

The nature of the case and the central legal issue law general essay

[Law](#)



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R vs. Turnbull and others is a case that determines whether the court should admit the testimony of an eye-witness. In this case, the aim of the trial court was to assess the quality of identification, and whether the person identifying the suspect can make an error during the identification process. From this case, the court was able to create some rules that guide judicial officers on whether to admit evidence that comes from an eye witness. This case came before the appeal court in 1976, and it is during this period that the government of Britain sought to draft up measures that would help judicial officers to either admit or discard a piece of evidence that comes from eye witnesses[1]. It is also during this period that a debate arose amongst the British people on whether Luke Dougherty and Lazlo Virag were victims of miscarriage of justice. The court of appeal released them in 1974. This is because the trial magistrate found them guilty by using a testimony from an eye witness that did not accurately identify them.

Facts of the Case:

In this case, Turnbull and Camello were found guilty of committing a crime of burglary. The court sentenced them to three years in prison. The two appealed against the decision of the trial judge on the basis that the witness who gave information about them. According to them, there was no way the witness could see the suspect. This is because the suspect took cover behind a bus. According to their argument, this was an obstruction of sight[2]. Other appellates in this case were Whitby and Roberts. The reason for Whitby conviction was robbery, while that of Roberts was causing injury to an individual. According to them, the eye witnesses did not accurately identify them, and their evidence was therefore unreliable[3].

Decision of the Judge:

In this case, the appeal court upheld the convictions of Turnbull and Camello. The appeal court also refused to uphold the convictions of Roberts and Whitby, releasing them unconditionally[4]. The judge was of the opinion that any slight doubt in the identity of a suspect in a criminal proceeding, can result to the notion of miscarriage of justice. To prevent this from happening, the court gave the following principles that a judge should follow while in the process of administering justice[5]; The judge should caution the members of a jury when the prosecutor relies on visual identification, as a means of evidence. The judge must explain to the members of a jury why the caution is necessary. The explanations must center on the circumstances in which the witnesses are able to identify the suspect. The judge must also emphasize that a witness whom they might think is reliable, can actually be mistaken.

Analysis of the decision:

In my opinion, there are other cases that would make it difficult to apply the Turnbull principles. This belief gains the support of the court of appeal decision involving R vs. Oakwell. In this case, the court of appeal was of the opinion that it is not the duty of a judge or of the court to solve issues of witness or suspects identity. Another case that supports my assertions is the decision of the appeal court in R vs. Hewett[6]. In this case, the driver of a car did an offence, and the issue was whether the driver was a woman or a man. The court was of the opinion that the principles established by the Turnbull case were not applicable in these circumstances. Basing on the

decisions by these courts, the guidelines set up by Turnbull are not applicable to all criminal cases.

If the decision of the court was appropriate, and in accordance to the law:

Under the circumstances provided in the cases, the decision of the court was proper and in accordance to the law. For instance code D, of the 1984 PACE laws provides a mechanism whereby police must have reliable and accurate methods of identifying suspects. This is during the process of investigation[7]. What the court did was to suggest on ways in which the court can use in relying on the statements made by an eye-witness.

If the court justified its reasoning:

In my opinion, the reasons that Justice Widgery provides are justifiable. Justice Widgery is right when he denotes that if a witness mistakes a suspect for a criminal, then there are dangers of a miscarriage of justice[8]. This makes it mandatory for policy makers and the judicial system to create a guideline that will judges to identify a reliable testimony that comes from an eye- witness.

Policy Implications of the decision:

The decision by the judge in the Turnbull case was significant in developing the various standards that police officers should use in identifying when to rely on an eye witnesses statement as a piece of r evidence[9]. This case occurred during the time when the United Kingdom was facings problems of miscarriage of justice. This is because of many instances of unreliable eye witnesses. During this period, the government formed the commission of

evidence identification. The mandate of this commission was to develop policies that will help in solving issues of mistaken identity. The decision by the judge in this case formed an opinion of the commission, and thus resulting to changes on how police officers collect their pieces of evidence[10]. Clause D, of the 1984 PACE act is an example of a policy that came out of the rulings of this case.

Conclusion:

In conclusion, by observing the Turnbull measures, it is impossible to compromise the quality of eye-witness evidence. This is because the court will manage to reduce the dangers that arise out of convicting a person based on an inaccurate statement from an eye witness. In case the statement is inaccurate, the judge has the responsibility of withdrawing the statements. This is because such statements do not pass the evidence admission test established under the case of R vs. Turnbull and others. By doing this, justice will be served to the suspect because evidence against which is unreliable won't be used during his trial.