

GBSMUN VIII presents

JCC — Defense of *People v. O.J. Simpson*



Still from "The People v. O.J. Simpson: American Crime Story."

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Letter from the Chair

To the respected delegates to-be,

Greetings and salutations to the members of this committee! I, Minjae Lee (he/him), will be your chair and crisis director for this committee, and I am delighted to jointly bring you *JCC: Defendants of The People of the State of California v. Orenthal James Simpson*. Before we grapple with the implications of what has been called the trial of the century, I'd like to take this short moment to introduce myself.

As a senior at Glenbrook South, this is my 3rd year doing Model UN. Model UN has been my longest and most dedicated passion, as I've tried to inject my own style into this already creative undertaking. Not only has it been an incredible experience throughout high school, but it's also given me plenty of skills and opportunities for other activities and life in general. Plus, it's really, really fun. I've had no shortage of amusement from my asking of needlessly verbose questions or rapping through my last two in-person conferences (which I will not be tolerating in my own committee). I've also been involved with improvisational oratory activities all throughout high school. I've done debate as a freshman, and extemp and impromptu speech as a senior.

I plan to bring my flair for the dramatic and affinity for mutual chaos to a Joint Crisis Committee. I've had my fair share of general assemblies, crisis committees, general assemblies run like crisis committees, and crisis committees run like general assemblies. I will make every effort to run this as professionally and as crisis-like as possible. It would be useful to investigate the legal framework and theory brought up in *People v. Simpson*; however, I do not intend to let the arguments made in *People v. Simpson* dictate this committee, although facts brought up during discovery and investigations may be incorporated.

While I am also personally invested in the history of this case, I do not want this committee to be a rehashing of past events. Your mission in this committee is twofold: come up with an innovative legal defense, and fend off approaches from the prosecution. In accordance with this mission, this background guide will be insufficient for success in the committee. Rather, consider it a starting point from which you

must conduct your own research. As it typically is within the doctrine of criminal defense, very few things are truly original; however, the crisis staff is looking for approaches that combine precedent and creativity.

Position papers are a crucial and traditional part of the Model UN experience. You must submit a physical copy of your position papers by the day of the conference if you wish to be eligible for awards. Please do try to match the formatting requests of a 12 point, single-spaced, serif font within reasonability and sources in the MLA format. As for questions more specifically about crisis committees, I will refer you to my fabulously talented dias. Please c.c. myself, Samantha, and Claire, and ensure proper spelling and grammar throughout all communications. Their email addresses are 236138@glenbrook225.org and 226623@glenbrook225.org, respectively.

The future always has in hold things well worth the wait; come well-prepared and ready to have fun at GBSMUN VIII!

Epsilon-greater-than,

Minjae Lee

Chair of JCC — Defense of *People V. Simpson*

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Committee Operation

Crisis Committee

A crisis committee is a type of Model UN committee in which delegates are faced with constantly evolving situations and must work to resolve both personal and collective goals within the committee. Every member of this committee has some level of actionable *personal power*, and the committee as a whole can vote on and pass *directives*. Actions taken and directives passed will have a tangible impact on the status of the committee, which will necessitate further action and drive the committee forward. Adaptability with one's own powers and the volatile situation is key to succeeding in a crisis committee.

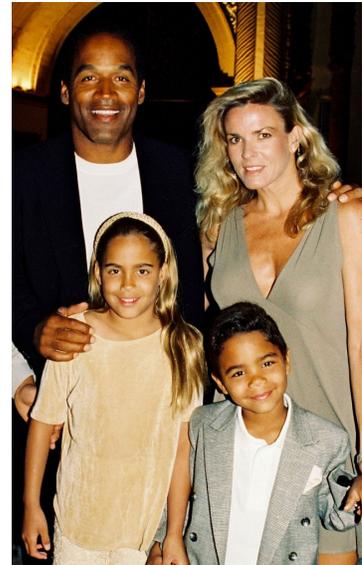
Joint Crisis Committee

A Joint Crisis Committee, abbreviated JCC, is a specialized type of crisis committee that is constituted of two crisis committees whose actions influence the status of both committees. Within each committee, parliamentary procedure and the general flow of committee stays the same. However, the actions performed in either committee can effect the other; this is the key difference. The dynamic between two committees and the volatility delegates must handle make JCCs more eventful and less predictable than typical crisis committees. As a result, any JCC will require a level of cooperation between and within the two committees.

