

Good Friday 2021

“But he was pierced for our transgressions;  
he was crushed for our iniquities;  
upon him was the chastisement that brought us peace,  
and with his wounds we are healed”.

Isaiah 53:5

“The Practice” was a TV show that ran from 1997 – 2004 and was considered to be pretty realistic from an attorney point of view, or so I read. I am not sure that I ever watched it. Court cases catch our interest and there is little doubt that many are not treated fairly by the court system.

We have all heard of cases where people have been placed on death row only to have modern DNA techniques prove they were innocent many years later.

Hopefully, New trials were then granted, and verdicts reversed.

In our judicial system, what constitutes reversible error?

“Reversible error is a legal mistake at the trial court level which is so significant that without the error the outcome may have been different, and the judgment must be reversed by the appellate court. A reversible error is distinguished from an error which is insignificant and did not affect the judgment at the trial. Reversible error may be made by a judge or jury”. (USLEGAL.com)

So, if a judge falls asleep during a murder trial, should the defendant automatically get a new trial? Well, an Illinois Appellate Court did not think so.

“We find that a judge falling asleep during a trial does not constitute ... reversible error,” Judge Daniel Schmidt wrote in the majority opinion.

The decision builds on more than a century of Illinois bench nap law dating to a five-minute judicial snooze in 1899. But some critics say the latest ruling should come as a wake-up call for the standard to change. "Of course, it should be automatic reversal if the judge falls asleep," said longtime criminal defense attorney Steve Greenberg. "It sends an awful message to the jurors that whatever is going on is just not important."

Judge Jeffrey O'Connor was presiding over a murder case when the lights were dimmed so the jury could watch security camera footage on a monitor. When the presentation ended, an assistant attorney general asked that the lights be turned back on, according to the ruling. The judge did not reply.

"Judge?" the defense attorney asked, according to a transcript cited in the ruling. "Judge O'Connor?"

"Judge could we get the lights back on?" the assistant attorney general asked, approaching the bench.

"Hmm," O'Connor replied, according to a transcript. A clerk allegedly poked him awake. When it was suggested now was a good time to break for lunch, the judge agreed.

"Excellent time," he said.

The Judge said that he had heard the evidence so did not grant a request by the defense for a new trial. Evidently, the Appellate court agreed and found no reversible error.

From an article by STEVE SCHMADEKE; CHICAGO TRIBUNE (NOV 08, 2017)

There was absolutely no reversible error in the Jewish Court System. It is quite interesting to look at the trial of Jesus, all that happened and should **not** have happened. We take a lot for granted, that everything occurred just as it was supposed to, and that Jesus said and did, what he did, to make sure that things turned out as they were

supposed to. Maybe, but maybe not. According to Chabad.org, the Jewish Supreme Court in Jerusalem consisted of 71 members. Why that many? This number went back to the time of Moses. (Numbers 11:16)

“The LORD said to Moses: "Bring me seventy of Israel's elders who are known to you as leaders and officials among the people. Have them come to the tent of meeting, that they may stand there with you". So, 70 elders plus Moses came to 71. According to Chabad, “Unlike modern-day supreme courts, the Sanhedrin was not an “appeals court” in the sense that a litigant could appeal a verdict. However, if a lower court was unsure of how to rule, it could refer the case to a higher court”. This brings us to the trial of Jesus. A trial that would rival any of our court dramas today.

I am definitely not an attorney, so I found an article written by the Honorable Harry Fogle who approached the trial as a lawyer and not a theologian. I encourage you to read his paper when you have time. It is fascinating. Some of his points were as follows:

--Rabbinical Law allowed the accused to be represented by counsel and if they could not afford it, one would be appointed. How familiar does that sound? Did Jesus decline counsel or was this even offered to him? I suspect not.

--There had to be at least two witnesses to testify against him and they had to agree. We know that the two who did come forward did not agree in their accusations.

--Mosaic Law stated that the accused could not be compelled to testify against himself. Much like taking the Fifth. This law was repeatedly violated by the chief priests. Jesus, by staying silent when questioned, was his right against self-incrimination. Despite this, Caiaphas kept asking Jesus to respond to questioning as did Pilate.

--The trial was to take place during the day and in public. As we know, the trial took place at night insuring that most everyone else was at home sleeping.

--The Sanhedrin was also required to hear the initial evidence against the accused and then leave for 24 hours to think about it. Then come back. This did not happen as they heard the evidence and 3 hours later, took Jesus to Pilate.

--One of the more interesting facts was that the Sanhedrin acted as both judge and jury. But they had a duty to protect and defend the accused. They did nothing to defend Jesus.

Judge Fogle goes on to make a lot more observations on the trial including the actions taken by Herod and Pilate. The bottom line is that in this trial, the Jewish leaders violated their own laws with the sole purpose of having Jesus convicted and killed. Jesus most certainly knew his rights but never stood a chance from a legal standpoint. But we also know that he set his rights aside, in order to fulfill Scripture as well as to honor the will of God.

One should not have to make this point, but I will anyway. The sham trial with its illegal outcome was perpetrated by the Jewish leaders and not the Jewish people either then or now. It is ludicrous to think otherwise. So why do we call Good Friday good? The easy explanation is that an obsolete meaning of the word 'good' is "pious, or holy". We can say, that because Jesus died for our redemption, our remembrance of his death on the cross, is 'good'. Still does not feel that way. Of course, our redemption is a good thing. But we must always take the time to consider all that Jesus went through on this day and how much he suffered. He loves us that much, and through his sacrifice, we **have been** reconciled with God. From that perspective, **it is an incredibly good** Friday.

Amen!