

## **The Presumption of Guilt**

THE REPORT of the Tucker Committee (Cmd. 479) was recently published to a waiting world, and a vague decision was reached in the drawn-out battle between "The Freedom of the Press" and the sanctity of "The Presumption of Innocence." Hearings in camera were frowned upon, but a recommendation was made that only the barest details, i.e. the identities of the Court, of the accused, the legal representatives and the charge, should be published whenever committal proceedings are reported . . . otherwise newspaper reports might prejudice prospective jurors and "The Presumption of Innocence" be thus destroyed.

The members of the Tucker Committee undoubtedly did all that was asked of them but they did not include in their considerations the full impact which a modern Police Force has made upon English Criminal Law. From their conclusions, the reader might believe that the greatest enemy to "The Presumption of Innocence" is the newspaper report of summary proceedings. But, while it must be recognised that newspaper reports may be influential, there is a stronger factor which the Committee did not mention—the strongest factor, indeed, of all.

If we measure the decline of "The Presumption of Innocence" by means of words used by judges when addressing juries, it is possible to follow the slow undermining of the importance of that presumption with the establishment of, and improvement in, modern police methods.

In the early 19th century, before the creation of the Police Service, as we know it today, "The Presumption of Innocence" was a pillar of strength in the Criminal Courts. Judges went to great lengths to impress its importance upon juries. In 1823, for example, Holroyd, J., suggested that a gradation of criminality called for a corresponding gradation of the presumption, and said: "The greater the crime, the stronger the proof required for the purpose of conviction." *R. v. Hobson* (1823), 1.Lew. C.C.261. This is a somewhat dangerous doctrine which, logically, leaves "petty offences" needing little or no proof of either commission or guilt.

Some years later, however, *R. v. Manning* (1849), 30.C.C.C. Sess. Pap. established that, in fact, there is an automatic presumption *against* a crime even having been committed, and, in that case, Lord Chief Baron Pollock (referring to the rebuttal of "The Pre-

# Presumption Of Guilt

**O García**



## **Presumption Of Guilt:**

Criminal Justice George S. Bridges, Joseph G. Weis, Robert D. Crutchfield, 1996-02-22 This is a solid representation of criminological articles that are important to the discipline The important material from each article has been retained yet an undergraduate won't be overwhelmed The articles are germane and flow together a certain consistency in thought is presented to the student as opposed to interesting but often semi related articles This book is accessible and in several areas very enjoyable reading A L Marsteller Drury College Also by the Editors Crime Vol 1 and Juvenile Delinquency Vol 2 Why are these edited collections THE anthologies to use for teaching Criminal Justice Criminology or Juvenile Delinquency All volumes present the field accurately and completely to students and in a way that is understandable to undergraduates and therefore teachable All include rich collections of classic and contemporary articles all of which have been carefully edited so that students can master the material All volumes contain essays written by the Editors which provide the coherence and structure to the collections that undergraduate students need Questions for Discussion and Writing and well prepared indexes help to make these anthologies even more teachable All are edited by scholars who have the credentials and the undergraduate teaching experience to make this three volume set a particularly rich resource

**Presumption of Innocence in Peril** Anthony Gray, 2017-11-08 This book explains the historical significance and introduction of the presumption of innocence into common law legal systems It explains that the presumption should be seen as reflecting notions of moral comfort around judgment of others Specifically when one is asked to make a judgment about the guilt or otherwise of a person accused of wrongdoing the default position should be to do nothing This reflects the very serious consequences of what we do when we decide someone is guilty of wrongdoing and is not a step to be taken lightly Traditionally decision makers have only taken it when they are morally comfortable with that decision It then documents how legislators in a range of common law jurisdictions have undermined the presumption of innocence through measures such as reverse onus provisions allowing or requiring inferences to be made against an accused redefining offenses and defenses in novel ways to minimize the burden on the prosecutor and by dressing proceedings as civil when they are in substance criminal Courts have too easily acceded to such measures in the process permitting accused persons to be convicted although there is reasonable doubt as to their guilt and where they are not guilty of sufficiently blameworthy conduct to attract criminal sanction It finds that the courts must be prepared to re assert the prime importance of the presumption of innocence only permitting criminal sanctions to be imposed where they are morally certain that the accused did that of which they have been accused and morally comfortable that the conduct being addressed is worthy of the kind of criminal sanction which prosecutors seek to impose Courts must be morally comfortable about the finding of guilt and the imposition of the criminal penalty in a given case They have lost sight of this moral underpinning to criminal law process and substance and it must be regained

