The 6 Most Insane Legal Technicalities to Ever Screw Someone

You're familiar with the concept of a technicality, I'm sure. It's some tiny little legal tripping hazard, a petty justification for throwing out a case, or ignoring justice altogether. They're the kind of things that come up when, after witnessing the murder of your family, your dog, and your dog's family, you have to sit quietly by while some liberal activist judge sets the criminal free for some trivial procedural issue. "Ha ha ha ha ha," the criminal shrieks, before passionately kissing the judge and skipping arm-in-arm to freedom. Let down by everything you used to trust, you're forced to take justice into your own hands.

"Justice" being the name of the rusty sickle you now carry with you at all times.

But it turns out that there are all sorts of technicalities, some of them so strange, that they don't inspire vigilantism at all.

British Members of Parliament Can't Resign

Being a sitting member of the British House of Parliament seems like a pretty cushy job. You get to sit in a little wooden indoor stadium all day and yell at people you hate, and you also have your own official sauce.

But being an MP isn't all yelling and brown sauce; sometimes people yell back at you or throw brown sauce in your eyes. And, of course, there's the ever-present threat of that horrible queen coming by and telling you what to do. And even for more mundane issues like illness or a family personal emergency or sexual deviancy, there are other reasons why an MP might want to resign. Except that they're not allowed to.

You see, due to a 300-year-old piece of legislation (because that's just how England works), no sitting MP can resign his or her seat, unless they accept another office of profit under the Crown. Which means that the government, to accommodate the fact that MPs do sometimes need to resign, is forced to give these MPs a new "job," specifically the Steward and Bailiff of the Manor of Northstead. This is essentially a completely made-up position that exists solely to satisfy this bizarre technicality, an office with no duties or privileges or even official sauces. That that's the preferred solution instead of changing the law - which is, you know, those MPs actual jobs - should tell you an awful lot about how good they are at those jobs.

Alford Pleas

An Alford Plea is a not-uncommon plea accepted by some criminal courts. It essentially means "I'm totally innocent, but I get that you've got a ton of evidence against me, which isn't going to look so good if this goes to trial." In practice, it's a guilty plea, it is almost always offered as part of a plea bargain, and the judge will carry out sentencing under that basis (i.e. you're still going to jail).

On its own, this isn't really a technicality - just a slightly odd legal wrinkle that doesn't have much practical effect on anything. But it has led to some pretty strange situations.

The West Memphis Three were three young men who were convicted in 1994 of the murders of three boys and sentenced to death. The three always maintained their innocence, and over the years, new genetic evidence turned up that tended to support their case. As it became clearer and clearer that a new trial would have to be conducted, their defense team began negotiating with the prosecution, which resulted in a very strange outcome. When the new trial was ordered in 2011, all three entered Alford pleas, thereby maintaining their innocence but stating that they believed the prosecution still had enough evidence to convict. The judge then changed their sentences to time served, added on 10-year suspended sentences, and set them free.

So why was this done? Had the case gone to trial again, there was a chance, however slim, a jury could have convicted the men again. The Alford pleas meant that they were guaranteed to go home and, from that aspect, made sense for them to agree to, even if it meant essentially confirming their guilt. But it also meant they were unable to pursue civil action against the state for wrongful imprisonment, which almost certainly was a factor in those negotiations with the prosecutor. It was essentially plea-bargaining in reverse; they agreed to have their sentences reduced to time served, in exchange for not suing the state. For the people involved, this all apparently made sense, but for any outside observers hoping for a definitive resolution (i.e. a straight guilty verdict or the start of a wrongful imprisonment case), the whole case faded away into an odd legal limbo.

Wheel O' Elocution

Wheel of Fortune is a pretty straightforward game. The wheel is spun, and letters are guessed, and vowels are bought, all while two people who can't not smile and stare at you intently ... smile and stare at you intently.

And finally, once everyone at home knows what the puzzle is and has been screaming it at their televisions for a couple minutes, the contestant announces they would like to solve the puzzle. And then this happens…

The contestant pronounced the solution to the puzzle, "Seven Swans A Swimming," with a distinct lack of emphasis on the final "G" making it sound like "Seven Swans A Swimmin'." This was evidently not acceptable to producers, who ruled the answer unacceptable as it was spoken "in the vernacular." You know. The same way preceding a verb with "a-" is also a-totally in the vernacular.

This isn't the first time the Wheel's pronunciation cops have struck.

