

Monday, February 5, 2007

"I must have because they found a glove there."

The Fifth Amendment to the Bill of Rights prohibits a re-trial after an acquittal, unless the Separate Sovereigns doctrine allows otherwise. (From the public domain). The New York Times obtained a partial six-page transcript claimed by a person involved in the O.J. Simpson-Judith Regan never-broadcast interview to have been culled from four hours of filmed interview. Although Mr. Simpson has claimed that If I Did It was entirely hypothetical, why would his interview have included the following chilling memory lapse? "At one point during the interview, Mr. Simpson says: 'As things got heated, I just remember Nicole fell and hurt herself. And this guy kind of got into a karate thing.' It was then, he says, that 'I remember I grabbed the knife.' Later, asked about whether he had taken off a glove before handling the knife, Mr. Simpson says, 'You know, I had no conscious memory of doing that, but obviously I must have because they found a glove there.' Three main possibilities would seem to explain Mr. Simpson's discussing the murder in the first person and including a memory lapse (if, in fact, the New York Times obtained an authentic transcript and faithfully described it): he committed the murders and/or he wanted to increase sales of the book and/or he has no shame. As an aside, around 1984 I saw Mr. Simpson walking down a busy commercial street in Los Angeles. Some people were calling out to him, and he responded very affably, rather than withdrawing from the constant fame and recognition, as many celebrities do. The murder took place ten years later. In any event, Mr. Simpson is protected under the Fifth Amendment to the Constitution from being re-tried criminally for the murders of Nicole Brown Simpson and Ronald Goldman, and I agree fully with this Double Jeopardy protection. A civil jury found he committed the murders, and he still has a \$33.5 million civil court judgment against him. Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00