



How Do Appellate Courts Make Decisions?

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How Do Jurors Decide?

The examination and cross-examination of the evidence takes place during trial.

The jurors listen to the evidence being presented.

The presiding judge instructs the jurors about the law that applies to the case in question.

The jurors are tasked with finding the facts — i.e. arriving at a conclusion about what happened — and based on what the law is, they are tasked with arriving at a verdict.

In the United States, deliberations in the jury room are secret. No written record remains of how the jurors decided

Appellate Courts

The task of an Appellate Court is not to correct a factual finding that the jurors made. Rather, its task is to find out whether mistakes of law were made.

Recall the Case from Last Week

(1) From *Brown v. State*
955 S.W.2d 276 (Tex. 1997)

MAJORITY:

...

Section 6.01(a) of the Texas Penal Code states that a person commits an offense only if he engages in voluntary conduct, including an act, an omission, or possession

...

We hold that if the admitted evidence raises the issue of the conduct of the actor not being voluntary, then the jury shall be charged, when requested, on the issue of voluntariness. The trial court did not grant appellant's request and the court of appeals correctly reversed the trial court. We hereby affirm the decision of the court of appeals.

(2) From *Brown v. State*
955 S.W.2d 276 (Tex. 1997)

DISSENT:

...

Although a voluntary act is an absolute requirement for criminal liability, it does not follow that every act up to the moment that the harm is caused must be voluntary. ...

Because it is an implied element, the State is not required to allege it in the charging instrument. For most offenses, proof of a voluntary act, although a separate component, is achieved by proving the other elements of the offense. I believe the trial court properly denied appellant's request for an affirmative submission on voluntary conduct. I would reverse the court of appeals and affirm the trial court. Because the majority does not, I must dissent.

What Was the Disagreement
about?

The Disagreement Was NOT about Whether
Brown's Act of Killing Was Voluntary

Two Questions

A. *Did Brown kill the victim voluntarily?*

Once the legal definition of “voluntary act” is clear, this remains a primarily factual question. Courts of appeal typically defer to jurors for an answer and won’t overturn jurors’ findings.

B. *Did the judge commit a mistake in not instructing the jurors about the “voluntariness requirement”?*

This is a legal and procedural question about what the trial judge should have done or not. This question falls squarely in the scope of decisions by courts of appeal.

Is Such a “Division of Labor” Between
Jurors and Appellate Courts a Good Thing?

Recall the Amanda Knox's Trials

Amanda Knox's Trials

- ❖ 2008 Knox and boyfriend Sollecito are charged with murder
- ❖ 2009 Jury finds Knox and Sollecito guilty on all counts
- ❖ 2011 The Appellate Court overturns Knox's and Sollecito's 2009 conviction
- ❖ 2013 On appeal, the Supreme Court overturns the Appellate Court 2011 decision and orders a retrial
- ❖ 2014 After the retrial, the Appellate Court convicts Knox and Sollecito
- ❖ 2015 On appeal, Supreme Court finds Knox and Sollecito innocent