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LAW AND JUSTICE

SILENCE, CONFESSIONS AND IMPROPERLY OBTAINED EVIDENCE



PETER MIRFIELD



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Silence Confessions And Improperly Obtained Evidence

Paul Marcus



Silence Confessions And Improperly Obtained Evidence:

The Right to Silence in Transnational Criminal Proceedings Fenella M. W. Billing, 2016-09-01 This book considers the effectiveness and fairness of using international cooperation to obtain confession evidence or evidence of a suspect or accused person's silence across borders This is a question of balance in limiting and protecting the right to silence The functioning of the applicable law in Denmark England and Wales and Australia is analysed in relation to investigative and trial measures such as police questioning administrative questioning powers covert surveillance and the use of silence as evidence of guilt On the national level this work examines the way in which domestic rules balance the right to silence in national criminal proceedings and whether investigative and trial rules produce continuity throughout the criminal proceedings as a whole From the transnational perspective comparative legal analysis is used to determine whether the national continuity may be disrupted to such an extent that cooperation in the gathering of confession evidence causes unfairness From the international perspective this research compares the right to silence under the ICCPR and the ECHR to identify the overall effect of cooperating under particular human rights frameworks on the question of balance

The Modern Law of Evidence Adrian Keane, Paul McKeown, 2020 A superbly clear direct and detailed explanation of the rule that underpin the law of evidence The Modern Law of Evidence is well established as a lucid engaging authoritative and comprehensive exploration of the law of evidence The emphasis is on critical focused analysis setting the rules in context and drawing upon both modern practice and a wealth of relevant legal and non legal research An ideal text for undergraduate and postgraduate students including students undertaking the bar course or solicitors training courses The Modern Law of Evidence is also an authoritative resource for legal practitioners and judges including appellate judges in England and Wales and across the Commonwealth Book jacket

The Integrity of Criminal Process Jill Hunter, Paul Roberts, Simon N M Young, David Dixon, 2016-08-11 Criminal proceedings it is often now said ought to be conducted with integrity But what exactly does it mean for criminal process to have or to lack integrity Is integrity in this sense merely an aspirational normative ideal with possibly diffuse influence on conceptions of professional responsibility Or is it also a juridical concept with robust institutional purchase and enforceable practical consequences in criminal litigation The 16 new essays contained in this collection written by prominent legal scholars and criminologists from Australia Hong Kong the UK and the USA engage systematically with and seek to generate further debate about the theoretical and practical significance of integrity at all stages of the criminal process Reflecting the flexibility and scope of a putative integrity principle the essays range widely over many of the most hotly contested issues in contemporary criminal justice theory policy and practice including the ethics of police investigations charging practice and discretionary enforcement prosecutorial independence policy and operational decision making plea bargaining the perils of witness coaching and accomplice testimony expert evidence doctrines of admissibility and abuse of process lay participation in criminal adjudication the role of remorse in criminal trials the ethics of

