

Appropriate Remedy in the Case of O.J. Simpson

Introduction

Nicole Brown Simpson and her acquaintance, Ron Goldman, were brutally murdered on the evening of June 12, 1994, and their remains were discovered outside Nicole's Brentwood apartment. O.J. Simpson was soon after charged with two counts of murder and prosecuted in the historic trial, *People of the State of California v. Orenthal James Simpson* (1994). The lengthy murder trial was highly publicized, often referred to as the "Trial of the Century".¹ Ultimately, Simpson was acquitted in criminal court, but was found civilly liable in *Rufo v. Simpson*, 103 Cal. Rptr. 2d 492 (Cal. App. 2d Dist. 2001) and ordered to pay damages in the amount of \$33.5 million. These seemingly dissimilar outcomes highlight the distinctions between criminal and civil trials, which involve different parties, serve distinct purposes, and impose distinct penalties.

This paper provides an in-depth analysis of the criminal and civil trials in O.J. Simpson's case. First, it outlines the distinctions between criminal and civil cases that often lead to contrasting outcomes, and discusses proposed remedies for each. Second, it outlines the fundamental premise upon which a defendant, found to be not guilty in a criminal proceeding, may still be held liable in a subsequent civil case. Lastly, it examines The Double Jeopardy Clause of the U.S. Constitution in the context of the events following the criminal trial.

The Criminal Trial

On the evening of June 12, 1994, the bodies of Nicole Brown Simpson and Ron Goldman were discovered on the walkway of Nicole's Brentwood residence. Both victims were fatally

¹Fairchild, Halford and Cowan, Gloria. The O.J Simpson Trial: Challenges to Science and Society. *Journal of Social Issues*, vol.53, no.3, 583–591. 2010, 584. <https://doi.org/10.1111/j.1540-4560.1997.tb02130.x>

stabbed multiple times and had defensive wounds.² After several days of investigation and analysis, O.J. Simpson emerged as the primary suspect in the case, and charged with two counts of first-degree murder, a capital offense under California law. He was eventually declared not guilty on both counts by the jury.³

In the preliminary hearings, the prosecution lacked murder weapons and witnesses; they relied on DNA evidence to prosecute Simpson.⁴ Some of the evidence presented in court included blood samples from the crime scene and trace amounts of blood found in an uncommon, imported size 12 Bruno Magli shoe print discovered near the bodies. A glove found behind Simpson's residence matched a glove discovered at a crime site and contained traces of the victims' blood. Simpson had no alibi for the time during which the homicides were believed to have occurred.⁵ The defense, infamously labeled "The Dream Team," presented persuasive arguments against the gathered evidence's reliability and the lab results' potential inaccuracies. The defense team argued that Simpson was innocent and that prejudiced law enforcement officers framed him; the L.A.P.D. tampered with the evidence by neglecting it and hiding it in multiple locations to make him appear guilty.⁶ The defense also argued that the gloves found at the crime scene did not fit the defendant's hands. Multiple factors were questionable in the evidence presented, such as a police officer's blatant bias and technicians' incompetence, which allowed for a plausible challenge to the

² Shiffman, Melvin. *Ethics in Forensic Science and Medicine: Guidelines for the Forensic Expert and the Attorney*. (Charles C Thomas: Springfield, 2002), 250.

https://www.google.co.ke/books/edition/ethics_in_forensic_science_and_medicine/SYqsCQAAQBAJ?hl=en&gbpv=1&dq=Ethics+in+Forensic+Science+and+Medicine:+Guidelines+for+the+forensic+expert+and+the+Attorney.&printsec=frontcover

³ Signil, Christopher. *Taking Matters into our Own Hands: How to Stop Un-Justifiable Homicide*. (Dog Ear Publishing, 2016), 59. https://www.google.co.ke/books/edition/Taking_Matters_into_Our_Own_Hands/xH-PDAAAQBAJ?hl=en&gbpv=1&dq=Taking+matters+into+our+own+hands:+How+to+stop+un-justifiable+homicide.&printsec=frontcover

⁴ See *Supra*, Shiffman, 250.

⁵ See *Supra*, Shiffman, 244.

