**VERDICT (Jury) vs. JUDGEMENT (Judge)**

In certain situations, a judge can overrule or change the guilty verdict that the jury has decided on. Typically, this is called either a **judgment of acquittal or a judgment notwithstanding the verdict**.

In most cases where the jury has returned a guilty verdict, the defense will immediately make a motion to the judge to give either of these judgments. In almost every case, this motion is denied by the judge. However, the defense can appeal the verdict to a higher court.

**A judge cannot rule a defendant guilty if a jury has ruled them not guilty. (CANNOT: Change not guilty to guilty)**

**He can do the opposite though.**

**(CAN: Change guilty to not guilty)**

* Judge is considered to be an expert in legal matters, where a jury is not.
* In some instances the case may be presented where the prosecutor fails to make the case according to statute. (Law)
* The state has to show certain things happened for it to be a crime.
* The jury may find the person guilty on emotion. The judge then can vacate their finding according to the statute and order a new trial or find the person not guilty.
* It is in place to prevent the state (prosecutor) from using sympathy, pity, anger, etc. to influence the jury’s decision when presented with the evidence.
* It cannot be used in the reverse though.

Although a judgment of acquittal or a judgment notwithstanding the verdict are available to defendants, they are almost never granted by the judge. This is due to the fact that it is very rare for the prosecution to obtain a guilty verdict with insufficient evidence and the fact that a judge does not want to interfere with the jury’s decision and/or process without a legitimate reason.

Additionally, **a judge may not overturn a jury’s verdict of not guilty**. This is due to the fact that **reversing a not guilty verdict would violate the 6th Amendment to the Constitution and defeat the point of having a trial by a jury of your peers.**