One ridiculous sequence showed four (four!) different mistaken answers offered for a very solvable puzzle ("Regis Philbin and Kelly Ripa"). At least two (and possibly three) of those being mistakes of pronunciation alone. It's actually pretty gripping watching this cavalcade of stupidity unfold, and may have, now that I consider it, been pretty similar to how Regis' parents even came up with his name in the first place.

California's School Days

In the 2008-2009 school year, a couple of schools in California had timetables where each Friday was 5 to 10 minutes shorter than what the state legally allowed. This doesn't sound like a big deal, and, indeed, when you remember that this was California in the middle of the financial crisis, it almost makes sense. An extra five minutes of school wouldn't matter; these children were doomed anyway.

But despite the fact that each school had delivered the full state-mandated minimum classroom time, having made up for those Friday minutes elsewhere, the head wanker of the school district's Department of wankers declared that "Nope, those Friday's Do Not Count." Because each one was a few minutes short, 34 days of school legally did not take place, and the school district demanded $7 million back (presumably the "Friday" line item on each school's budget).

So, considering that this was obviously just a simple misunderstanding, the school district and the two principals sat down and cleared up the confusion without too much difficulty, and, oh wait, no, of course they didn't. After not considering the problem at all, the school district hurled itself face-first into the stupidest possible solution and demanded each school schedule another six weeks of make-up classes. Keep in mind that this was late June and that the report cards had already gone out. There was absolutely no reason for any of these kids to attend these classes, which were costing money that didn't need to be spent, where nothing was taught at all.

The Scopes Monkey Trial

The Scopes Monkey Trial from 1925 was a big deal at the time, dubbed by many observers as the "Trial of the Century." And, you know, while we applaud their ambition, that's a pretty audacious claim to make, 1920s.

Here's what happened. Tennessee (along with a few other states) had passed a law banning the teaching of evolution in their schools, penalizing it with a $100 fine. The ACLU at the time offered to defend anyone accused of breaching this new law, wanting to overturn this on constitutional grounds. And, after a bit of hunting around, they managed to dig up a Tennessee high school teacher who was willing to plead guilty to teaching evolution. That man's name was John Scopes.

The trial quickly became a Very Big Deal, the whole thing broadcast over the radio, as mega-famous lawyers William Jennings Bryan and Clarence Darrow took up the case for the prosecution and defense, respectively. The initial trial was apparently a complete gong show, with lengthy arguments about various passages of the Bible, the judge refusing to allow the defense to submit any evidence, and sacks after sacks of childrens' letters to Santa being emptied on the floor (probably). The whole thing eventually concluded with the defense cross-examining the prosecutor, because, sure, who cares about how trials work any more?

Inevitably, this sideshow of a case made it to the Supreme Court of Tennessee on appeal, where they ruled that, yes, the law was constitutional, that it didn't violate free speech or promote one religion over

others, or anything that, you know, was actually true. Instead, they ruled that a fine of $100 was too high, as under the state constitution, the highest fine a judge could set was $50. The conviction was overturned, the prosecution didn't retry, and the defense, wanting to make our break the law on constitutional grounds, saw the whole case evaporate in front of them. It would be 40 more years before these anti-evolutionary laws were ultimately declared unconstitutional, all because of a lousy fifty bucks.

The Small “member” Rule

The Small “Member” Rule is a rule of thumb in libel law relating to fictional characters. Generally speaking, it is illegal to use another person's name or picture or portrait without his permission. What is legal is using his identity -- traits, characteristics, etc -- provided you don't use his name. So long as I called her something else, I could introduce a character into this column that was clearly Oprah Winfrey, with all of her trademark traits and so forth.

Which means that if you really, really wanted to libel this person, because of pettiness or whatever, you would have to employ the Small “Member” Rule. This rule of thumb essentially states that if the description of this fictional character has enough obvious differences to the real person, say, by depicting the character as having a small ahem…member, no reader could immediately identify that character as the real person, and that real person would himself refuse to identify himself with that fictional character (for obvious reasons), thus protecting the author from libel.

This came up recently when well-known jerk and part-time author Michael Crichton named a character in one of his books Mick Crowley, describing him as a Washington-based political columnist and also a lightly endowed child rapist. A characterization that did not sit terribly well with a real-life man named Michael Crowley, also a Washington-based political columnist, who had, probably not coincidentally, written a critical column about Crichton earlier in the year.

Whether the Small “Member” Defense was what Crichton was actually trying and whether it would actually work will never be known, as Crowley didn't pursue the matter in court (libel lawsuits are a huge pain to prove). The only lesson that could be drawn from this is that you should maybe be careful when criticizing incredibly childish writers.