⁶ Anastaplo, George. *The O.J. Simpson Case Revisited*. *Loyola University Chicago Law Journal*, vol.28, no. 3, 461–504. (1997), 464. <https://lawcommons.luc.edu/luclj/vol28/iss3/3/>

evidence. Simpson's blood sample, taken while he was in detention, went missing for a while; Detective Vannatter carried it in his pocket as he walked around the Simpson residence rather than submitting it to the proper officials. Consequently, the defense team argued that he had ample opportunity to position the blood anywhere within the mansion.⁷

The Civil Trial

Despite Simpson's acquittal in the criminal case, he was sued for wrongful death by the victims' families in a civil trial that began in 1996. The presiding judge barred the defense from asserting racism by law enforcement and from condemning the crime lab as in the criminal trial.⁸ Physical evidence admitted in the civil trial remained the same as the criminal trial, but further evidence of domestic violence was offered. The plaintiffs also introduced photographs of Simpson wearing the Bruno Magli shoes on September 26, 1993 as well as a photo that he wore them six months before the murder.⁹ Simpson testified on his own behalf and allegedly lied multiple times; polygraph tests, which Simpson freely consented to, "showed extreme deception when he denied committing the murders."¹⁰ The jury ultimately found him responsible for Nicole Brown's and Ron Goldman's murders and awarded their families \$33.5 million in compensatory and punitive damages. Simpson declared bankruptcy, and his remaining assets were confiscated and sold at a public auction.¹¹

⁷ Dershowitz, A. M. *Reasonable Doubt* (New York: Simon & Schuster, 1996), 74.

<https://www.simonandschuster.com/books/Reasonable-Doubts/Alan-M-Dershowitz/9780684832647>

⁸ Simon, Stéphane. Judge Restricts Simpson Defense as Civil Trial Opens. <https://www.latimes.com/archives/la-xpm-1996-09-18-mn-45092-story.html>, 1996. <https://www.latimes.com/archives/la-xpm-1996-09-18-mn-45092-story.html>

⁹ O'Brien, James. *The Scientific Sherlock Holmes: Cracking the Case with Science and Forensics*. (Oxford University Press, 2013), 56.

https://www.google.co.ke/books/edition/The_Scientific_Sherlock_Holmes/XeXMIUmVGDwC?hl=en&gbpv=1&dq=The+Scientific+Sherlock+Holmes:+Cracking+the+case+with+science+and+forensics.&printsec=frontcover

¹⁰ Segrave, Kerry. *Lie detectors: A social history*. (McFarland, 2014), 176. <https://www.amazon.com/Lie-Detectors-History-Kerry-Segrave/dp/0786416181>

¹¹ O'Neill, Cara. *The new bankruptcy: Will it Work For You?* (Nolo, 2021), 86.

The jury in the criminal case was not convinced that Simpson committed the murders, but the jury in the civil case was persuaded that he was responsible. In the criminal case, the jury needed to find beyond a reasonable doubt that the defendant was guilty of the murders. The civil case, however, only required the plaintiffs to prove by a mere preponderance of the evidence that Simpson's unlawful actions resulted in the victims' deaths.¹² Consequently, while a criminal jury may not find the defendant guilty beyond a reasonable doubt, a civil jury may find that the defendant's unlawful conduct resulted in civil liability.

Contrasts in Procedure and Evidence

In criminal and civil trials, the purpose of burden of proof and admissibility of evidence is to assist the court in establishing the truth between the parties' conflicting facts. But in a criminal case, the U.S. Constitution provides greater protections for the defendant, and this is the primary reason why some potentially prejudicial evidence from the Simpson case was not presented in court, such as the defendant's bad character and evidence that was deemed tampered with. During a civil proceeding, however, a broader range of relevant and probative evidence of a fact is admissible in court. There are more lenient rules regarding the admissibility of evidence, which is why domestic violence evidence and pictures of Simpson wearing shoes by Bruno Magli were admitted.

