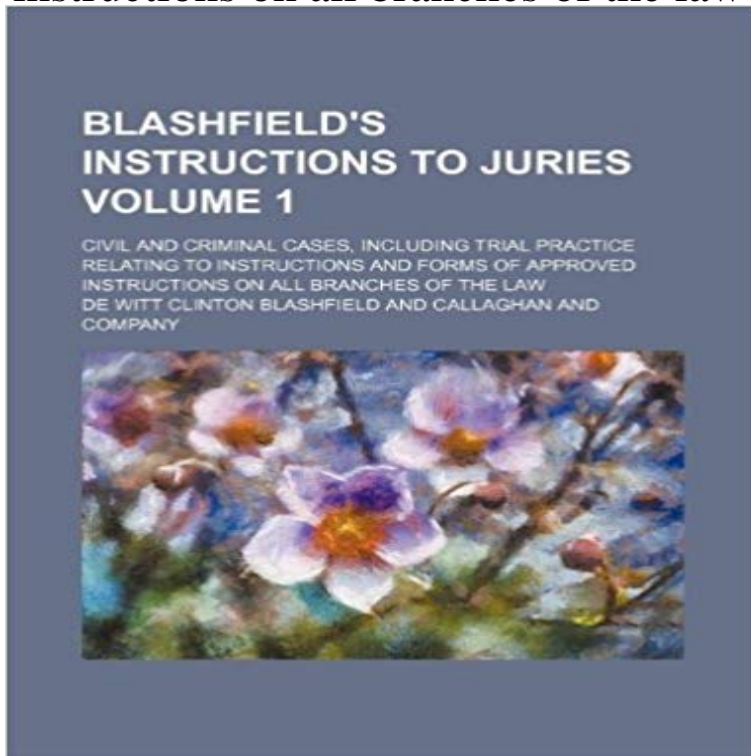


Blashfields instructions to juries Volume 1 ; civil and criminal cases, including trial practice relating to instructions and forms of approved instructions on all branches of the law



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1916 Excerpt: ...internal credibility of an explanation which the defendant had given of the circumstances against him, when they were first brought to his notice.⁹⁵ It is proper to refuse a request that the jury should know to a moral certainty that they have all the facts before them before they can convict, and that if they feel, after considering the evidence, that some important matter of proof has been omitted, and their minds were not satisfied, this was a reasonable doubt, upon which they should acquit.⁹⁶ An instruction informing the jury as to the law, if they find certain facts beyond a reasonable doubt, without suggesting the weight to be given the testimony as proving any fact, is erroneous.⁹⁷ 91--Moore v. State, 4 Okla. Cr. 94--Long v. State, 23 Neb. 33. 212, 111 Pac. 822. 95--McElven v. State, 30 Ga. 869. 92--People v. Curtright, 258 HI. 96--Gray v. State, 42 Fla. 174. 430. 97--Bedford v. State,--Tex. Cr. 93--Whitesides v. State, 42 Tex. App.--, 170 S. W. 727. Cr. App. 151. 312. Doctrine applicable only to evidence considered as a whole. The reasonable doubt which will justify and require an acquittal of an accused must not be as to any particular fact in the case, but when the evidence as a whole is considered,⁹⁸ and an instruction which does not require the reasonable doubt which will justify acquittal to arise from a consideration of all of the evidence in the case, or words of similar import, is not in the best form. An instruction requiring an acquittal upon a reasonable doubt resting upon a part of the evidence, considered separately from the whole evidence, is properly refused.¹ According to the weight of authority, it will be sufficient to charge that the jury should

acquit if, upon the whole evidence, they have a reasonable d...

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