

Jury trial within the english legal system essay



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The Jury system throughout England is one, which manages to give the public the chance to play a vital part in the legal system. This gives you the chance to see what is going on throughout the law and informs you what happens in court. You, as a juror will usually be involved in the more serious criminal cases such as burglary, theft and drug offences.

It would be less likely that you would be sitting in a case about murder or rape. The trial which you would attend would be seen in the Crown Court. However, sometimes a juror would be needed in a civil case, which would be heard at either the High Court or County Court. Although a jury would be less likely to be in a civil case than a criminal case. The usual amount of people on a jury is 12, usually there will be a cross-section of the society in order to get a fair and unbiased trial. Your aim as a jury would be to consider the evidence and then reach a verdict of ' guilty' or ' not guilty.

' In order to be able to become a juror you have to have some certain qualities, such as: * Between 18 and 70 years of age. * On the electoral register to vote. * Lived in the UK, Channel Islands or Isle of Man for at least 5 years since the age of 13. All of these qualifications are set out by the Juries Act 1974. However, some people still, even with these qualities, appear on a jury.

This is because; if you have a criminal record it will depend on how long you may be disqualified to sit on a jury. A lifetime ban may be given due to: * Imprisonment for life, detention for life, or custody for life. * Detention during Her Majesty's pleasure or during the pleasure of the Secretary of State;*

Imprisonment/Detention for public protection.* Imprisonment/Detention for imprisonment 5(+) years.

You can also be disqualified for 10 years if you tick any of these next bullet points:* Anytime in the last 10 years served a sentence of imprisonment.* Anytime during the last 10 years had a suspended sentence.* Anytime during the last 10 years had a community order or other community sentence passed on them. Also, if you are currently on bail in criminal proceedings you do not qualify. In addition to this list if you are suffering from a serious mental illness or mental handicap you cannot sit as a juror. Selected by computers, jurors will be sent a letter of summoning which will contain the information of when to attend court, how to get there and the dates which the trial will take place on.

The letter will include a notice, that ' the usual length of a jury service is two weeks', though jurors are warned some trials may last longer. The Central Summoning Bureau sends out the letters. The bureau works with the courts in order to make sure the right amount of jurors are summonsed. However, what if the hearing of a trial is not convenient for you or you do not wish to be on a jury? Well, if you cannot make a hearing then you are expected to inform the court, with notice. You may only be excused:* If you have either attended a jury in the last 2 years.

* If you are over the age of 65.* If you are a part of the Armed Forces, Royal Navy, Royal Navy Nursing Service or any voluntary aid detachment with the Royal Navy. Your commanding officer would then certify the Jury Summoning

Office that your absence would prejudice the running of the service.* If you have personal reasons why you want to be excused.

If so, you need to supply the Jury Central Summoning Bureau with information, in writing, why you can't attend within the next year. If you do not wish to attend a jury service, then you must write a letter to the court explaining your reasons. This sort of excusal to jury service is called a discretionary excusal, since it is up to the court whether you may get excused or not. In this situation the court is more likely to defer your jury service to a later date, rather than excusing you altogether.

Whereas, if you are not excused you must attend court, if you fail to do so then you run the risk of being fined. The maximum fine for the non-attendance is £1000. As a juror, it is your duty to inform employers and anyone who may be affected by your service. Once you have been summoned, you then must await the date in which you have been given. Once you had arrived at the court, a court official would have been waiting for you, it is quite common if a security guard checked your bags.

You along with former jurors would be escorted to the jury assembly area, where your name would be checked. In order for this process to work efficiently it is important to turn up on time to the court. When a jury is needed a court official would select a random 12 people. The next step is to take you into a courtroom. A jury is only needed if a defendant pleads 'not guilty'. A waiting room is situated next to the courtroom, so that you and the other jurors are separate from everyone else in the court.

An usher would then lead you and the other jurors into the courtroom. The usher then hands over a set of cards to the clerk, and then he/she reads out, at random, people's names. Once your name is read out you are told to go and sit into the jury box. Once all 12 of the jurors are situated in the box, you must then swear in. This means you take an oath or holy book of your choice and swear to tell nothing but the truth.

You either read aloud from a set of cards or repeat after a court official. However if you knew someone in the courtroom you must then inform the judge and then he/she will decide whether you can still sit on the jury. Talking about the case is legal to other jurors in your jury, however, to people who are not it is illegal. For a criminal proceeding, the defendant would be accused of a crime and the prosecution advocate starts the case by reading out the accusations and points of evidence they will seek to prove. First of all the prosecution witnesses are called to the stand and are questioned and cross-examined. This would then happen to the defence witnesses.

The judge at anytime can stop any questions which they find irrelevant. Once all the evidence has been presented both sides then make their closing speeches and talk to you as a jury. The judge will give an overview of what he wishes the jury to do and the points, which were presented throughout the case. He/She even may give a brief overview of the law involved. The 12 of you then proceed to the jury room, where you discuss your verdict. The usher escorts you to the jury room, where by considering all the evidence you reach a verdict.

You then would have been given an indictment, which is a list of offences the defendant is charged with. After the verdict has been reached you would then be asked, if you are the foremen, the verdict by the clerk. Once you have given your decision your work would have been completed. If you found the defendant guilty the judge may have sentence him/her then or could have asked for pre-sentencing reports to be written the probation service.

