

Prosecution

- Role & Function: have the task of deciding which cases to pursue and which charges to file→ prosecutorial discretion
 - State laws do not limit or guide their decisions.
 - Ultimately their job is to ensure justice is being delivered and crime is kept off the streets.
- Objectives:
 - Prosecution has the burden of proving beyond a reasonable doubt that the defendant is guilty.
 - Innocent until proven guilty

Prosecution Function

Christine Parker, Adrian Evans



Prosecution Function:

The German Prosecution Service Shawn Marie Boyne, 2013-11-19 Acclaimed as the the most objective prosecutors in the world the German prosecution service has long attracted the attention in the past of comparative law scholars At first glance the institutional position and statutory mandate of German prosecutors indicate that that reputation is well deserved Unfortunately the introduction of charge bargaining has opened the door to criticism that German prosecutors have abandoned their role of objective decision makers Using interview data collected from interviews with German prosecutors themselves as well as quantitative data the book uses the actual voices of German prosecutors to show how real world constraints rather than changes in the law undermine the ability of German prosecutors to objectively seek the truth The book will take readers behind closed doors where prosecutors discuss case decisions and unveil the realities of practice As a result it will critically revise previous studies of German prosecution practices and offer readers a well researched ethnographic analysis of actual German decision making practices and the culture of the prosecution service Unlike prosecutors in America s adversarial system whom critics claim are driven by a conviction mentality and gamesmanship German prosecutors are institutionally positioned to function as at least semi judicial officials dedicated to finding a case s objective truth The book argues that organizational incentives and norms rather than the boundaries of the law determinately shapes how prosecutors investigate and prosecute crime in Germany *Reform and Development of Powers and Functions of China's Criminal Proceedings* Weidong Chen, 2020-10-15 This book addresses the basic theory of criminal procedure in China together with recent reforms Balancing the powers of public security and judicial organs with the rights of individual citizens it assesses the nature of Chinese criminal proceedings In the basic theoretical research section the author drawing on the latest findings from the legal community systematically and comprehensively presents the current trends main research topics and the main problems that should be explored in future research into criminal procedure law in China further the author explains the basic thinking behind the revision of criminal procedure law and the allocation of judicial resources in criminal procedure and criminal justice The policy basic theory and operation problems of judicial power procuratorial power police power defense power and judicial reform are subsequently explained and evaluated The general writing style used is intentionally straightforward making the book easily accessible for the readers Based on the author s substantial working experience in the area of criminal law it offers a highly intuitive reading experience **The Changing Role of the American Prosecutor** John Worrall, M. Elaine Nugent-Borakove, 2014-03-14 Leading prosecution researchers throughout the United States are brought together in this book to illuminate the new environment of prosecution in America the prosecution of troubling and emerging crime problems prosecutorial problem solving and community prosecution and the future of prosecution in the twenty first century The contributors explore how American prosecutors are moving away from a traditional reactive approach to the crime problem and instead how they are developing creative problem solving strategies

for dealing with crime and disorder Arbitrary Justice Angela J. Davis, 2007-04-12 In this eye opening work Angela J Davis shines a much needed light on the power of American prosecutors revealing how the day to day practice of even the most well intentioned prosecutors can result in unequal treatment of defendants and victims and gross inequities in criminal justice For the paperback edition Davis provides a new Afterword which covers such recent incidents of prosecutorial abuse as the Jena Six case the Duke lacrosse case the Department of Justice firings and more **Oversight of IRS and Justice Department prosecution of several tax cases** United States. Congress. Senate. Committee on Finance Subcommittee on Oversight of the Internal Revenue Service, 1987 **Plea Bargaining - Third Edition** G. Nicholas Herman, 2012-02-01 Plea Bargaining the only comprehensive fully up to date reference on the subject teaches you how to negotiate the best deal It discusses the nature types and goals of plea bargaining and treats in detail a wide variety of styles and strategies Attorneys on both sides of the aisle know that effective plea bargaining is both an art and a science You ll find extensive analysis of plea bargaining in the federal courts the process of negotiating with the U S Attorney under the U S Sentencing Guidelines as well as the plea policies of the Department of Justice contained in the United States Attorney s Manual and the Principles of Federal Prosecution Other pertinent standards and rules such as the ABA Standards for Criminal Justice National District Attorneys Association Prosecution Standards and the ABA Model Rules of Professional Conduct are also discussed *The Voluntary Sector, the State and the Law* Alison Dunn, 2000-02-02 Dunn law U of Newcastle upon Tyne UK presents 16 chapters survey the legal questions of activities of the British voluntary sector non profit and non governmental organizations Specific topics include legal structure and governance accountability to government and service users regulation and privatization partnerships with central and local governments taxation of trading activities volunteer behavior and regulation political independence and control and conflicts of interest Distributed by ISBS Annotation copyrighted by Book News Inc Portland OR **Prosecution Reform** United States. Advisory Commission on Intergovernmental Relations, 1971 **Pre-trial Diversion** United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice, 1974 The Metamorphosis of Criminal Justice Jacqueline S. Hodgson, 2020-03-16 In *The Metamorphosis of Criminal Justice* Jacqueline S Hodgson focuses on the potentially radical and fundamental changes taking place within criminal justice in Britain and in France and the ways that these are driven by wider domestic European or international concerns This metamorphosis away from established values and practices is eroding what were once regarded as core rights and freedoms in the name of efficiency security and justice to victims Beginning with a comparative analysis of adversarial and inquisitorial procedural values and traditions and an examination of broad trends in domestic and European criminal justice Hodgson then discusses how the roles of prosecution and defense have been re shaped in different ways in both jurisdictions both in the text of the law and in their practices The final section considers how systems within different procedural traditions adapt to address or provide a remedy for systemic flaws that

