

Rules of evidence

Law



Rules of Evidence Rules of evidence are guidelines on how evidence is handled in the justice system, it contains the proper channels as per the law on how to obtain evidence and use it to prosecute criminals. States have different rules of evidence governing their justice systems. In California for instance the rules of evidence are clearly set and defined. According to Californian law evidence is relevant when 'when it has any tendency in reason to make the fact that it is offered to prove or disprove either more or less probable' (DiCarlo 2008). Evidence is material 'if it is offered to prove a fact that is at issue in the case.'(DiCarlo 2008) For evidence to be considered admissible it has 'to show motive, plan, intent, or lack of mistake or, in federal court, to impeach a witnesss credibility (DiCarlo 2008).

In the recent case against a man named Duena who is currently facing the death sentence after denied appeals he had been charged with killing police officer 1n 1997 . The evidence presented can be said to be both circumstantial and direct. Circumstantial evidence needs to be further interfered with so as to connect it to the actual crime. Some of the circumstantial evidence presented in this case is the murder weapon with Duena's finger prints on it, another circumstantial piece of evidence in this case is the use of computer animation to illustrate that this crime was actually predetermined. It has also been determined that he was at the scene of the crime when the police officer was shot dead (Ansari 2012)

According to Californian law substitutions of evidence are the alternatives to normal contemporary evidence provided in court to show prove that a crime was committed. These are useful to the court when circumstantial and direct evidence are both unavailable. The prosecution or defence is allowed to use substitutions of evidence when presenting factual information that is well

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known by the general public and can prove their arguments. Another substitute to evidence is when alluding to the testimony of an expected witness.

Jury selection is the method of choosing individuals who will serve in a judicial trial. This procedure involves the participation of both the prosecution and the defence and the whole process is overseen by the judge on the particular case. Suitable group of jury members are presented before the prosecution and the defence in the presence of a judge, these potential jurors are each asked questions related to the case. This ensures there is no bias or personal affiliation with the case at hand. The prosecution and the defence both choose an equal number of jurors each who must be approved by the sitting judge.

There are several reasons a prosecutor may legitimately consider when deciding whether or not to charge a defendant and deciding what crimes to charge him with. The most important consideration is the amount of evidence against and for the defendant; the prosecutor must assess the possibility of winning the case by looking at the available evidence. The prosecutor must also take into account the public interest that the case will have; in rare circumstances the prosecutor assesses the profitability of making a deal with a defendant for the purpose of much needed information or assistance in an investigation.

Weight of evidence is a comparison between the evidence provided by the prosecution side and that provided by the defence side to see which is more rational, viable and proves probable cause. In a criminal trial the evidence offered by both sides is analysed carefully and in most cases the side whose evidence has more weight wins the trial. To add weight to evidence one has <https://assignbuster.com/rules-of-evidence-essay-samples/>

to present evidence that is difficult and even impossible to disapprove, such evidence has to be backed up with a good argument in court.

Circumstantial evidence of guilt is indirect prove that the accused intended to commit the crime or behaved in a manner likely to suggest guilt. It is used in a criminal court to show intent or even to show that a crime was predetermined. Examples of circumstantial evidence include proving the presence of the accused person at the scene of the crime, when an accused person resists or flees arrest and in some cases previous utterances by the accused person that implicate them in the crime. Circumstantial evidence of guilt is a fair way of proving defendants guilt because it gives the defendant an opportunity to defend all his actions and prove innocence against all reasonable doubt.

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