

Example of criminal law case study

[Law](#), [Criminal Justice](#)



Criminal Law in Mexico and in Canada are different. In both countries criminal law is federal responsibility, and provincial government takes care of justice and penal procedure. In Canada the procedure is faster than in Mexico. Mexico depends on the lawyers and judge for the procedure, in Canada jury plays active role in the delivering of justice.

Compare and contrast the similarities and differences by and between Canadian and Mexican law enforcement.

Criminal law in Canada is under federal government. But the provinces regulate offences and carry out justice and penal matters. Criminal law applies to procedures in the courtroom, including oath, witnesses, warrants, counsels, pleading and other. Indictable offences like murder, theft, rape, and such offences are serious than summary offences, where only a fine or light detention is carried out. In an alleged offence the police swear a complaint and take it to a judge. The judge will issue a summons for accused to appear in the court. The summons is delivered personally to the accused, and they must appear in court. The police have the authority to arrest someone if he is believed to commit an indictable offence, or fleeing from the law, or going to commit a crime, or has a warrant on this person. An arrested person is not obliged to answer questions, and can ask for lawyer's advice. He has to be presented to the judge within 24 hours of his arrest. For young offenders the procedure is different.

In Mexico, an accused is considered guilty unless proven innocent. Usually the district Attorney investigates the crime when it is reported, along with the police. The result of the investigation is presented to the judge to get

permission of the arrest of the guilty and to stand him for trial. The accused has to be questioned along with the witnesses. Lawyers are not involved at this stage. The accused is taken to jail, if he is arrested based on the evidence collected by district attorneys' office. He has to be presented to a judge within 48 hours of arrest. The judge has to decide within 72 hours whether the accused will go for trial or not, from the evidence. At this stage a lawyer can represent the accused in all the proceedings of the court.

In Mexico:

the trial takes longer and takes many sessions than in Canada.

trial is done in writing, where witness' testimonies, and the arguments that the lawyers make are in writing. It is oral in Canada.

the judge tries the case alone, without jury whereas in Canada the judge has the assistance of a jury.

the lawyers and the court's personnel do the proceedings in an office usually adjacent to the detention room, on a typewriter or a computer, there is no courtroom. The judge is not actively taking part in the proceedings, unless a serious dispute arises. Except in cases of rape, there is no direct contact with witness or interested parties. In Canada, the proceedings are held in the courtroom where lawyers, witnesses and onlookers can be present.

References:

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