

Not guilty doesn't mean innocent

By Brian K. Pinaire

The Casey Anthony trial and the investigation that preceded it moved the meter as few other controversies have, feeding the 24-hour news cycle's appetite for titillation and providing programming for the likes of Nancy Grace on a nightly basis. This week, a jury of Anthony's peers — seven women and five men who had been sequestered for six weeks and who deliberated for less than 11 hours — acquitted the young mother of the most serious charges, principally the murder of her daughter, Caylee.

This means that the jurors found Anthony *not guilty*; it does not mean that they found her *innocent*. It does not even mean that any or all of them believe she had nothing to do with the demise of her daughter. All it means is that the jury was not convinced beyond a reasonable doubt that Anthony committed the offenses of which she was accused (other than giving false information to the police, the minor charge she was convicted of). In other words, the prosecution failed to meet the high standard to which society holds the state in criminal cases.

The distinction between *not guilty* and *innocent* is not a semantic quibble; it goes to the fundamental principles of our criminal-justice system. The government alone has the legitimate means and prerogative to take away one's liberty, property, or life. Indeed, were Anthony convicted of murder, prosecutors almost certainly would have been obliged, especially given the public attention and pressure, to seek the death penalty. That's why the burden of proof is so high — because the stakes are so high.

Prosecutors were undoubtedly influenced by the clamor of the pundits and partisans who made this case such a sensation around the country. And given the defense's resistance to a plea bargain, they had to take the case to trial. Yet without direct evidence connecting Anthony to the

crime, they were severely hampered from the start.

They played the cards they had, making Anthony's character and apparent heartlessness an issue, and encouraging the jury to make inferences and connect disparate pieces of the puzzle. In the end, though, the jurors had doubts that they perceived as

The Casey Anthony verdict makes more sense given an understanding of our justice system and its principles.

reasonable.

The law in Florida, as in most jurisdictions, makes an effort to spell out what the proper degree of skepticism is, but as with any subjective notion, what seems "reasonable" to one person may not seem "reasonable" to another. For the most part, though, reasonable doubts can be defined as those that are not forced, fleeting, or fantastic.

It would not be reasonable, for example, to doubt Anthony's guilt due to a belief that we are all living in the Matrix or that Lee Harvey Oswald actually did it. But it could be reasonable — and in this case and for these jurors, it *was* reasonable — to doubt the state's case due to a dearth of evidence and because of holes that could not be papered over with mere conjecture.

In such a case, the design and intent of our criminal-justice system obliges a juror to vote "not guilty." But *not guilty* does not mean innocent.

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