

# 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.