

Honor will charge you that you should not convict this man unless you think he is guilty beyond a reasonable doubt.

A great many jurors, gentlemen, and the people generally get an idea that there is something mysterious and unfathomable about this reasonable doubt proposition. It's as plain as the nose on your face. The text writers and lawyers and judges go around in a circle when they undertake to define it; it's a thing that speaks for itself, and every man of common sense knows what it is, and it isn't susceptible of any definition. One text writer says a man who undertakes to define it uses tautology—the same words over again. Just remember, gentlemen of the jury, that it is no abstruse proposition, it is not a proposition way over and above your head—it's just a common sense, ordinary, everyday practical question. In the 83rd Georgia, one of our judges defines it thus:

"A reasonable doubt is one that is opposed to an unreasonable doubt; it is one for which a reason can be given, and it is one that is based on reason, and it is such a doubt that leaves the mind in an uncertain and wavering condition, where it is impossible to say with reason nor certainty that the accused is guilty."

If you have a doubt, it must be such a doubt as to control and decide your conduct in the highest and most important affairs of life. It isn't, gentlemen, as is said in the case of *John vs. State*, in 33d Georgia, "a vague, conjectural doubt or a mere guess that possibly the accused may not be guilty"; it isn't that; "it must be such a doubt as a sensible, honest-minded man would reasonably entertain in an honest investigation after truth." It must not be, as they say, in the case of *Butler vs. State*, 92 Georgia, "A doubt conjured up"; or as they say in the 83 Georgia, "A doubt which might be conjured up to acquit a friend." "It must not be," as they say in the 63 Georgia, "a fanciful doubt, a trivial supposition, a bare possibility of innocence,"—that won't do, that won't do; "it doesn't mean the doubt," they say in 90 Georgia, "of a crank or a man with an over-sensitive nature, but practical, common sense is the standard."

Conviction can be established as well upon circumstantial