UTCLE 28th Annual Conference on State and Federal Appeals

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Casteel: To Infinity and Beyond (2∞+>)

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The Problem

The 2-Issue problem

The commingling problem

The rotten apple problem

Federal cases before *Erie* (1938) & *Griffin* (1991)

Maryland v. Baldwin, 112 U.S. 490 (1884)

Wilmington Star Mining v. Fulton, 205 U.S. 60 (1907) "And, of course, in a case like the one we are considering we cannot maintain the verdict, as might be done in a criminal case upon a general verdict of guilty upon all the counts of an indictment."

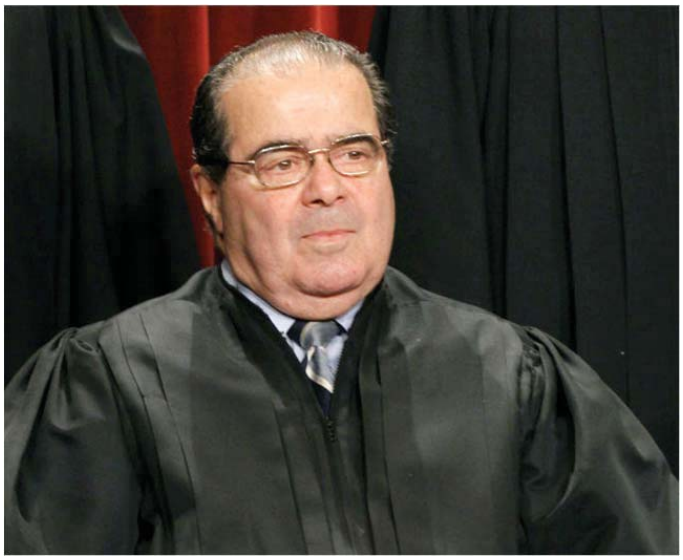
Federal cases after *Erie* but before *Griffin*

United N.Y. & Sandy Hook Pilots v. Halecki, 358 U.S. 613 (1959)

Lyle v. Bentley, 406 F.2d 325 (5th Cir. 1969) (If "the court's instructions permit a verdict to be based on an issue not supported by sufficient evidence, the jury verdict must be set aside.")

Griffin v. United States (1991)

"It was settled law in England before the Declaration of Independence, and in this country long afterwards, that a general jury verdict was valid so long as it was legally supportable on one of the submitted grounds—even though that gave no assurance that a valid ground, rather than an invalid one, was actually the basis for the jury's action."



Griffin v. United States (1991)

Jurors are not generally equipped to determine whether a particular theory of conviction submitted to them is contrary to law-whether, for example, the action in question is protected by the Constitution, is time barred, or fails to come within the statutory definition of the crime.

When, therefore, jurors have been left the option of relying upon a legally inadequate theory, there is no reason to think that their own intelligence and expertise will save them from that error. Quite the opposite is true, however, when they have been left the option of relying upon a factually inadequate theory, since jurors *are* well equipped to analyze the evidence.

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