In contrast to a criminal case, where the powerful government as the prosecutor is on one side and the weaker accused is on the other, many of the Sixth Amendment protections are unavailable in a civil trial, where there is greater equality between the parties; as a result, Simpson

¹² Peak, Kenneth, and Everett Pamela. Introduction to Criminal Justice: Practice and Process. (Los Angeles, CA: Sage Publications Inc., 2017), 28.
https://www.google.co.ke/books/edition/Introduction_to_Criminal_Justice/fqaKxwEACAAJ?hl=en

was unable to introduce certain evidence in the civil court. The burden of proof differs between the two cases because Simpson did not endure liberty deprivations as a result of a conviction for a criminal offense, whereas he suffered severe financial losses for civil wrongdoing.¹³

Among the new pieces of evidence introduced in the civil trial was certain hearsay evidence that was not admissible in the criminal trial due to its prejudicial nature; this allowed pertinent and probative written statements of the murdered victims to be admitted in the civil trial. There are exceptions to the norm that hearsay is inadmissible in court. For instance, in criminal proceedings, statements made in the fervor of the moment and potentially containing accurate information are admissible as evidence. In a civil trial, hearsay evidence is admissible only if a notice of intent to rely on it is given. In a criminal trial, homicide victims are unable to testify or be cross-examined, and their statements and writings may be excluded. In the criminal case, the judge acknowledged evidence of Simpson's past conduct that was observed by live witnesses but excluded Nicole's statements and her diary.¹⁴ What Nicole had told others was deemed hearsay in the criminal trial since she was no longer alive to be cross-examined about what she had said and written, but it was admissible in a civil trial due to its relevance and probative value. The 911 calls made by Nicole Simpson were intended to give her a presence in the trial; such evidence was intended to fill the void left by the murder victim's absence in the narrative exchanges of a criminal trial since the victim cannot be cross-examined.¹⁵

¹³ See *Supra*, Peak and Evette, 31.

¹⁴ Brooks, Peter and Gewirtz, Paul. *Law's Stories: Narrative and Rhetoric in the Law*. (Yale University Press, 1996), 138.

¹⁵ *Ibid*, 138.

In the criminal case, Simpson invoked his Fifth Amendment right against self-incrimination and could not be compelled to testify in court.¹⁶ But if he had chosen to testify, he would have been required to answer all prosecution and defense inquiries. In a civil case, however, the plaintiff may summon the defendant as a witness; therefore, Simpson testified on his own behalf. The plaintiff's counsel took Simpson's deposition before the trial and summoned him as a witness on behalf of the plaintiff.

With enough raw evidence presented by the prosecution, it was assumed that the criminal trial would be an open-and-shut case. Nonetheless, the disparity between the criminal and civil outcomes reflects the issue of the burden of proof and preponderance of the evidence. Reasonable doubt is a complex standard of proof in a criminal court. In general, U.S. courts operate under the constitutionally-guaranteed presumption of innocence, which is consistent with the criminal prosecution policy of punishing the guilty and not the innocent.¹⁷ This principle was affirmed in *Taylor v. Kentucky*, 436 U.S. 478 (1978) and is regarded as essential for a fair trial.¹⁸ In this case, the prosecution was charged with establishing Simpson's culpability for murdering both victims.

According to *U.S. v. Shapleigh*, 54 F. 126 (8th Cir. 1893), the reason for a state's greater burden of proof in criminal trials is that a state or government, as the plaintiff, possesses greater power than the defendant. Therefore, the prosecution had the burden of proof in Simpson's criminal trial, not the defendant. The Simpson criminal trial presented numerous challenges at the crime

¹⁶ Vile, John. *A Companion to the United States Constitution and its Amendments*. Greenwood Publishing Group, 2006), 156.

¹⁷ Storm, Lisa. *Criminal Law by Storm*. (Morrisville, NC: Lulu Publishing Services, 2015), 59.

https://books.google.co.ke/books/about/Criminal_Law_By_Storm.html?id=vkk6CgAAQBAJ&redir_esc=y

¹⁸ Fukurai, Hiroshi. Is the O.J. Simpson verdict an example of jury nullification? Jury verdicts, legal concepts, and jury performance in a racially sensitive criminal case. *International Journal of Comparative and Applied Criminal Justice*, vol.22, no.2, 185–210. (1998), 189. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2584168

scene and laboratory management of genetic evidence.¹⁹ The defense raised multiple concerns, including why Detective Vannatter carried blood in his pocket. The judge instructed the jurors that if they believed a witness lied about a single issue, they were free to approach the remainder of the witness's testimony with skepticism or reject it entirely; therefore, they decided to absolve the defendant.²⁰

