

Criminal Justice Process

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Introduction

As a victim advocate, one usually offers the relevant information pertaining to a case to the victim, emotional support as well as assistance in filing paperwork and finding resources that may be needed for a particular case. One should also provide balanced information on how the system benefits the victims and the protection that is provided to the defendant by the constitution. As the designated advocate for Ms. Sufferer, I have drafted the following paper to provide details on the entire criminal justice process so as to help Ms. Sufferer understand what to expect as her case moves through the system. The paper entails a summary of all of the steps between arrest, pre-trial, and appeals for the victim. The contingencies for each stage of the proceedings are given and the possible outcomes. The paper also identifies the constitutional proceedings that that Accused's lawyer may be able to use as a defense at each stage of the proceeding. In the end, the paper evaluates for the victim the effectiveness of the system in dealing with criminal prosecutions and express the ideas for changes or improvements to the system.

Arrest

In this case, there is no doubt that there existed reasonable grounds that led to the arrest of the defendant. As the advocate for Ms. Sufferer, I can confidently assure her that she has a valid legal action against the defendant who she saw leaving her house on the day of the alleged burglary. As the law dictates, the police obtained a search warrant and after searching the defendant's premises, they found two pieces of jewelry that belonged to Sufferer. This evidence is enough to prove that the defendant is the one who illegally entered into Ms. Sufferer's premises and stole various items among them the two pieces of jewelry that were recovered

during the search. The fact that the defendant was found with stolen items after clear allegations were made that he was seen leaving the premises where the burglary took place clearly connects him to the crime.

As the advocate to the victim, one important point that I would like to make is that this situation is now an affair of the government since it usually the government that usually presses charges in criminal cases. Therefore, in this scenario, my client is now taken as a witness or a victim since the matter is no longer in his hands but on the government. The prosecutor will be in charge of pressing charges against the accused so as to determine the right punishment that will be given to the accused. However, if Ms. Sufferer who is my client is need of monetary compensation, she will have to file a separate legal suit against the accused for monetary compensation or damages that arose. However, for now, my client can cooperate with the state in the prosecution to ensure that the accused is punished for the burglary and the possession of the stolen property (Dematteo, 2016).

One of the constitutional right that a defendant has is the right to an attorney once he is arrested. In this case, it is evident that the defendant was denied this chance. However, one also has the right to remain silent. However, in this case, although the defendant was denied this right, he willingly answered some of the questions that were asked by the authorities implying that he had no problem with the fact that he was not provided with an attorney. Based on the material facts that underlie this case, it is evident that there are not many circumstances that could have stood in the way of the prosecution. The main requirement which is the issuance of a warrant before an arrest was also met which creates an assurance that there is a valid legal action against the defendant (Nolo, 2018). If by any chance the police did not have a warrant, the defense

lawyer can use this fact against the prosecution where evidence collected would not have any influence in the case.

Pre-trial

In this stage, the judge who has reviewed various reports that have been filed regarding the arrest or the investigations carried out after the arrest will advise the defendant based on the charges that are pressed. The judge will also determine whether the defendant is held in jail until the trial is carried out or whether the defendant is released but monitored electronically or using other means. The first thing that usually takes place is the initial hearing where the judges will confirm whether the defendant understands the charges that are pressed against him. This court hearing is known as arraignment where the charges will be brought forward by the prosecutor.

At this point, the defendant can accept the charges where the judges will issue a sentence if the defendant pleads guilty (US Courts, 2018).

After the first hearing, we will then proceed to the second major hearing where the two sides that is that of the defendant and that of the defendant will present their case. Judges will then decide if there is sufficient evidence to progress to a trial or whether there is a need to gather more evidence. In this stage, the defendant has the right to be presented with a warrant of arrest or summons to appear before being arrested or taken to court. Failure to meet this requirement, the defense lawyer can use it as an excuse for the failure to attend proceedings by his client. He is also given an opportunity to defend himself by suppressing evidence that is tabled by the prosecutor. One has a right to an attorney and an interpreter if they are in need of one. Other rights that a defendant enjoys at this stage is the right to appeal on the decision that is reached by the pre-trial judges

Trial and Appeals.

A trial will be scheduled by the judge if the defendant does not plead guilty of the charges that are pressed at the pre-trial stage. In most situations, the defense has the right to decide whether the case will be tried by the judge or the jury. In the trial to be held by a jury, the two teams that is the prosecution and the defense will select the members of the jury through the 'voir dire' process. The two teams may request the court to eliminate certain evidence through a process that is referred to as 'in limine.' Trials begin with opening statements where the two teams that is the defense and the prosecution usually provides a clear outline of the case that they wish to prove in the trial. The prosecution may present its side by presenting the various witnesses that they have. At this point, my clients, Ms. Sufferer can be called upon to present to testify based on what she saw. Other evidence that was gathered at the time of the investigation will also be tabled at this point (US Courts, 2018).

The defense and the prosecution at various instances are given the opportunity to refute the evidence that is given by either of the two sides. In the case of the jury, the prosecution, the defense, and the judge will then decide on the instructions to be given to the jury. The judges then decide on the law that will be applied in the case. The jury will then come up with a decision that is unanimous while the judge may give a sentence on the spot or set a later date when the final sentence will be given. The sentence may be a fine to be paid to the government, time in prison, or restitution that is to be paid to the victims of the crime. Therefore, based on in this fact, there is a likelihood that Ms. Sufferer will be compensated for the damage that arose due to the burglary by the accused. However, if by any chance an individual is not comfortable with the decision made at the pre-trial or the trial stage, one has the right to appeal so as to obtain another hearing.

Effectiveness of the system

There is no doubt that the government offers the most effective solution to various crimes that are committed. The victims of various criminal activities are assured of a fair hearing and an assurance that justice will be served in the end. The fact that the government is in charge of prosecuting various criminal activities that occur ensures that individuals who engage in various crimes do not go unpunished. The government has a wide range of specialized resources and a team of specialists that help in the investigations of crimes. This ensures that facts that underlie a certain situation and determined with clarity which ensures that justice is served in the end. Therefore, there is no doubt that the current legal system that is available for the prosecution of various crimes is effective.

Ideas for improvement and Recommendations

However, although I have raised the argument that the current system that is designed to deal with various crimes is effective, there are a number of improvements that can be made to promote improvement in terms of efficiency and effectiveness. One is to adopt new technologies in conducting investigations based on various crimes that are conducted. This will help in increasing the clarity of the findings that are made during the investigations. The other strategy that can be employed is employing highly equipped personnel's to work under various areas such as in investigation as well as in the courtroom. The other measure that can be put in place is embracing community policing (Henry, 2014). This will help the police to clearly understand the people that they serve which will generally improve the effectiveness of the system in dealing with criminal prosecutions. The other measure can be holding the police and the prosecutors account for misconduct that may lead to wrong sentencing. This will generally improve the system.

In order to make the systems fairer for all the people that are involved in the criminal justice process, the following are the recommendations that help in meeting this goal. One is that the law should drop some of the sentences that are overly harsh. An example of this sentence is long life imprisonment and sentences such as death. The other recommendation is that the government should also hold the prosecutor and the police that are involved in the case accountable so as to reduce the chances of misconduct and to ensure that these players are keen on detail pertaining any case. The final recommendation is that the victim should be given the ability to influence the decision of the court based on whether a case should continue or not. For instance, if a victim happens to drop the charges the court should consider this decision. This way, the process will be fairer to all the parties that are involved.

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