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# **Sentence Discounts and the Criminal Process**

**Ralph J. Henham**



# Sentence Discounts And The Criminal Process

**Andrew Ashworth, Mike Redmayne**



## **Sentence Discounts And The Criminal Process:**

**Sentence Discounts and the Criminal Process** Ralph J Henham, 2017-09-20 This title was first published in 2001 This volume presents the results of an empirical investigation into the operation of sentence discounts for guilty pleas in the Crown Court It focuses primarily on the nature of judicial compliance with the S48 Criminal Justice and Public Order Act 1994 and those variables in sentence decision making which impact on this process It also examines the relative use made of sentence discounts and the nature and relevance of court of appeal guidance In doing so it raises important theoretical issues relating to sentencing research and addresses the implications for sentencing policy and practice With empirical research on the operation of the sentencing process being comparatively rare the book should make an important contribution to the existing literature

*The Criminal Process* Liz Campbell, Andrew Ashworth, Mike Redmayne, 2019 The fifth edition of *The Criminal Process* continues in the tradition of previous editions in providing an insightful and stimulating analysis of the key issues in criminal processes and procedures The authors draw on arguments from the law research policy and principle to present an authoritative overview of this area of study This edition includes a new chapter on the interface between criminal and civil preventive justice and the addition of questions for discussion and suggested readings at the end of each chapter to facilitate debate and further research

**Defendant Participation in the Criminal Process** Abenaa Owusu-Bempah, 2016-10-04 Requirements for the defendant to actively participate in the English criminal process have been increasing in recent years such that the defendant can now be penalised for their non cooperation This book explores the changes to the defendant's role as a participant in the criminal process and the ramifications of penalising a defendant's non cooperation particularly its effect on the adversarial system The book develops a normative theory which proposes that the criminal process should operate as a mechanism for calling the state to account for its accusations and request for official condemnation and punishment of the accused It goes on to examine the limitations placed on the privilege against self incrimination the curtailment of the right to silence and the defendant's duty to disclose the details of his or her case prior to trial The book shows that by placing participatory requirements on defendants and penalising them for their non cooperation a system of obligatory participation has developed This development is the consequence of pursuing efficient fact finding with little regard for principles of fairness or the rights of the defendant

**Research Handbook on Plea Bargaining and Criminal Justice** Máximo Langer, Mike McConville, Luke Marsh, 2024-04-12 Bringing together established and emerging scholars from around the world the *Research Handbook on Plea Bargaining and Criminal Justice* examines the practice of plea bargaining through which guilty pleas are secured and trials are avoided

*The Timing of Guilty Pleas* Kevin Cheng, 2023-01-05 While guilty pleas are the primary mode of criminal case dispositions across different legal jurisdictions this topic remains an understudied area The assumption is that defendants are playing the system and that a sliding scale of sentence discounts is necessary to encourage early guilty pleas which offer utilitarian benefits of efficiency These

assumptions lack a solid empirical foundation This book offers a comprehensive investigation of how the timing of guilty pleas affects various facets of the criminal process from the factors that affect this timing to the effects that the sliding scale of sentence discounts have on sentences and public opinions about them It also draws comparisons between Western and Asian legal systems specifically those of England and Wales and Hong Kong This book is addressed to scholars legal practitioners policymakers and those interested in criminal justice socio legal studies and empirical legal research The Criminal Process Andrew Ashworth, Mike Redmayne, 2010 Andrew Ashworth and Mike Redmayne address one of the most controversial areas of the entire criminal process the pre trial stage Following the detention of suspects in police custody the authors examine key issues in the pre trial process *Handbook on Sentencing Policies and Practices in the 21st Century* Cassia Spohn, Pauline Brennan, 2019-06-14 *Sentencing Policies and Practices in the 21st Century* focuses on the evolution and consequences of sentencing policies and practices with sentencing broadly defined to include plea bargaining judicial and juror decision making and alternatives to incarceration including participation in problem solving courts This collection of essays and reports of original research explores how sentencing policies and practices both in the United States and internationally have evolved explores important issues raised by guideline and non guideline sentencing and provides an overview of recent research on plea bargaining in the United States Australia and the United Kingdom Other topics include the role of criminal history in sentencing the past and future of capital punishment strategies for reducing mass incarceration problem solving courts and restorative justice practices Each chapter summarizes what is known identifies the gaps in the research and discusses the theoretical empirical and policy implications of the research findings The volume is grounded in current knowledge about the specific topics but also presents new material that reflects the thinking of the leading minds in the field and that outlines a research agenda for the future This is Volume 4 of the American Society of Criminology's Division on Corrections and Sentencing handbook series Previous volumes focused on risk assessment disparities in punishment and the consequences of punishment decisions The handbooks provide a comprehensive overview of these topics for scholars students practitioners and policymakers Plea Bargaining in National and International Law Regina Rauxloh, 2012 The book sets out in depth studies of consensual case dispositions in the UK examining how plea bargaining has developed and spread in England and Wales It also goes on to discuss in detail the problems that this practise poses for the rule of law by avoiding procedural safeguards The book draws on empirical research in its examination of the absence of informal settlements in the former GDR offering a unique insight into criminal procedure in a socialist legal system that has been little studied **English Legal System in Context 6e** Fiona Cownie, Anthony Bradney, Mandy Burton, 2013-07-25 This title has been written with a very simple aim in mind to provide a text which will enable the English legal system to be taught as an interesting intellectually stimulating course **The Myth of Judicial Independence** Mike McConville, Luke Marsh, 2020-06-28 Through an examination of the history of the rules that regulate police interrogation the Judges Rules in

conjunction with plea bargaining and the Criminal Procedure Rules this book explores the Westminster Model under which three arms of the State parliament the executive and the judiciary operate independently of one another It reveals how policy was framed in secret meetings with the executive which then actively misled parliament in contradiction to its ostensible formal relationship with the legislature This analysis of Home Office archives shows how the worldwide significance of the Judges Rules was secured not simply by the standing of the English judiciary and the political power of the empire but more significantly by the false representation that the Rules were the handiwork of judges rather than civil servants and politicians The book critically examines the claim repeatedly advanced by judges that judicial independence is justified by principles arising from the rule of law and instead shows that the rule of law depends upon basic principles of the common law including an adversarial process and trial by jury and that the underpinnings of judicial action in criminal justice today may be ideological rather than based on principles

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