The JCC counterpart for this committee is the Prosecution of *People v. Simpson*. The immediate impact of this is that the directives and actions undertaken by the Prosecution will have a direct impact on the defendants' committee, with crises happening in real time that delegates will have to solve. Another interesting facet of this JCC is that it is constrained and enabled by the framework of the legal system; delegates should be versed in matters of legal conduct, the criminal justice system, and the powers and limits of the law.

History of the Problem

In 1985, Orenthal James “O. J.” Simpson is a National Football League player, broadcaster, and actor who moved to San Francisco in 1978 to play for the San Francisco 49ers and had just married Nicole Brown, with whom he would have two children. Their marriage lasted seven years, during which Simpson pleaded no contest to spousal abuse in 1989 and privately confessed to her of a yearlong extramarital affair with actress Julie “Tawny” Kitaen prior to Kitaen’s marriage. Brown eventually filed for divorce in 1992 citing irreconcilable differences. There were attempts at reconciliation through 1993, and biographer Sheila Weller describes them as “a dramatic, fractious, mutually obsessed couple... after they reconciled” in a *Vanity Fair* article published in June 2014.



During this, neither remained exclusive with their relationship; this provoked Simpson who had already abused her physically multiple times, to the point where Brown would call police if Simpson approached her dwelling.

In March of 1994, 25-year-old Ron Goldman, a waiter working at Mezzaluna Trattoria, terminated a two-year relationship. Shortly thereafter in late April, Goldman borrowed Brown’s Ferrari for lunch one afternoon. While police and friends claim their relationship was platonic, Goldman and Brown met



occasionally for coffee and dinner. On June 12, 1994, Goldman was working a shift at Mezzaluna while Brown and her mother were among those dining there. Although he was not their server, Brown notified Goldman that her mother had misplaced her sunglasses there. After the sunglasses were discovered, Goldman agreed to drop them off at Brown’s home after his shift was completed. He had a drink of water at the bar right after work and visited his apartment to speak briefly with his roommate, who had plans to join Goldman for a night out. He began to

approach Brown's condominium, located at 875 South Bundy Drive, Brentwood, Los Angeles, CA, with the sunglasses in an envelope.

Shortly after midnight on June 13, 1994, Brown and Goldman were found stabbed to death outside her residence. Autopsy reports determined that Brown had received the following: defensive wounds on her hands; a gash across her throat which severed both carotid arteries, breached both jugular veins, and reached 1.9 cm into her cervical vertebrae; seven stab



wounds in her neck and scalp. Goldman's body was found close to a tree with multiple stab wounds in the body and neck. Found near him were a blue knit cap, a left-hand, extra-large Aris Isotoner light leather glove, and the envelope containing the glasses. Detectives determined that Goldman had arrived after or during Brown's murder and that the assailant had killed Goldman to silence him, and forensic analysis suggested the assailant held Goldman in a chokehold with one hand and stabbed him with the other. Eyewitnesses claimed they heard a man screaming that night; the Goldman family later claimed this man was Goldman. The front door to Brown's condominium showed no signs of forced entry or breaking in. The pathway to the stairs was coated in blood, and Brown's body was facedown and barefoot at the foot of the stairs. The assailant's shoes were coated with blood, and the distance and direction of prints suggest the assailant walked from the scene through the back gate. Additionally, a trail of blood drops suggested the assailant was bleeding from the left hand.

