

Evidence Considered by Honorable Jurors

By Anna Von Reitz



There are, basically, four kinds of evidence: factual, circumstantial, eye-witness, and hearsay. The first three, factual and circumstantial and eye-witness testimony, can be entered in a common law court case. The fourth, hearsay, cannot.

Factual evidence includes all those things generally admitted by the Defendant and the Public, such as, the Defendant was wearing a dark blue suit at the time of his arrest. There was a full moon on the night of [March 11th, 2022](#).

Circumstantial evidence includes those things that suggest rather than prove things, for example, because the Defendant was wearing a nice suit, it's unlikely that he intended to be mucking out a barn.

Eye-Witness Testimony includes all those things that other people directly see or hear and that they can directly attest to. Joan Adams says, "I heard Philip Dean threaten Eli White. He said, "If you mess with my bull again, you'll get something you don't like." -- and then he made a gesture with his fist, like he was chopping wood."

Eye-witness Testimony is notoriously unreliable because people see and even hear things differently, and their testimony can be heavily colored by their own prejudices and assumptions. Still, it can be helpful in establishing the overall context of a situation, and if two unrelated people testify to hearing and seeing the same things, it lends credibility to the testimony.

Irma Daniels, a cook who happened to be on break, heard Philip Dean say and do the same things as Joan Adams reported. Now, we have corroborated eye-witness testimony from a disinterested Third Party, which provides strong testimonial evidence.

If the Defendant agrees that yes, he said those words and made a gesture as described, the eye-witness testimony can safely be accepted as factual evidence.

The one kind of evidence that cannot be admitted to a common law trial is "hearsay" evidence. For example, "My Cousin Elsa saw Phil Dean that night and he was steaming mad at someone or something."

Cousin Elsa might need to come forward and give her testimony, but her Cousin who is passing this information on secondhand didn't see or hear anything directly, so it's just hearsay, like gossip.

And gossip, no matter how juicy, can't be allowed to color the deliberations of a jury.

The evaluation of evidence requires us to think and think deeply.

We have to look at the factual evidence and really ask ourselves how many ways can these facts be interpreted? Is there more than one possibility? For example: Philip Dean self-testifies that he came home from having dinner at a restaurant in town at about 8 o'clock on the night of [March 11th](#) and saw that his barn door was open.

We can't confirm that with any other testimony, but it's a reasonable circumstance and it's affirmed to be true, so it is credible as long as nothing else contradicts or puts a different slant on things, like Sam Laughlin, a local carpenter, coming forward and testifying that, "I took Phil Dean's barn door off its hinges to repair it on the afternoon of [March 11th](#). It was laying flat on two sawhorses in the driveway, waiting for glue to dry that evening. Phil knew I did it and helped me move the door onto the sawhorses."

So it wasn't just seeing a door ajar that shouldn't be ajar and going to check it out as Phil Dean's testimony suggested. The doorway itself was standing wide open and Phil Dean knew why it was wide open.

We now have corroborated testimony that the barn doorway was open--- literally open, and we aren't just talking about a door being ajar or swinging open on its hinges --- but we are left wondering what prompted Phil Dean to go into the barn wearing a nice blue suit and why did he tacitly mislead us?

Everyone responds the same way to seeing a door that is supposed to be closed ajar or hanging open, but if you know the door is being repaired and is on some sawhorses in the driveway, seeing the gaping doorway is to be expected. That in itself wouldn't prompt you to go look around the barn -- or would it?

We have to think about what kind of evidence it is that we are receiving. We have to consider the source of the evidence. We have to evaluate the quality and reliability of the evidence, piece by piece. And at the end of the day, we have to develop a strong understanding of what, most likely, factually happened.

We discuss our thoughts, questions and gut-feelings with the other members of the jury. They bring forward their unique view of the same evidence. And together, we build a consensus based on the credible evidence --- and only the credible evidence.

Ultimately, to the best of our ability, we answer the questions put to us:
did Phil Dean kill Eli White? If so, was it a premeditated act, or an accident?

Serving as a Juror, especially on a Jury involving a capital crime, is a tremendous responsibility, and it is no wonder that many people try to avoid Jury Duty --- but consider this: after a crime or other injury has occurred, wouldn't you want a fair trial conducted by a competent jury?

You would want Jurors who were trained to consider the kind and quality of evidence, thoughtful, discerning Jurors, people able to determine both "the Law and the Facts" in a fair and even-handed manner.

Many terrible acts of injustice have happened for lack of honorable and competent Jurors.

So do unto others as you would have done unto you. When your State Assembly or County Assembly calls on you to serve as a Juror, be ready and willing to do the job to the best of your ability.

Educate yourself to be a good and intelligent Juror, to fearlessly ask the questions that need to be asked in fairness to all concerned.

American Common Law Jurisprudence has a long and honorable history and the American Common Law Courts that we are building are to provide ourselves and our children with the best system of justice in the world.

To meet that supremely desirable goal, we need your participation, your thoughts, and your attention given to this urgent and important work, and to your potential role as a Juror.

As a Juror, you may be an unsung hero, but we need heroes of all sorts. The quiet kind who simply serve are often the best and bravest of all.

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