In *People v. Blake*, No. LA040377 (Calif., Los Angeles Super. Ct., Jan. 23, 2004), Hollywood actor Robert Blake was indicted for the March 2001 murder of his wife, Bonny Lee Bakley. In a distinct civil suit filed, the defendant was deemed liable for the wrongful death of his wife after being acquitted of criminal charges and was ordered to pay \$30 million. It was a case of improper evidence management by the police. Casings found at the crime site were not analyzed for GSR composition; these could have linked the type of GSR in the observed samples to Mr. Blake's hands.²¹ The prosecution's evidence was primarily circumstantial because it failed to link Robert Blake to the murder weapon. In a criminal trial, the circumstances are considered cumulatively and not separately. They must lead to a logical conclusion and not exist independently of one another. For example, concerning the Simpson case, if the criminal court considered only the footprints, then it could have been anyone's footfall leaving the victim's home. The circumstances may lead to false conclusions. There should not be any circumstances consistent with Simpson's innocence and others consistent with his culpability. If there are any

¹⁹ Mueller, Christopher. Introduction: O.J. Simpson and the Criminal Justice System on Trial. *Colorado Law Scholarly Commons*, vol.67, no.4, 727–745. (1996), 740. <https://scholar.law.colorado.edu/faculty-articles/684/>

²⁰ See *Supra*, Dershowitz, 91. <https://www.simonandschuster.com/books/Reasonable-Doubts/Alan-M-Dershowitz/9780684832647>

²¹ Burnett, Bryan. The Gunshot Residue Evidence of *People v. Robert Blake*. *American Academy of Forensic Sciences* (Orlando: vol. LW5, 2015), 6. https://www.researchgate.net/publication/303896157_The_Gunshot_Residue_Evidence_of_People_v_Robert_Blake

contradictions, the capacity to prove decreases, and the contradiction grows. This is not utilized in civil proceedings.

In civil proceedings, the plaintiff bears the burden of proof, which he must meet by a preponderance of the evidence; this is a much lighter burden than in a criminal case. *Wells Fargo Bank, N.A. v. Hansen*, 47 N.E.3d 1185 (Ill. App. 1st Dist. 2016) establishes a preponderance of the evidence that the contested fact is more likely true than false, equivalent to "50 percent plus a feather." The preponderance of the evidence is a relatively low burden of proof, but the plaintiff must generate more, superior evidence than the defense; it cannot be of dubious quality.²² In the civil case involving O.J. Simpson, there was sufficient evidence to satisfy the preponderance of evidence requirement. The plaintiff's attorneys presented evidence of domestic violence, which ultimately led to Simpson being deemed responsible for unlawful death. Similarly, in *Florida v. Zimmerman*, No. 592012CF001083A (Florida, 18th Judicial Cir. Ct., July 13, 2013), the burden of proving that Zimmerman did not act in self-defense proved to be a significant barrier to the defendant's conviction; they had to prove that the defendant intended to kill and that the murder was not committed in self-defense. The defendant was acquitted, but Trayvon Martin's family sued Zimmerman, and the case was settled for an undisclosed amount. Significant differences in the burden of proof between the two systems explain the seemingly paradoxical occurrence of criminal defendants being acquitted in a criminal trial, but then effectively being sued in civil court.

Remedies for Criminal Case vs. Civil Case

Because the sanctions in a civil case do not include jail time, they are considered less severe than in criminal cases. Civil penalties in the Simpson case imposed may generally seem less

²² See *Supra*, Storm, 58.

punitive than life imprisonment Simpson would have faced if found guilty in the criminal trial; this is mainly due to the diverse objectives of the two proceedings. Criminal remedies can take the form of imprisonment, fines, restitution, or dismissal, depending on the jurisdiction. In contrast, civil law provides a multitude of remedies, including compensatory damages, punitive damages, specific performance, restitution, forfeiture, injunctive relief, and constructive trusts. Civil remedies aim to compensate for damages, whereas criminal remedies are intended to punish. Civil remedies can increase the severity of a wrongdoer's punishment by compensating the victim for damages, as in the Simpson case, where damages were awarded in the civil matter.

