

Error of Law

When seeking an appeal, it means that a judge made an error, and one wants a higher court to look into the decision and see if it should hold. There are two major types of errors that can be done in a court, which are the error of law and the error of fact. An error of fact is one where the judge wrongly interprets the facts brought to him or has the wrong fact, whereas a mistake of law is one in which the judge had all the right information, but the appellant feels that the law was not applied correctly. Erroneous application of the law reverses the judgment of a matter, and its nature dictates the available legal remedy. However, errors in fact that the judge and jury relied on when delivering a verdict may or may not warrant a reversal by a higher court. An appellate decision is structured to make a distinction between a reversible error rather than, between the law and the facts. Under harmless error, the mistake is not usually held prejudicial to the rights of the affected party, and despite it occurring; the outcome of the case is not changed or affected.

A harmful error is one that biases the decision of the jury or judge, and it constitutes a reversible error. A reversible error is one that has a mistake in the application of the law, for instance, when a court assumes jurisdiction to deal with a matter that is supposed to be dealt with by a different court that has full jurisdiction. A court may, at times, mistakenly apply rules and laws to admit important evidence in a case that may turn out to be dispositive to the outcome of the case, warranting it reverse to the decision of the court. Besides, a court may at times charge a jury with instructions that apply the improper interpretation of the law or the wrong law, and if the affected party can prove this, it is most likely that the error will be deemed reversible. A party cannot appeal an error it induced to a court by petitioning the court to make a judgment that is erroneous, which is referred to as invited error in appellate decisions. This does not allow an appellant to take advantage of the judgment to have it reversed or overruled.

In the case of *White v United States*, the court committed a reversible error when the judge submitted the case to the jury to give its verdict. The instructions were misinterpreted according to the law. The court should have looked into more evidence to ensure there was no third party involved when the incident occurred, as White was claiming. The judge instructed the jury to find White guilty of first-degree murder and arson without considering that it was White who took care of Betty Brown throughout her illness, and it is likely impossible for someone with so much care for the other to kill them. White was suicidal according to the letter he wrote, but it could be possible he thought of suicide after losing his close friend of so many years and thought he was utterly alone. The judge's final decision, in this case, can be revised because he misled

himself in not the only point of law but also the jury and offering White an impermissible onus of proof.

For instance, in the case of *Cruise v Coldwell Banker* where the on appeal the supreme court reversed the previous judgment because no question of fact existed, and the appellant was entitled to summary judgment as a matter of law. The same case applies in the case of White who should be entitled to a summary judgement which is a judgement on the merits of the case at hand without going through a trial.

