PROBABILITY AND THE LAW

MARCELLO DI BELLO – STANFORD UNIVERSITY

READING GUIDE – WEEK #9

Colyvan et al. (2001).

(section I: pp. 166–171) Summary of the Shonubi case. Read it carefully. Make sure you understand the use of statistics and the demand for specific evidence that the Court of Appeals formulated.

(section II: pp. 171–176) Discussion of the reference-class problem. What is the problem? Why is it relevant to the Shonubi case?

(section III: pp. 176–end) You may skip this part.

Shonubi 3 (1995). You should have a quick look at the entire court opinion. However, I want you to focus on pages 6–12 where you’ll find a summary of the case and its procedural history; do not try to grasp all the details; just get the general idea.

Besides, I want you to focus—*in particular*—on pp. 40–45. There you’ll find a description of the statistical evidence presented by the prosecutor expert (pp. 40,41); two objections by the defense expert (pp. 41,42); and observations by a panel of experts (pp. 42–45).

Keep in my that the court opinion you are reading is part of a series of five opinions, three by a U.S. District Court and two by the Second Circuit Court of Appeals. In the Shonubi saga, the Court of Appeals and the District Court disagreed vehemently.

Response paper. In the response paper for this week, do the following:

First. Describe the reference-class problem. According to Colyvan et al., how can the reference class-problem help us justify the Appellate Court’s position in Shonubi?

Second. You have two options here:

*Option 1. Summarize the defense objections to the prosecutor’s use of statistical evidence.*

*Option 2. Summarize the position that the panel of experts took.*