On June 12th, 1994, Simpson was scheduled to take an overnight flight to Chicago, Illinois, with the flight scheduled to leave at 11:45 pm. A limousine arrived at Simpson's estate around 10:25 pm, as Allan Park, the driver wished to familiarize themselves with the location, noting the lights were dark and no one appeared to be home. The position was such that Park would have seen Simpson's Bronco had it been there. After making the rounds around the house, at 10:40 pm, Park began buzzing the intercom. He



later testified that he saw a figure the size of Simpson approach the front door before entering through another exit, but did not see where the figure approached from. During these events, actor Kato Kaelin was staying at a guest house in Simpson's estate. Kaelin heard something crash into the side of the wall and headed towards the front entrance, where he noticed the limousine and let Park in.

Simpson came out of the house a few minutes later with four bags of luggage. Simpson insisted on loading one knapsack himself. On the drive to the airport, Simpson seemed agitated and rolled down the window due to sweating, claiming the cold weather felt warm. At the airport, a porter checked three bags of Simpson's, with the missing piece of luggage later determined to be the knapsack Simpson insisted on loading himself. Another witness later testified that they saw Simpson discarding items from a bag into an airport trash can. On the flight, Simpson was noticed by passengers who called him generally jovial. Fans of his commercials and football career, who looked for sweat on his brow and his MVP ring, noted a lack of nervousness and no visible cuts on his right hand.

Upon hearing Brown was murdered, the police attempted to contact Simpson so he could pick up Brown's children, both of whom were sleeping at Brown's condominium at the time of the murders. A team of detectives approached Simpson's estate. After buzzing Simpson's estate for close to 30 minutes, they noticed his Bronco was parked at an awkward angle at his estate with blood on the door and proceeded to enter without a warrant, citing the blood on the Bronco as a probable indicator of injury. A detective noticed Kaelin, and in the proceeding interview, Kaelin notified the detective that the Bronco belonged to Simpson and that he had heard thumps earlier. During a perimeter search of the property, the right-hand pair of the glove at the crime scene was found with blood on it, prompting an arrest warrant.

As soon as Simpson was made aware of the murder by the police, Simpson flew back to California, unaware of the developing investigation at his estate. He was promptly contacted and interrogated by the police at Parker Center, and detectives asked about a cut on his left consistent with where the killer was bleeding. While Simpson initially claimed he had cut his hand in Chicago, detectives informed him there was blood in his car, leading Simpson to confess he had cut his hand on the 12th by means he didn't remember. He was released after voluntarily giving his blood for comparison against DNA left at the crime scene. The

very next day, June 14th, Simpson hired Robert Shapiro, who began assembling a legal team, and noted Simpson began treatment for depression. On the 16th, Simpson began residing at the house of his friend Robert Kardashian. During the next two days, Simpson updated his will, called his family, and wrote multiple letters, leading Shapiro to ask doctors to attend to Simpson for fear of suicidal depression. Meanwhile, the LAPD had already noted preliminary matches between Simpson's DNA and the killer's, and with the final results coming in, detectives recommended on June 17th to charge Simpson with two counts of first-degree murder, with special circumstance of multiple killings. Shapiro was notified at 8:30 am that Simpson would have to turn himself in by noon that day, and went to Kardashian's residence around 9:30 to deliver the news. While Simpson told Shapiro he wanted to turn himself in, he did not arrive at the police station.

The LAPD arrived at Kardashian's residence, only to find that Simpson was nowhere to be found and fellow football player Al Cowlings to also be missing. His sealed letters were left behind, with one being addressed to his children, one to his mother, and one to the public. At 1:50 pm, Simpson was declared a fugitive, and an arrest warrant was issued for Cowlings. At 5 pm, Kardashian revealed the contents of the letter addressed to the public, which was interpreted by the public and Simpson's mother as a suicide note and denied any relation to Brown's murders. At 6:25 pm, a young couple on a camping trip called the highway police to report seeing the vehicle. Moments later, Larry Pool, an Orange County Sheriff's Deputy saw it heading north on Interstate 5 near the El Toro interchange. Police tracked Simpson and Cowlings through the calls Simpson placed on his cell phone. At 6:45 pm, officer Ruth Dixon spotted the Bronco heading North on Interstate 405. The officer caught up with the car but backed up after Cowlings shouted that Simpson had a gun to his head in the back seat of the car, threatening suicide. The police officer continued following the Bronco at 35 miles per hour along with 20 other police cars. About 7 news helicopters swarmed the air and were following the chase recording it for the whole world to see.

