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Statement of Gloria Allred

Today, O.J. Simpson faced the Nevada Parole Board, who was faced with deciding if Mr. Simpson should be granted parole after he was convicted of conspiracy to commit a crime, conspiracy to commit kidnapping, conspiracy to commit robbery, burglary with a deadly weapon, first-degree kidnapping with a deadly weapon, robbery with a deadly weapon, assault with a deadly weapon, and coercion with a deadly weapon. Simpson had been sentenced to nine to thirty-three years for these crimes, and had been incarcerated for approximately nine years.

In deciding if convicted felon, O.J. Simpson should be granted parole, the Board considers a number of specific aggravating and mitigating factors.

Unfortunately, none of those factors allow into consideration an important part of Mr. Simpson's prior legal history.

For example, in 1989, Simpson entered a plea of no contest (tantamount to a guilty plea) to misdemeanor spousal battery of his wife, Nicole Brown Simpson.

A photo of Nicole displayed at the civil trial against Mr. Simpson shows her with a cut lip, swollen face, blackened eye, bruises and a welt over her right eye – injuries that she had alleged incurred as a result of the 1989 spousal battery crime for which Simpson was convicted and sentenced.

Unfortunately, however that crime of violence against Nicole cannot be considered under the law as it exists in Nevada.

The law should be changed to include convictions of violence against women even misdemeanors as factors that can be considered by the Nevada Parole Board.

Also in 1997 a civil jury returned a verdict that Mr. Simpson was liable for the deaths of Nicole Brown Simpson and Ronald Goldman, and they decided that there was clear and convincing evidence that he should pay damages of 33 million dollars, 25 million dollars of which was for punitive damages.

In California, there is a jury instruction that states,

You may award punitive damages only if [name of plaintiff] proves by clear and convincing evidence that [name of defendant] engaged in that conduct with malice, oppression, or fraud.

"Malice" means that [name of defendant] acted with intent to cause injury or that [name of defendant]'s conduct was despicable and was done with a willful and knowing disregard of the rights or safety of another. A person acts with knowing disregard when he or she is aware of the probable dangerous consequences of his or her conduct and deliberately fails to avoid those consequences.

"Oppression" means that [name of defendant]'s conduct was despicable and subjected [name of plaintiff] to cruel and unjust hardship in knowing disregard of [his/her] rights.

"Despicable conduct" is conduct that is so vile, base, or contemptible that it would be looked down on and despised by reasonable people.

Punitive damages are awarded when a jury finds that the defendant has engaged in conduct that is shocking to the conscience of the community. Under Nevada law, however, this jury verdict and judgment of the court cannot be considered.

The law must be changed to include such a civil judgment in a wrongful death case if punitive damages are awarded, because such a judgment is a strong statement by a jury acting as the conscience of the community.

Risk of harm to the community should always be a factor that a parole board can consider. If a parole board had been able to consider the full legal record of Mr. Simpson they might have found that releasing him could present a risk of harm to the community. Instead they are forced to consider a legal fiction and only part of the record. This is unfortunate and harmful to victim's rights and the safety of the community.

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