

CRIMINAL JUSTICE

Most people feel very strongly about crime, and judges and magistrates play a vital role in the criminal justice system – especially when it comes to sentencing. Criminal cases come to court after a decision has been made by, usually the Crown Prosecution Service, to prosecute someone for an alleged crime. In the vast majority of cases (over 95 per cent), magistrates hear the evidence and, as a panel, make a decision on guilt or innocence. For more serious cases a district judge (Magistrates' Court) or a circuit judge in the Crown Court will hear the evidence, and in the case of the latter, this will involve a jury trial. Very serious criminal cases, such as murder and rape, may be heard by a High Court judge.

Both magistrates and judges have the power to imprison those convicted of a crime, if the offence is serious enough. But imprisonment is not the only solution; a judge or magistrate can order a community punishment, or put an individual under some sort of control order where their movements or activities are restricted. Although punishment is a key consideration when sentencing, judges will also have a mind as to how a particular sentence may reduce the chances of an individual re-offending.

A judge hearing a criminal case

Before a criminal trial starts the judge will familiarise himself or herself with the details of the case by reading the relevant case papers. These include the indictment which sets out the charges on which the defendant is to be tried, witness statements, exhibits and documentation on applications to be made by any party concerning the admissibility of evidence in the trial.

For jury trials in the Crown Court, the judge supervises the selection and swearing in of the jury, giving the jurors a direction about their role in the trial of deciding the facts and warning them not to discuss the case with anyone else.

During the trial

Once the trial has commenced the judge ensures that all parties involved are given the opportunity for their case to be presented and considered as fully and fairly as possible. The judge plays an active role during the trial, controlling the way the case is conducted in accordance with relevant law and practice. As the case progresses the judge makes notes of the evidence and decides on legal issues, for example, whether evidence is admissible.

Once all evidence in the case has been heard the judge's summing up takes place. The judge sets out for the jury the law on each of the charges made and what the prosecution must prove to make the jury sure of the case. At this stage the judge refers to notes made during the course of the trial and reminds the jury of the key points of the case, highlighting the strengths and weaknesses of each side's argument. The judge then gives directions about the duties of the jury before they retire to the jury deliberation room to consider the verdict.

Sentencing

If the jury find the defendant guilty then the judge will decide on an appropriate sentence. The sentence will be influenced by a number of factors: principally the circumstances of the case, the impact that the crime has had on the victim, and relevant law especially guideline cases from the Court of Appeal. The judge will equally take into account the mitigation and any reports and references on the defendant. Only once the judge has considered all of these factors will the appropriate sentence or punishment be pronounced.

Court of Appeal – Criminal Division

The Lord Chief Justice is President of the Court of Appeal Criminal Division. He is supported in this role by a Vice President. Judges in the Criminal Division hear appeals in criminal matters from the Crown Court. In the Criminal Division the bench usually consists of a Lord or Lady Justice and usually two High Court judges.

Courts and Tribunal Judiciary [online] [dostęp 24.02.2016], dostępne w Internecie:

<http://www.judiciary.gov.uk/about-the-judiciary/the-justice-system/jurisdictions/criminal-jurisdiction>

I. Match the terms with the definitions:

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|-------------------------|---|
| 1 a criminal case | A verdict, judgement |
| 2 to prosecute | B an examination before a competent court according to established procedures |
| 3 an alleged crime | C a group of community members sworn to decide on the facts at trial |
| 4 a sentence | D testimony or proof which may not be introduced in court |
| 5 the indictment | E criminal matter concerning an offence |
| 6 inadmissible evidence | F to pursue a criminal trial |
| 7 the trial | G a charged offence |
| 8 the jury | H a formal written accusation |

II. Complete the gaps with the given terms:

indictment, convicted, re-offending, considered, alleged, jury, swearing, sentencing, mitigation, admissible, deliberation, circumstances

- Judges have a vital role in
- The Crown Prosecution Service decides to prosecute someone for ... crimes.
- The Crown Court hears the evidence with a ... during trial.
- Judges have the power to imprison those ... of crime.
- Judges must consider how a sentence will reduce chances of
- The ... provides the charges against the defendant.
- The selection and ... in of the jury is supervised by the judge.
- The judge ensures that all case is presented and ... as fairly as possible.
- During the trial the judge decides on legal issues, e.g. whether the evidence is ...
- The judge gives directions to the jury before they go to the ... room.
- The sentence will depend on ... of the crime.
- The judge will consider the ... and reports on the convicted.

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