appellate judgment writing innocence projects and state compensation for miscarriages of justice **Exclusionary Rules in Comparative Law** Stephen C. Thaman, 2012-12-31 This book is a comparative study of the exclusion of illegally gathered evidence in the criminal trial which includes 15 country studies a chapter on the European Court of Human Rights and a comparative synthetic conclusion No other book has undertaken such a broad comparative study of exclusionary rules which have now become a world wide phenomenon The topic is one of the most controversial in criminal procedure law because it reveals a constant tension between the criminal court's duty to ascertain the truth on the one hand and its duty to uphold important constitutional rights on the other most importantly the privilege against self incrimination and the right to privacy in one's home and one's private communications The chapters were contributed by noted world experts on the subject for the XVIII Congress of the International Academy of Comparative Law in Washington in July 2010 Beweisverbote im deutschen und englischen Strafprozess Kathrin Janicki, 2002 Das Buch bietet einen praxisbezogenen Rechtsvergleich der deutschen und englischen Beweisverbote und zeigt Wege auf wie auf Grundlage europäischer Vorschriften die freie Konvertierbarkeit von Beweismitteln ermöglicht und damit die europäische Zusammenarbeit erleichtert werden kann Da die Beweisverwertungsverbote in beiden Ländern grotenteils nicht gesetzlich geregelt sondern durch Einzelfallentscheidungen konkretisiert werden wird schwerpunktmaag die Rechtsprechung des BGH und der englischen Obergerichte dargestellt Dabei wird auch der Einfluss der EMRK auf diese Rechtsprechung erortert Die bislang vereinbarte und geplante Rechtsetzung auf dem Gebiet der strafrechtlichen Zusammenarbeit in Europa zeigt dass derzeit kollidierende Beweisverbote die grenzüberschreitende deutsch englische Strafverfolgung erheblich beeinträchtigen können Unter Berücksichtigung bereits entwickelter Kollisionsregeln und der EMRK entwickelt die Autorin ein vereinheitlichtes EU Strafverfahrensrecht zur Strafverfolgung bestimmter transnational besonders relevanter Straftaten Die Arbeit bietet einen detaillierten Einblick in das englische Rechtssystem und ist sowohl für grenzüberschreitende Strafrechtspraktiker in Deutschland und in der EU als auch für wissenschaftlich Interessierte gleichermaßen geeignet **The Cartel Offence** Mark Furse, Susan Nash, 2004-10-11 This book deals with the cartel offence introduced into UK law by the Enterprise Act 2002 It is now for the first time a criminal offence to operate certain cartel arrangements in the UK and those found guilty of the offence face the prospect of fines and or imprisonment This presents new challenges for competition lawyers who may not have expertise in criminal law and criminal lawyers who are unlikely to have expertise in the complex substantive issues raised by competition law This book addresses these issues providing a guide to the workings of the provisions explanations of the definitions set out in the Act and an analysis of the relationship of the new offence with the existing UK and EC competition law Human rights issues and practical considerations in the application of the relevant procedural law are also dealt with Relevant OFT guidance and statutory provisions are published in the Appendix **The Edinburgh law review**, 2004 *University of Michigan Journal of Law Reform* University of Michigan. Law School, 2000 **Evidence & the Adversarial Process** Jenny

McEwan,1998-09-19 This book aims to provide a self contained but critical account of the manner in which cases are tried in England and Wales **Archbold** ,2000 *Nasara Journal of Humanities* ,2011 **Criminal Procedure in Practice** Paul Marcus,2001 This book provides practical guidance for attorneys on all the stages of a criminal case from the police investigation immediately following the crime to issues involving the double jeopardy clause The book interprets constitutional principals case law commentary that apply to both the prosecution defense in federal state or military courts It includes analysis by Paul Marcus the Haynes Professor of Law at the College of William Mary Marshall Wythe School of Law practice comments by Jack Simmermann a lawyer with 26 years of experience as a prosecutor defense lawyer triad judge In addition to the commentary the book incorporates helpful Checklists Cautions Warnings Practice Tips Techniques Tactics Forms Strategies throughout the text which are valuable to students lawyers with little or no practical experience

Criminal Evidence New Zealand. Law Commission,1992 The Criminal Process Andrew Ashworth,1998 This is a new edition of a hugely popular textbook which has been designed to introduced students to criminal law through a study of the principles and policies underlying it Exploring the major spheres of criminal liability the book raises questions about the proper limits of the criminal law the relative seriousness of harms the various principles grounded in fairness to individuals policies designed to further the aims of the criminal law and ideas of criminal culpability The second edition has been thoroughly revised and updated to include discussion of all major developments since 1991 and has been expanded to provide more coverage of substantive law *The Sydney Law Review* ,1979 **The Criminal Law Quarterly** ,2002

New Zealand Recent Law Review ,1993 Rutgers Law Journal ,2000 English Legal System in Context Fiona Cownie,Anthony Bradney,Mandy Burton,2003 Following the same structure and philosophy as the two previous editions which have made this work so well respected the new third edition of English Legal System in Context offers a fresh approach to this core subject by considering a wider range of issue than can be found in other texts on this field One example of this expanded approach can be seen in its coverage of the legal justice system Here the authors consider the police their powers and the rights of suspects detained at the police station However they also examine the world of private policing the work of environmental health officers and other non police prosecutors as well as the role of the public in uncovering crime

Police Questioning New Zealand. Law Commission,1994

Reviewing **Silence Confessions And Improperly Obtained Evidence**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is really astonishing. Within the pages of "**Silence Confessions And Improperly Obtained Evidence**," an enthralling opus penned by a very acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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