produce wrongful convictions and in particular the role of the defense in these procedures By adopting an empirical and comparative approach this book explores the nature and reach of these trends and the ways that they challenge and disrupt criminal processes and values The Adequacy of Representation in Capital Cases United States. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution (2007-),2008 *Inside Lawyers' Ethics* Christine Parker,Adrian Evans,2007-02-22 Legal ethics is often described as an oxymoron or contradiction in terms lay people find the concept amusing and lawyers can find ethics impossible The best lawyers are those who have come to grips with their own values and actively seek to improve their ethical practise This book is designed to help law students and new lawyers understand and modify their own ethical priorities not just because this knowledge makes it easier to practise law and earn an income but because self aware ethical legal practice is right and feels better than anything else Packed with case studies of ethical scandals and dilemmas from real life legal practice in Australia each chapter delves into the most difficult issues lawyers face From lawyers part in corporate fraud to the ethics of time based billing Parker and Evans expose the values that underlie current practice and set out the alternatives ethical lawyers might follow Prosecutors and Democracy Máximo Langer,David Alan Sklansky,2017-10-26 Focusing on the relationship between prosecutors and democracy this volume throws light on key questions about prosecutors and the role they should play in liberal self government Internationally distinguished scholars discuss how prosecutors can strengthen democracy how they sometimes undermine it and why it has proven so challenging to hold prosecutors accountable while insulating them from politics The contributors explore the different ways legal systems have addressed that challenge in the United States the United Kingdom and continental Europe Contrasting those strategies allows an assessment of their relative strengths and a richer understanding of the contested connections between law and democratic politics Chapters are in explicit conversation with each other facilitating comparison and deepening the analysis This is an important new resource for legal scholars and reformers political philosophers and social scientists **The Lawyer's Conscience** Michael S. Ariens,2022-11-14 In 1776 Thomas Paine declared the end of royal rule in the United States Instead law is king for the people rule themselves Paine s declaration is the dominant American understanding of how political power is exercised In making law king American lawyers became integral to the exercise of political power so integral to law that legal ethics philosopher David Luban concluded lawyers are the law American lawyers have defended the exercise of this power from the Revolution to the present by arguing their work is channeled by the profession s standards of ethical behavior Those standards demand that lawyers serve the public interest and the interests of their paying clients before themselves The duties owed both to the public and to clients meant lawyers were in the marketplace selling their services but not of the marketplace This is the story of power and the limits of ethical constraints to ensure such power is properly wielded *The Lawyer's Conscience* is the first book examining the history of American lawyer ethics ranging from the mid eighteenth century to the professionalism crisis facing lawyers today

Reauthorization of the Innocence Protection Act United States. Congress. House. Committee on the Judiciary. Subcommittee on Crime, Terrorism, and Homeland Security, 2010

Arrest and Prosecution and Practice in Criminal Cases Jay Ford Laning, 1911

Courts United States. National Advisory Commission on Criminal Justice Standards and Goals, 1973 This report presents proposals for the restructuring and streamlining of the processing of criminal cases at state and local levels A major restructuring and streamlining of procedures and practices in processing criminal cases at state and local levels is proposed by the National Advisory Commission on Criminal Justice Standards and Goals The proposals of the Commission appear in the form of specific standards and recommendations almost 100 in all that spell out in detail where why how and what improvements can and should be made in the judicial segment of the criminal justice system The report on courts is a reference work for the practitioner judge court administrator prosecutor or defender as well as the interested layman The Commission argues that the problems which keep the criminal court system from performing its functions are inconsistency in the processing of criminal defendants uncertainty concerning results obtained unacceptable delays and alienation of the community In composing suggested improvements for the court system the Commission's first priority is to devise standards for attaining speed and efficiency in the pretrial and trial processes and prompt finality in appellate proceedings The second priority is the upgrading of defense and prosecution functions and the third priority is the assurance of a high quality in the judiciary To expedite pretrial procedures the prosecutor should screen all criminal cases coming before him and divert from the system all cases wherein further processing by the prosecutor is not appropriate Among Commission recommendations are elimination of all but the investigative function of the grand jury elimination of formal arraignment unification of all courts within each state and the upgrading of criminal court personnel

The Community Supervision and Services Act United States. Congress. Senate. Committee on the Judiciary. Subcommittee on National Penitentiaries, 1973

The Community Supervision and Services Act United States. Congress. Senate. Judiciary, 1973

Public Prosecutors in the United States and Europe Gwladys Gilliéron, 2014-04-14 This research examines the role of prosecutors within the United States and in Switzerland and is completed by an overview of the prosecution institutions in France and Germany The research recognizes that despite seemingly very different legal traditions and structures prosecutors in these systems are similar enough that each system might learn from the others Drawing upon the experiences of other nations this research proposes solutions to the problems identified in connection with the position and powers of public prosecutors in the United States Furthermore it outlines the problems related to the increase of prosecutorial power and the lessons the European criminal justice systems surveyed can draw from the experience in the US In terms of methodology this research not only considers formal legal provisions but also systematic structural factors academic literature and statistics revealing how the law and governing principles actually work in practice

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