Sports announcer Pete Arbogast connected John McKay, Simpson's football coach from the University of Southern California, on the KNX-AM, a commercial radio station in LA, pleading Simpson to surrender. Others followed McKay's lead like Walter Payton and Vince Evans to encourage Simpson to surrender and choose life. Off the air, Simpson told McKay "OK, Coach, I won't do anything stupid. I

promise". Tom Lange, an officer who had interviewed Simpson about the murders, noticed that he was receiving calls from Simpson. After calling back three times, Lange got a hold of Simpson. Lange's goal in the phone call was to get Simpson to throw the gun out of the car and urge him to surrender, leading Lange to continuously remind Simpson of his family and children. While Lange had hoped that this would lead to him throwing the gun out, Simpson refused, saying that the gun was for him, and begged Lange to let him go to his house and speak to his mother before surrendering.

The chase ended at 8:00 pm at Simpson's estate where 27 SWAT cars awaited Cowlings and Simpson. Simpson stayed in the car for about 45 minutes, and then came out of the car clutching a family photo. Both Cowlings and Simpson surrendered shortly after consulting Shapiro. Simpson was arrested taken to Men's Central Jail in LA and was immediately booked with double murder charges. Cowlings was arrested and was charged with a felony for aiding a fugitive.

Questions to Consider

This battle is not solely a legal battle; it is significant that Simpson maintains a favorable image among his fans and the press. However, if necessary, you must do whatever you can to salvage him from a fate of life in prison. Below are some base lines of reasoning one may follow to craft a defense or plan for actions. As aforementioned, do not consider the following a comprehensive set of approaches to the issue at hand; rather, consider it the arteries of the expansive research all prepared delegates will undertake.

The status of Simpson’s criminal liability

Simpson has little evidence supporting his innocence. The physical evidence gathered has seemed to match up with the detectives’ line of events, and furthermore, Simpson has been unable to produce a consistent narrative. Furthermore, DNA testing from the crime scene have shown matches to Simpson. How will you create relatively greater credibility? What can you do to delegitimize the prosecution? What can you afford to neglect, and what must you attempt to ignore? *What can you do to the prosecution in order to create an advantage?*

The status of Simpson’s public image

Knowing of Simpson’s distress, various people have been attempting to contact and persuade the star to not take his own life. Simpson is still a respected celebrity among most of America, and his football legacy is quite impressive and his “rags-to-riches” tale as an African-American athlete has inspired many. While some have viewed his latest actions to be an admission of guilt, others view his image to be incompatible with that of a killer. Others argue that police brutality and racial profiling within the LAPD have had too much history of inflicting pain on the African-American population for the prosecution to be considered reliable or worthy of making a decision. Simpson’s heritage and history are clearly relevant to this case; what can you do to utilize this? How can you delegitimize the already overextended prosecution team? What circumstantial evidence can you bring to better the defense? How can you garner sympathy from the jury, judge, and public?

How can you ensure that Simpson will thrive in his life and career after this trial? *What can you do to the prosecution in order to create an advantage?*

The status of Simpson's mental stability

Simpson's distressed mental state could be used by either the prosecution or defense as supporting information. While the star has shown many signs that he intends to kill himself, this suicidal depression can be interpreted as guilt or merely grief. During his relatively public showings of instability, Simpson has maintained his innocence, despite the building evidence against his case.