*Due Process and Victims' Rights* Kent Roach, 1999-01-01 A critical examination of the dramatic changes

in criminal justice over the last two decades and the first full length study of the law and politics of criminal justice in the era of the Charter and victims rights      The Structure of Liberty : Justice and the Rule of Law Randy E. Barnett,1998-04-02 In this provocative and engaging new book Randy Barnett outlines a powerful and original theory of liberty structured by the liberal conception of justice and the rule of law Drawing on insights from philosophy political theory economics and law he shows how this new conception of liberty can confront and solve the central societal problems of knowledge interest and power What is liberty as opposed to license and why is it so important When people pursue happiness peace and prosperity whilst living in society they confront pervasive problems of knowledge interest and power These problems are dealt with by ensuring the liberty of the people to pursue their own ends but addressing these problems also requires that liberty be structured by certain rights and procedures associated with the classical liberal conception of justice and the rule of law In this controversial new work Barnett examines the serious social problems that are addressed by liberty and the background or natural rights and rule of law procedures that distinguish liberty from license He goes on to outline the constitutional framework that is needed to protect this structure of liberty This is the only discussion of the liberal conception of justice and the rule of law to draw upon insights from philosophy economics political theory and law to describe comprehensively the vital social functions performed by adherence to these concepts And although the book is intended to challenge specialists its clear and accessible prose ensure that it will be of immense value to both scholars and students working in a range of academic disciplines      Decennial Edition of the American Digest ,1908      **The Northwestern Reporter** ,1921      *The Pacific Reporter* ,1912      *Pleading Not Guilty in a Criminal Matter* Josh Taaffe and Dee Giannopoulos,2014-07-02 Know the processes involved when pleading not guilty in a criminal matter Learn about the fundamental rights of an accused the meaning of presumption of innocence and the concept of beyond reasonable doubt If you have been accused of a crime in Victoria Australia and are looking to contest the charge this ebook will walk you through the steps that take place at the Magistrates County and the Supreme Courts Police investigative techniques are also discussed including case studies and the advantages and disadvantages of taking part in police interviews      **Southern Reporter** ,1916 Includes the decisions of the Supreme Courts of Alabama Florida Louisiana and Mississippi the Appellate Courts of Alabama and Sept 1928 Jan 1929 Jan Mar 1941 the Courts of Appeal of Louisiana      Making Sense of Criminal Justice G. Larry Mays,Rick Ruddell,2018-06 Rather than providing students with the answers Making Sense of Criminal Justice Policies and Practices Third Edition challenges them to think critically about how the criminal justice system deals with challenging situations like the use of force by the police and offers a framework for lively classroom discussions and debates      *Iowa Applied Evidence* Dwight Gaylord McCarty,1927      The Southern Reporter ,1897 Includes the decisions of the Supreme Courts of Alabama Florida Louisiana and Mississippi the Appellate Courts of Alabama and Sept 1928 Jan 1929 Jan Mar 1941 the Courts of Appeal of Louisiana      **The Central Law Journal** ,1901 Vols 65 96 include Central law journal s international law list      *The Chinese Way* Min

Ding,Jie Xu,2014-08-07 As business becomes increasingly globalized and China establishes its growing role in the international business environment developing an understanding of the complex culture is important to anyone acting in the global arena This book offers readers a thorough and nuanced resource to that end describing the ever evolving Chinese way of life circa 2014 based on extensive primary and secondary data Taking an anthropological approach to achieve a well rounded representation the book covers 51 topics that would have been studied if China were a newly discovered civilization It explores the culture through its examination of the nine core concepts that best represent the Chinese way of life While the book is a rigorous treatment of the Chinese way of life it is also filled with personal stories and perspectives from close to 1000 successful Chinese from academia business and government The Chinese Way equips international business students scholars and practitioners with a deep understanding of a society that is a major player in global business today and offers a foundation for successful business interactions with Chinese companies organizations and people A Treatise on Presumptions of Law and Fact William Mawdesley Best,1845 **The Protection of Human Rights in African Criminal Proceedings** M. Cherif Bassiouni,Ziyad Motala,1995 Preface *Encyclopedia of Community Corrections* Shannon M. Barton-Bellessa,2012-04-17 In response to recognition in the late 1960s and early 1970s that traditional incarceration was not working alternatives to standard prison settings were sought and developed One of those alternatives community based corrections had been conceived in the 1950s as a system that might prove more progressive humane and effective particularly with people who had committed less serious criminal offenses and for whom incarceration with constant exposure to serious offenders and career criminals might prove more damaging than rehabilitative The alternative of community corrections has evolved to become a substantial part of the criminal justice and correctional system spurred in recent years not so much by a progressive humane philosophy as by dramatically increasing prison populations court orders to fix overextended prison settings and an economic search for cost savings Although community correction programs have been in place for some 40 years now to date no comprehensive reference resource has tackled this topic Accessible and jargon free and available in both print and electronic formats the one volume Encyclopedia of Community Corrections will explore all aspects of community corrections from its philosophical foundation to its current inception Features Benefits 150 signed entries each with Cross References and Further Readings are organized in A to Z fashion to give students easy access to the full range of topics in community corrections A thematic Reader s Guide in the front matter groups entries by broad topical or thematic areas to make it easy for users to find related entries at a glance In the electronic version the Reader s Guide combines with a detailed Index and the Cross References to provide users with convenient search and browse capacities A Chronology in the back matter helps students put individual events into broader historical context A Glossary provides students with concise definitions to key terms in the field A Resource Guide to classic books journals and web sites along with the Further Readings accompanying each entry guides students to further resources in their research journeys An

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