

Judicial decision making essay example

[Law](#), [Evidence](#)



Judicial Decision Making

Generally, courts function to solve rows between individuals, groups, corporate organizations and governments, and to interpret the law. They act to protect the rights of these individuals and groups in accordance with the constitution. As such, the first primary requisite for a successful judicial process is an independent court system where politics or other powers cannot influence the sentencing of any case in court. With such independence, the primary objective of protecting the law and delivering justice in the sentencing processes is easily achieved. Courts can be categorically placed into three broad classes in accordance to their involvement in justice delivery. Firstly, there are those classified as trial courts. Most cases that require court attention start at this point. Intermediate courts also commonly referred to as appellate courts receive cases that go on first appeal from the trial courts. Courts of last resort deliberate on judicial cases, which go beyond the intermediate stage of the court process. This category comprises the supreme courts.

Basically, any case in a court undergoes about six steps before it reaches a sentencing decision. The first step involves the selection of a jury that is supposed to handle the case. Other than being interrogated by the judge and attorneys, jurors are vetted at this stage for any interest in cases and challenged by attorneys if necessary. This is followed by opening statements which generally outline expected presentations of contesting sides. In the third step, each side is given a chance to lay evidence and conduct witness testimonies in favor of or against accusations presented in the case.

Evidence may be in the form of photographs, documents, communication logs from phones and computers, or other forms permissible by the court. Witnesses also receive direct and cross examination from attorneys of opposing sides. This is followed by concluding arguments, where each attorney tries to issue persuasions based on evidence that may make the jury deliberate in favor of their clients. After this, the jury is charged with instructions by the judge. The last stage entails deliberations by the jury to reach a verdict which is finally used in sentencing.

There are many factors taken into account when determining a sentence in every case. Nonetheless, two major factors I would take into account include sentencing 'tariff' and guilty pleas. Every judge must comply with sentencing 'tariff' which defines the correct and relevant limit of penalties for every offence committed by the accused. Also, sentencing varies in relation to pleas of ' guilty' or ' not guilty' by the accused as well as the timing in the case where this plea is taken. At earlier stages, ' guilty' pleas may attract penalties of lesser magnitude.

The end process in reaching a final decision on a sentence involves several individuals as well as issues. The offender is viewed through various points. It is considered if he or she is reoffending, the manner in which crime is committed, presence of influencing factors like stress or duress, and issues of genuine contrite and remorsefulness. Several aggravating and mitigating factors are keenly looked at and guidelines that are supposed to be followed in sentencing used. In the end, the decision taken on a sentence must be in

accordance with the law and must deliver justice to the plaintiff (s) as well as the defendant(s) based on evidential and presentation circumstances.