Simpson has publicly released three letters, evaded arrest, cried on the phone with his coach, and has been seen holding a gun to his head. While these actions may garner sympathy, they may be part of a dangerous trajectory that ends in his demise. Furthermore, detectives have recommended two charges of first-degree murder; it follows that it is crucial to minimize the collection and corroboration of any evidence that could be used to prove intent. How can you ensure that Simpson remains alive? How will you assist Simpson in these trying circumstances? What can you do to ensure Simpson's prior actions do not negatively impact the result of the trial? *What can you do to the prosecution in order to create an advantage?*

Legal Terms to Consider

As aforementioned, much of this committee is based on legal structures and the criminal justice system. Below are some useful definitions and arguments for a base level of understanding. Do not consider the following a comprehensive set of approaches to the issue at hand; rather, consider it the arteries of the expansive research all prepared delegates will undertake.

Degrees of Murder and Manslaughter

First-degree murder in California is defined as a premeditated killing with malice aforethought and criminal intent. Premeditated murder is a murder in which the assailant planned the crime carefully and committed it with the intent to kill. Felony murder is as any murder or death that happens during the commission of an inherently dangerous felony, such as rape, kidnapping, carjacking, burglary, sodomy, drive-by shooting, or robbery. The penalty in California for first-degree murder is 25 years to life in prison. This is what Simpson was recommended to be charged with.

Second-degree murder involves all kinds of homicide that involve no premeditation and an intent to harm. Voluntary manslaughter is when one person kills another person willfully and deliberately without any premeditation. These types of cases include “in the heat of the moment” killings. A conviction for voluntary manslaughter can carry up to an 11-year prison sentence. Involuntary manslaughter is the killing of another person without any intent to kill or malice but with conscious disregard for human life. The penalty for involuntary manslaughter in California carries up to a four-year prison sentence. Depraved indifference murder refers to cases where one acts without regard for human life, when one commits a reckless action one knows to have a high likelihood of causing death.

Proving First-Degree Murder

First-degree murder requires evidence of either direct killing or extreme difference for human life or the law so as to endanger others and strong evidence that such actions were committed purposefully or in knowledge of their potential outcomes. The standard of reasonability, both in intent of will be decided by a

jury after one presents their perspective at the time of the action.

Self-defense can a valid argument against first-degree murder or may be used to lower the degree. A defendant may argue self-defense to show that the killing was a use of force to resist a reasonable likelihood of death or great bodily harm. In California, the amount of force used may not be disproportionately greater than necessary to defend oneself, and there is no duty to retreat—you need not consider fleeing from harm prior to facing the imminent danger. Self-defense may also be argued if one was the initial aggressor using non-deadly force if the other person retaliates after one notifies the other of a sufficient effort to stop the fight.

Positions

- Robert Shapiro* One of Simpson's main defense attorneys and original creator of the Dream Team
- Robert Kardashian* Simpson's friend and businessman with a law degree, who reactivated his license to practice law to defend Simpson
- Johnnie Cochran* The chair of the Dream Team and famous civil rights lawyer leading the defense
- Carl E. Douglas* Managing attorney at Cochran's office who assisted in Simpson's defense
- Shawn Katherine Holley* Managing partner of The Cochran Firm who assisted in Simpson's defense
- F. Lee Bailey* A criminal defense lawyer and member of the defense who handled many of the press conferences and contributed a powerful cross-examination
- Alan Dershowitz* A lawyer on the defense who has many accolades and represented many high-profile and unpopular defendants
- Barry Scheck* A lawyer on the defense with a specialization in DNA evidence
- Peter Neufeld* A lawyer on the defense with a specialization in DNA evidence
- Gerald F. Uelmen* A lawyer on the defense who aided Cochran
- Robert Blasier* Dershowitz's student who assisted with the defense
- Dr. Robert Huizenga* Former Los Angeles Raiders team physician called by defense to physically examine Simpson for his ability to commit such a crime
- Eunice Simpson* O.J. Simpson's mother and witness called to the stand
- John McKay* American football coach who coached Simpson during his time at USC
- Al Cowlings* Fellow football player and driver during Simpson's chase
- Stephen Valerie* A UCLA student who, during witness testimony, claimed he noticed neither sweat on Simpson's person nor blood on his hand when boarding flight with him

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