

I was sitting up in Northern Michigan, enjoying my vacation when the Casey Anthony verdict came in. I decided to check my facebook and twitter to see what had come down. Within minutes, I saw enraged, bewildered, astonished, and angry posts over the verdicts. It seemed the court of law and the court of social media were at odds with each other. This was the most controversial trial since the O.J. Simpson case.

Now I admit I didn't pay much attention to the case as I should have (being a criminal defense attorney), but I was busy worrying and paying attention to my clients cases. So I decided to do some research and see what the caused the uproar. Obviously, the jury got it wrong. I mean, the media and all their talking heads were telling us she was guilty. All those "experts" couldn't be wrong, could they? They would never inflame our passions just to increase their ratings? Not our media!

Well, the "experts" were wrong. Give me a little leeway and I will explain why. As my good friend,

Attorney Michael Kitchen pointed out in his [article](#). "The United States Supreme Court in *Coffin* also established that in every criminal trial, the burden on the prosecution is to prove that the defendant committed every element of the crime "beyond a reasonable doubt." This is a high standard of proof for which a juror, upon reviewing the evidence presented, is certain and has no fair or honest doubt after careful consideration of the facts and circumstances of the case". This is the legal standard set in this country for any criminal case. All elements of the crime must be proven by the prosecution beyond a reasonable doubt. And it is the jury's responsibility to decide if the prosecution has met that burden.

How does this apply to Casey Anthony? Simple. in a murder case, one of the elements is there has to be a murder. Just because we have a dead body, does not mean there has been a murder. In this case, it could not be determined that Kaylee Anthony had in fact been murdered. Sure it looks suspicious that her hands and mouth were taped

with duct tape, chloroform may have been in the car, and there may have been human decay in the car. The keyword is *may*. The prosecution could not prove a cause of death, and so could not prove that this poor child was murdered. An unlawful killing is an element of murder, at least in Michigan and I presume in Florida also. If you can't prove a cause of death, then you will not be able to prove a murder.

In addition to not being able to prove a murder, the prosecution had no physical evidence that Casey Anthony was responsible for the death of Kaylee, which is another element of the crime. Nothing ever linked Casey to the death. Okay, I understand she didn't report her baby missing for 31 days (I'm not sure what parent would do that), but that does not prove Casey killed Kaylee. That enraged me when I heard about it, and I wanted to strangle Casey myself. But as much as I was angered when I read that, it does not meet the proof required.

Suspicious, yes. Beyond a reasonable doubt, no. We can't be putting all suspicious people on trial or

sentencing them to death row, otherwise we become like Nazi Germany or Stalinist Russia.

Keep in mind, those 12 jurors heard all the evidence and testimony allowed under the rules of evidence. They heard all the witnesses, saw their body language, listened to the attorneys. They did not have the benefit of the media and talking heads "interpreting" what was going on in the courtroom. We had the benefit of being spoon fed all our information from the "experts". They had to come to the decision based on everything they heard and saw, and had to figure it out themselves. I certainly did not envy their job.

Here is another tidbit I can comment on. This trial lasted a month and a half. The verdict came in in eleven hours. The jury poured over all the evidence in eleven hours! If that had been my client, I would have been advising her to start saying her goodbyes. For the jury to come in with a verdict in that short of time surely spelled doom for Casey Anthony. But they came back with a not guilty, thus showing that the prosecution never met their

burden, to prove all elements beyond a reasonable doubt as required by law.

I realize Casey Anthony was a terrible mother who was immature and has other issues. I know she made Homer Simpson look like parent of the year. But that does not make her a murderer. If we say Kaylee was murdered, and murdered by Casey, we are making a leap of faith and speculating on the evidence (or lack of evidence). The standard "beyond a reasonable doubt" is not to protect criminals, but to protect the wrongfully accused and to prevent the truly innocent from going to prison, or worse, death row. If we replace the reasonable doubt standard with speculation, I believe many innocent people will be put to death. I ask you this: If you are arrested and wrongfully accused, what standard would you want? How would you feel if you were wrongfully convicted?

I understand the outrage that there is a dead baby girl and no justice for her (justice assumes a crime has been committed). However, I want to leave you with these names, and please click on the links: [Johnny Pinchback](#), [Freddie Peacock](#), [Ron](#)

[Williamson](#) (read "The innocent Man" by John Grisham), [Nicholas Yarris](#), and [Kenneth Wyniemko](#) (a Michigan native). There are many, many more names but they are too numerous to list. And that is a tragedy!

These people never had the outrage or explosion of angry facebook and twitter posts. These people never had laws named after them to prevent this from happening again. They had no candlelight vigils or had the porch lights left on for them. No one cried for them. No one demanded justice.

Pleas visit [The Innocence Project](#) to learn more.