The objectives of the criminal and civil processes determine the distinctions between civil and criminal remedies. According to Mary Cheh, this argument is based on diverse proceedings frequently propelled by diverse legislative purposes, all intended to achieve certain underlying objectives.²³ In terms of remedies, civil and criminal cases differ most significantly when the objective is to compensate the injured or victim, which is frequently the distinguishing feature of civil cases. Restitution may be a condition of probation for criminal sentences, but the penal process is not intended to aid the victim. When the objective is to exact retribution, a punishment designed to impose condemnation for unlawful conduct, criminal and civil cases also diverge. Although civil cases can award punitive damages, they are also partially retributive, particularly when a jury discovers an egregious injury.²⁴

In the Simpson case, a criminal wrong would have directly resulted from a violation of the criminal code, which would have been punished with imprisonment and fines. As the plaintiff in

²³Cheh, Mary. Constitutional Limits on Using Civil Remedies to Achieve Criminal Law Objectives: Understanding and Transcending the Criminal-Civil Law Distinction. *Hastings Law Journal*, vol.42, no.5, 1325–1413. 1991, 1354. https://repository.uchastings.edu/hastings_law_journal/vol42/iss5/2/

²⁴ See *Supra*, Cheh, 1355. https://repository.uchastings.edu/hastings_law_journal/vol42/iss5/2/

a criminal wrong, the government accuses the defendant of actions that are detrimental to society as a whole, as opposed to a specific individual or entity. At one end of the spectrum, criminal law reflects society's moral and ethical beliefs to hold wrongdoers accountable for their illegal actions, and sanctions or remedies are used to convey society's condemnation of criminals. In the case of O.J. Simpson, his imprisonment would have been a direct result of his illicit behavior. Criminal offenses and civil transgressions overlap significantly, as a person's actions can constitute both criminal and civil law violations. For example, a person who steals a car can be charged criminally with larceny and also can be sued civilly for conversion. In a criminal trial, the government brings charges against the defendant to vindicate the public, with a principal focus on retribution and deterrence.

Civil wrongs, as opposed to criminal wrongs, are private wrongs, and the injured party's remedy is to file a lawsuit against the wrongdoer for causing injury. In the Simpson case, the injured party filed a civil suit against the party responsible for the harm, which was a tort. The Goldman family filed a wrongful death lawsuit against Simpson, who was found culpable by a civil jury, which consequently awarded both compensatory and punitive damages. The tort of wrongful death entails injuries inflicted upon a person, resulting in a civil lawsuit. The argument for the sanctions considered in the case of wrongful death as opposed to criminal wrong is based on the fact that private wrongs are wrongs that do not properly concern the public but only the plaintiff as the victim of unlawful actions by the defendant; therefore, it is theoretically not a legitimate public concern. Accordingly, a public wrong should not be interpreted as one that causes harm to the public but rather as one that legitimately affects the public.²⁵ To say that a wrong

²⁵ Duff, Anthony, and Marshall Sandra. Criminalization and Sharing Wrongs. *Canadian Journal of Law and Jurisprudence*, vol.11, no.1, 7–22. 1998. <https://doi.org/10.1093/acprof:osobl/9780199861279.003.0011>

properly concerns the public is to say that the public has a legitimate interest in it or, more accurately, that the state or government acting on behalf of the public may take actions in response to the wrong to condemn such unlawful behavior.²⁶

In the jury instructions for punitive damages, a requirement is that the injurer was aware of the risk and either maliciously or recklessly disregarded the well-being of the injured and the severity of the damages. In this case, Simpson was depicted as having malicious intent to harm. As a result, it is pertinent to consider whether the incentive for deterrence needs to be strengthened to motivate the perpetrator to take adequate precautions. As the claim of unlawful death in the Simpson case involved horrific injuries to the victims for which compensation is warranted, demonstrating large punitive damages serves as an appropriate safety incentive. Most states award families of the victim pain and suffering damages as well as tangible monetary losses.²⁷ The objective is to place the plaintiff in the same position as before the injury occurred.

