

SOC 336P: SOCIAL PSYCHOLOGY AND THE LAW
REACTION PAPER: STATE V. REED

This paper gives you an opportunity to give your thoughts and reactions on the topic of jury nullification, as well as a chance to practice and hone your writing skills.

In *State v. Reed*, Mr. Reed was charged with unlawful possession of a handgun. Here is a summary of the case facts, the gist of the arguments from the attorneys, and the instructions on the law from the judge.

Facts from trial

This case came about because Leroy Reed purchased a handgun. He testified that he did so in order to meet what he believed to be the “requirements” for being a private investigator. After reading an ad in a magazine about the possibility of receiving training in private investigation, Mr. Reed purchased both a gun and a badge. Both sides concede that Leroy Reed is a convicted felon. During testimony, Leroy Reed stated that at the time he purchased a handgun, he was seeing a parole officer as a result of his prior conviction. Mr. Reed enjoyed spending time at the local courthouse. On one such day, a sheriff asked him for identification. As I.D., he produced the bill of sale for the gun. The sheriff requested that Mr. Reed go home, retrieve the gun, and bring it back to him at the courthouse. Mr. Reed complied and was arrested. A witness for the defense testified that Leroy Reed is not retarded but his intelligence is below average.

Arguments from attorneys *(not shown fully on tape, but the following is the gist)*

Prosecutor: You took an oath to uphold the law. You cannot make exceptions to the law based on sympathy. The defendant is guilty of possessing a firearm, and all elements of the crime have been proven beyond a reasonable doubt. Justice demands consistency in application of the law.

Defense: This case should never have been brought against the defendant. Mr. Reed may meet the technical definitions of the law, but you can decide to acquit the defendant if you think that convicting him does not serve the interests of justice.

Instructions on the Law

It is unlawful for a convicted felon to possess a firearm. A person is guilty of this offense if at the time of possessing a firearm, that person (a) was a convicted felon; (b) was in possession of a firearm; and (c) knew he was in possession of a firearm.

The following instructions were not on tape, but it is typical of what is told to juries before they leave to deliberate:

“It is your duty to follow the law whether you agree with it or not. It is also your duty to determine the facts. You must determine the facts only from the evidence produced in court. You should not speculate or guess about any fact. You must not be influenced by sympathy or prejudice. You must take account of all my instructions on the law. Decide the case by applying the law in these instructions to the facts. In deciding the facts of this case, consider all of the evidence in light of

reason, common sense, and experience. What the lawyers said during arguments is not evidence, but it may help you to understand the law and the evidence. The defendant is guilty of the offense if you find, beyond a reasonable doubt, that the defendant was a convicted felon, was in possession of a firearm, and knew he was in possession.”

Paper Assignment

Now that you have seen the case and reviewed the facts, answer these three questions: What verdict did you personally favor? Why? What does your position say about the proper role of the jury in the United States? In answering these, try to imagine that you are an actual juror on this case who has the responsibility of making this decision. Which pieces of evidence or which arguments were most persuasive to you? What are some problems with your position and what would other jurors probably say to you if they took the opposite side? What would you want to say in response to your opponents’ criticisms? (In short, what are the pro’s and con’s of each verdict choice in this case and its implications for the jury?). Length is to be approximately 3 to 4 pages.

Through this paper, I want you to demonstrate that you can think clearly and rationally about the conflict this case presents. Remember that you will get 20 points (out of a total of 40) just for showing up to class on the day in question and viewing the film – but to get these 20 points for attending the film, you have to turn in a paper. The remaining 20 points are awarded in roughly the following manner:

*For the barest presentation of your position (e.g., “I think he’s guilty of sin, and I don’t care what anyone else says,”; or, “Let him go – I just feel bad for him”), you will get up to 5 points, depending upon how well you can articulate even those simple statements. In other words, even if your time runs out on you for this assignment, **TURN IN SOMETHING – ANYTHING – (on time) TO GET MINIMUM CREDIT FOR THE FILM & PAPER!!!**

*A superficial review of your position with minimal defensible support for why you believe what you do, and a weak acknowledgement of the views of the opposing side will earn you at most 10 points, depending again on how well you communicate these thoughts.

* A modest review of the support for both sides, without taking any position whatsoever on the matter (e.g., concluding something like, “I don’t know what to do....”) and/or without discussing what each position means for the role of the jury gets you at most 15 points (as always, depending upon using proper grammar, spelling, communicating clearly). If you are truly unsure of your position, indicate on balance what position is most convincing to you. (Remember you are to assume you are on the jury and have to vote).

* Full credit goes to people who attend to all aspects of the assignment – carefully review your position, the support for it, your suspected views of the “other side” and their evidence or favorable arguments, and a discussion of the role of the jury – all done with strong, clear, and proofed writing.

PAPERS ARE DUE AT THE END OF CLASS ON 3/10. LATE PAPERS ARE DEDUCTED ONE FULL GRADE PER DAY. DO NOT EMAIL PAPERS, INCLUDING LATE PAPERS; ALL WORK MUST BE DELIVERED TO CLASS OR TO THE MAIN OFFICE IN BURDINE.