

Victimology 11-10

Law



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Victimology Case Outline – Michigan V. Bryant Facts On the day of 29th April, 2001, police officials of Detroit located a wounded body of Anthony Covington on the ground at a gas station; the victim was shot in his abdomen region (Karmen, 2013, p. 208). At the very moment, police officials inquired regarding the scene from the victim and the victim stated that he had been shot by the gas station respondent. He even stated that he was having a conversation with the Bryant when Bryant shot him and even informed that he did not see Bryant shooting and even provided information which could help the officials identify who Bryant was. Later the victim lost his life and after a one year period, Bryant was arrested on the charges of killing the victim. On the basis of the victim's information, Bryant was convicted for the murder of the victim, but later the holding was reversed by the Supreme Court of Michigan because the defendant was not provided with the option of cross examining the victim. Issue The issue that was being scrutinized in this court case was whether statements that were provided by a particular witness or witnesses when he/she was experiencing an emergency that is medically related can be admitted into the court as evidence or not. Another issue was that whether the suspect should be in custody or not when such testimonies are obtained from or provided by victims. Third issue was whether these testimonies can be added as an exception to the clause of confrontation which states that the defendant has a right to cross examine the witnesses. Court Ruling In this case, first the suspect was convicted for killing the victim, but later the holding was overturned. The court held that clause of confrontation did not restrict admissibility of the victim's statements but in order to admit the statements, it was required to determine whether the statements were admissible or not

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under the hearsay rule. The courts even held that the clause of confrontation was limited to statements that were testimonial in nature and the statements provided by the court in this case were non-testimonial in nature (MICHIGAN v. BRYANT, 2010). This is because the main purpose of these statements was not to prove whether a suspect is a criminal or not and the statements were simply provided to assist the police in meeting an ongoing emergency. The court finally held that the Supreme Court of Michigan was wrong in considering the victims statements as testimony and in order to identify whether a statement is a testimony or not, they are required to analyze the objective of those statements. The court even held that the Sixth Amendment was not applicable in the court since the objective was to meet an ongoing emergency. The court even ruled that the Supreme court of Michigan still had to decide whether the statements were accepted under the rule of hearsay and the case was remanded for future trials. The decision was delivered by Justice Sotomayor and the decision was 6-2 (MICHIGAN v. BRYANT, 2010). Case Review The results of this case majorly benefit the victim and advocate victim rights, but they even advocate offenders rights to certain extend. Victim rights are advocated as this case preserved the right of the victim of ensuring that the offender is taken into custody as soon as possible and criminal proceedings take place. This would ensure that timely justice is provided to the victims. For example: if it was not for the victim's statements, police might not have been able to identify the offender for a long period of time. The case even protects offender's right because victims who may be seeking revenge may wrongfully name an individual as a suspect although he/she might not even have anything to do with the case. Probation officers can assist the victims by providing them timely

information regarding the revocation of probation of an offender, hearings that are taking place regarding revocation, early releases of those who have harmed them and provide information regarding where the criminal will live once he is on parole. Correctional officers can even assist the victims by ensuring that the criminals are not allowed to escape the prison and if under any circumstances they are able to run from prison then victims needs to be timely informed. Lastly parole officers should ensure that the criminals are not allowed to go near the victims once criminals are allowed to be a part of the society on parole basis and they need to ensure that plots against the victim are not being made. References Karmen, A. (2013). Crime victims: an introduction to victimology (8th ed.). Belmont, CA: Wadsworth, Cengage Learning. MICHIGAN v. BRYANT. (2010, October 5). MICHIGAN v. BRYANT. Retrieved November 11, 2013, from <http://www.law.cornell.edu/supct/html/09-150.ZO.html>