During the trial and after the Simpson criminal verdict, there were significant racial tensions, particularly between white and black Americans, regarding Simpson's perceived culpability or innocence and their responses to the verdict. Despite the impossibility of achieving absolute justice in every circumstance, the legal system is the best rule that could be devised under the circumstances.²⁸ On the other hand, in the civil trial, the \$33.5 million in punitive damages were justified and reasonable to ensure that Simpson accepted responsibility for the damages he caused to the family, even though it bankrupted him. The purpose of any legal remedy is fairness and justice, although perceptions of fairness frequently challenge justice. Simpson should have

²⁶ Lee, Ambrose. Public Wrongs and the Criminal Law. *Criminal Law and Philosophy*, vo.9, no.1, pp. 1-16 (2013), 3. <https://philpapers.org/rec/LEEPWA>

²⁷ Lewbel, Arthur and College, Boston. *Calculating Compensation in Cases of Wrongful Death*. (2002), 17.

²⁸ Goldman Arnold and Sigismund, William. *Business law: Principles and practices*. (Cengage Learning, 2013), 6. https://www.google.co.ke/books/edition/Cengage_Advantage_Books_Business_Law_Pri/ye0IzgEACAAJ?hl=en

been penalized to the fullest extent of the law for his willful and malevolent actions, even if they resulted in bankruptcy. The act that gave rise to a debt need only be intentional or malevolent for it to be nondischargeable in bankruptcy.²⁹ For this reason, Simpson was unable to resolve his financial difficulties after the \$33.5 million civil judgment against him.

The Notion of Double Jeopardy

Double jeopardy is a clause in the Fifth Amendment of the U.S. Constitution that prohibits an American citizen from being tried twice for the same crime. It prohibits, in essence, retrials after acquittal, retrials after conviction, and multiple punishments for the same offense. The double jeopardy rule, according to Alogna, “protects criminal defendants from most government appeals of acquittals, even where ‘the acquittal was based upon an egregiously erroneous foundation.’”³⁰ For the prosecution to obtain a conviction in criminal law, the burden of proof must be “beyond a reasonable doubt.” This is a high standard, but it is predicated on the principle that “it is better that ten guilty persons escape than that one innocent suffer.”³¹ Double jeopardy ensures that the prosecution has only one opportunity to prove a defendant's guilt; this precludes the prosecution from using strategies such as withholding evidence for future proceedings.

According to Frederick T. Davis, the principle of double jeopardy is subject to two interpretive limitations of its applicability. The first interpretive restriction is that the principle pertains only to prosecution by the “same sovereign.”³² But, there is no prohibition against the federal government prosecuting a matter already resolved by a state government or vice versa.

²⁹ O’Neill, Cara. *The New Bankruptcy: Will it work for you?* (Nolo, 2021), 86.

³⁰ Forrest G. Alogna, *Double Jeopardy, Acquittal Appeals, and the Law-Fact Distinction*, 86 *Cornell L. Rev.* 1131 (2001) Available at: <http://scholarship.law.cornell.edu/clr/vol86/iss5/3>

³¹ Sir William Blackstone, *Commentaries on the laws of England*, 9th ed., 1783, 353.

³² Davis, Frederick T. *International Double Jeopardy: U.S. Prosecutions and the Developing Law in Europe*. *A.M U. International Law Review* 58–101, 2016. <https://www.proquest.com/docview/1848851303>

Second, the law provides few safeguards against the government's ability to pursue administrative sanctions for previously prosecuted facts. These sanctions could be monetary. Notably, in *U.S. v. Felix*, 503 U.S. 378 (1992), the Court ruled that the commission of an offense and conspiracy to perpetrate the same offense are not the same offense for purposes of double jeopardy. Also, in *U.S. v. Hudson*, 11 U.S. 32 (1812), the Court held that administrative sanctions could be pursued after a “criminal conviction or acquittal unless there is the ‘clearest proof’ that the legislature intended the administrative sanction to be penal in nature or the sanctions are ‘so punitive’ as to render them, in essence, criminal.” As a result of this ruling, for example, it is extremely common for a company to be examined by both the Department of Justice and the SEC for the same conduct and to incur penalties from both organizations.

