me God."

Simpson should have followed the advice that famed trial lawyer Clarence Darrow always gave to his clients: Never lie on the witness stand. "A person who is caught lying under oath will violate any law and cannot be trusted under any circumstances," he said.

This was certainly true with Simpson. The second jury did find Simpson responsible for the murders. They slapped him with

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\$8.5 million in compensatory damages and \$12.5 million in punitive damages for each of victims. The message from the jury was clear: since Simpson wouldn't be going to prison for the murders, they wanted to make the rest of his life on earth as miserable as possible. They wanted to take everything away from him. They wanted to make sure that if he ever did make money, he wouldn't

be able to enjoy it.

I was fascinated by several of the jurors' comments after the civil case was over. While the burden of proof in the civil trial was merely a preponderance of the evidence, several of the jurors gratuitously stated that they were convinced "beyond a reasonable doubt" that he did it, which is the standard by which criminal cases are judged.

POST TRIAL ANALYSIS

So, have we heard the last of the O.J. Simpson case? Hardly. There will be years and years of appeals. I am sure that new evidence supporting each side's contentions will pop up. This is the kind of story that the tabloids will feast on for many generations to come.

While I do believe that Simpson's lawyers do have significant grounds for appeal, I do not believe we will ever see an OJ: Trial III.

Many mistakes were made during the trial. Indeed, Judge Fujisaki was very plaintiff-oriented in his decision-making. However, I think the state of California and the justice system is tired of this case. Besides, California appellate judges must face the electorate. I think to reverse this

decision and order a new trial is a guaranteed way for any judge to find himself or herself facing a campaign to oust them during the next retention elections.

There is one sad, even frustrating note to all of this. Due to the sloppy and incompetent police investigation and the subsequently disastrous prosecution strategy, we may never know the truth about what happened at 875 South Bundy Drive the night of June 12, 1994. We will never know what happened to the blood at the crime scene or to the bloody clothes. We will never have a clear and complete understanding of this fascinating and controversial case.

And certainly, the justice system deserves more.

ETHICS IN FORENSIC SCIENCE AND MEDICINE

Guidelines for the Forensic Expert
and the Attorney

Edited By

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