The defendant would then attend court at a later date. Once this is completed you would then be escorted once again by the usher to the Jury Assemble Area. You also would be expected to report back to the court officials after a trial, as you could be part of another jury within your two-week service. Now I have mentioned the way in which the jury service operates, do you think it works? How efficient is the service? Does it really help the community? Is it just too inconvenient? Well, this is the next part of my coursework. I will explain the advantages, but as you know, with many advantages comes many disadvantages, however I will also express my opinions and some other people opinions towards this system.

Firstly, with this method come a lot of advantages. The main advantage of having a jury is so that the public are involved and people from all backgrounds are able to participate in the law. The concept of this is so that his/her peers can try the defendant; by this there will be an equal cross-section of the society involved. Another advantage to the use of ordinary people is so that the law has to be explained in ordinary terminology, so therefore, the law is more open and accessible.

However to contradict this point no reason has to be specified for the verdict, so no one apart from the jury really know if they even understood the case. For example, in ' R. V. Conner & Rollock' a juror wrote to the crown court stating that the jury didn't know which defendants had committed the stabbing, so in order to ' teach them both a lesson', they convicted both. I believe that this may be a good idea to contain public involvement however the lack of knowledge may, as you can see, affect the case dramatically.

Another method to a jury could be ' A panel of Judges'; this means that the amount of understanding and knowledge would be more efficient, but I do believe the method will not as it eliminates the amount of public input, and this could be very costly, as several hundred judges would need to have been found. Another advantage to juries is that by having 12 people sit on a jury it rules out any biased views towards the case, however, juries do not have a pacific interest in the case. This is quite efficient as you take the most votes for your verdict unless you all agree which is very uncommon. By not knowing anyone involved this too rules out the case of having a biased view. Whereas, juries too have to be open minded but also not under any pressure to make a decision. This was not the case in ' R V.

McKenna' (1960) as the defendant's conviction was under pressure, the judge told the jury if they didn't come up with a verdict in 10 minutes they would all be locked up. This is less likely to happen in today's society however, it still comes apparent. I believe that it is extremely important to have an unbiased jury in order to have a fair case and to have justice served. This could be very efficient according to numbers, however by having such a large number of people it takes a lot more time to explain the case and law

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to them. This increases the time and cost of the case. A more beneficial method to the jury service is 'A Judge ; Two Lay Assessors;' this is because this method eliminates the slowness and cost of using a jury.

The benefit of using this method rather than 'A Panel Of Judges' is that public involvement still remains. Jury equity is another advantage the method of 'jury trial' possesses. This means, even if the judge disagrees with the verdict of a jury he cannot rule over it. As a result of this, the jury can refuse to operate a law they feel to be unjust.

For example, when two defendants, Michael Randle and Patrick Pottle, admitted to helping a spy 25 years ago escape from prison, the jury found both of them not guilty, this may have been because it had taken too long for the men to be brought to trial. The disadvantage to this is that jurors can just acquit people, just as in my example; this case may have been a way in which people could have protested in the flaws of the law as the time between the crime and conviction were an extraordinary amount. As an alternative root of a jury because of Jury equity, I think that a 'single judge' may be more efficient as by using this you cut out the advantage to overrule a judge but also to acquit the criminals. However, a single judge trial is a very opposed thing in today's society as an unfair trial may occur.

Another disadvantage, which may appoint to this root, is the one of the media. The media, as you may agree, is a very powerful tool in today's society; it may influence a juror to take a biased view to a case. Many people think that some jury cases can be boring, inefficient and a complete waste of

time. Jury cases are not that efficient in the way that a case doesn't always need a jury, however one must be at hand.

By using this frame of mind people take time of work to attend jury service, and hopes may be raised in the excitement of being involved in a case. Just as it was for Trevor Clarke. He says ' Expectations are high to what case you may get into, but then you may not get into a case because of somebody pleading guilty which is disappointing as you don't get to see how a court case is done from start to finish.' As you can see this method may be very inefficient, however, if you can't have a judge, or a jury, how are you meant to hold a court case? Well, why not have a mix of the both.'A judge and a mini jury' is the option in which you would be looking at if you thought both were needed.

A mini jury is a jury that only consists of 6 or 7 people. This would only help by halving the number of jurors needed, so there wouldn't be the greater call for jury service. Whilst this cuts down the public involvement is also cuts down on costs, although most of the disadvantages I have mentioned about a jury would still apply. So, what is your method? I believe that by deciding upon a method which contains a judge to look over the case would be an efficient way of operating, whilst having a jury to make up their mind as this would ensure the idea of unbiased views. I suggest that the idea of the courts explaining the case in more detail would be more beneficial than rushing through the case. Although it may mean you only get to sit on one case during your two weeks of jury service, I believe it will make the idea of justice work more efficiently.

So, to conclude I believe that although sometimes a jury may work efficiently it is not always approached in the best way. As we are all aware our society today is not perfect and neither are we. Law is a fascinating subject that compels the best of minds. The human makeup is never going to be perfect but we have to deal with what we have been given. Personally I believe the system is working, although if something does happen there are alternative methods.

Just as we are changing I think that the law needs to evolve and change with us, just as for example, the death penalty became abolished. Who knows what the future may bring for law? But, one thing for sure is that without it today's society would not be a civilized one, but an outrage beyond belief.