Furthermore, in *U.S. v. 89 Firearms*, 465 U.S. 354 (1984), the defendant was criminally charged with dealing firearms without a license and was eventually acquitted after successfully asserting the defense of entrapment. The government then filed a civil lawsuit to have the firearms confiscated, and the trial court disregarded the defendant's arguments of res judicata and collateral estoppel. The Court of Appeals reversed the trial court's decision and ruled that the forfeiture, in this case, was criminal and punitive in nature and thus prohibited by double jeopardy. The Supreme Court then reversed the Court of Appeal's decision and held that double jeopardy did not apply unless the forfeiture was intended as a criminal punishment. This rendered the double jeopardy protection inapplicable to civil forfeitures. The Supreme Court said that “the purpose of the forfeiture was to discourage unregulated commerce in firearms and to keep potentially dangerous weapons out of the hands of unlicensed dealers and that it covered broader conduct than the

criminal statute.”³³ Considering this, nothing would have prevented a private plaintiff from filing a civil complaint against O.J. Simpson, even though he had already been prosecuted criminally for the same conduct. Since Simpson was deemed responsible, he was not criminally punished; rather, he was ordered to pay damages for a civil offense that applied to a broader category of conduct outside that of criminal conduct.

Conclusion

The issues in the O.J. Simpson case revolve around the distinctions between civil and criminal law. Civil law is a subset of private law concerned with resolving conflicts between opposing parties. As a matter of public concern, even though the government is not typically the victim in criminal cases, complaints are prosecuted by government attorneys. The Simpson case demonstrates the relevant protocol, procedure, and remedial variations. Although the prosecution presented raw evidence to convict Simpson, the jury decided not to convict primarily due to collection errors, flawed testing, and questionable witnesses. In the criminal case, the prosecution failed to satisfy the burden of proof, which must be beyond a reasonable doubt. It is not the responsibility of the defense to establish a case but rather to refute the prosecution's case. In the Simpson case, they did exactly that. The defense called into doubt the integrity of evidence accumulation and the veracity of witnesses. In the end, there were too many unanswered questions; the jury acted accordingly to acquit Simpson.

In contrast, the burden of proof in civil litigation is by a preponderance of the evidence. The civil trial of O.J. Simpson satisfied this requirement, so he was found responsible for the

³³ Veas, Javier. *Ne bis in idem and Multiple Sanctioning Systems: A case law study of the European Court of Human Rights and the Court of Justice of the EU*. (Cham, Switzerland: Springer, 2023), 44. <https://link.springer.com/book/10.1007/978-3-031-16556-6>

murders of Nicole and Ron. Based on all of the evidence presented, the victims' families were required to demonstrate that the plaintiff did engage in the conduct that resulted in injury or damage. In the interest of the public, double jeopardy does not, and should not, be applied in civil cases due to the high burden of proof in criminal cases. Consequently, the families filed a lawsuit for wrongful death, a tort that requires compensation for damages. Simpson was deemed more likely than not culpable in a civil suit.

The remedial objectives of criminal and civil remedies differ significantly. In civil cases, most remedies are geared toward restitution or restoring the aggrieved party to their position before the dispute; monetary compensation and specific performance are the most common remedies. In criminal cases, restitution is not always possible; thus, sentencing an accused is relied upon. These forms of punishment meet the goals of justice and deter other members of society from committing similar crimes in the future. The disparate sanctions in the Simpson case are a result of the dissimilar purposes of civil and criminal law. Restoring the victims' lives was impossible. Therefore, since the objective of a civil suit is to restore the victim to his or her pre-damage position, monetary restitution is usually required.

People v. O.J. Simpson (1994) will assuredly remain notorious. It resulted in the release of a likely guilty individual due to law enforcement error during a storm of racial tension. Simpson was presumed innocent until his culpability was proven beyond a reasonable doubt, which did not end up being the case. This prompted the victims' families to file a wrongful death suit in *Rufo v. Simpson* (2001), where it was simpler to demonstrate that Simpson was more likely than not responsible for the homicides. Thus, the preponderance of evidence standard was met, and the appropriate remedies were imposed.

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