

Curse case study examples

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



The name of this case is stated as R. V WILLIAMS. This case is basically a case where it is presented as Victor Daniel Williams V Her Majesty the Queen. The interveners into this case included the Attorney General of Canada, Attorney General for Ontario, Aboriginal Legal services of Toronto Inc, the African Canadian Legal Clinic, the Urban Alliance on Race relations as well as the criminal Lawyers' Association which was based in Ontario. This case report was obtained from File No. 24 June the 4th in the year 1998. The people present when the case was presented includes: Lamer C. J, Gonthier, Cory, Major, Bastarache as well as Binnie JJ.

Type and Level of Case

This case was on appeal from the Court of Appeal of British Columbia. The case was criminal case put in trial in order to assess the basis and extent of racial bias which amounts or relates to the criminal offences in matters pertaining to the racial issues, bias or prejudice. This case was presented to the Supreme Court of Canada after it was passed through the court and the appellant was not satisfied with the decision of lower court. The facts relating to the criminal offence on racial bias was found in the Canadian Charter of Rights and Freedom

Facts

The accused who was an aboriginal wallowed s accused of robbery charges. The led to election of a trial by the jury and judge. The questions were allowed to be directed towards the potential jurors by the trial judge. The crown applied for a mistrial on the basis of procedural errors relating to the

trial of the jury selection. During the second trial, the motion was dismissed after the accused was allowed to challenge the charges which were filed against him. The presiding judge dismissed the application without warning the jury to disregard bias or prejudice that could arise towards a native individual. The case was dismissed by the Court of Appeal such that the appeal is not convicted. The lower courts accepted that prejudice or bias was rampant against the aboriginal people in that community. The issue of bias and prejudice against the aboriginal people became an issue of concern leading to partiality in relation to the facts of the extent of spread in the community.

Judgement:

It was held that the appeal should not be allowed. This appeal was disallowed on the basis of partiality of the facts underlying this case. There is a presumption that the jury is impartial and unbiased making the appeal appear impartial or indifferent in handling the judicial duties and cases. The presumption on impartiality and indifference was deemed necessary be removed before raising questions and alarm. Enough evidence was therefore necessary before questioning the decisions of the jury. The judge is allowed by the law to take into consideration the judicial notice depending on the evidence presented. The discretion of the judges is wide to an extent that it should accept challenges regarding the issues of bias and prejudice on racial grounds against the Aboriginal people in the society. It was taken into consideration the fact the jury may contain people with the tendency to favour the Crown and disregard the accused in the trial.

It was held that the judicial directions of acting in an impartial manner

cannot be fully relied on in curbing the racial prejudice. In instances of doubt, the way ought to be given in order to examine the case or matter carefully. If there is no the necessary evidence, it was therefore advisable to dismiss the appeal. The expectation of the jury to act impartially was enough bases to show the spread of prejudice in the society towards potential of the partiality relating to the bias.

The evidence regarding the partiality of the prejudice against the aboriginal people in the society. It therefore calls for necessary and concrete evidence or facts in order to highlight the grounds for potential partiality

Prejudice on racial grounds against an accused was detrimental and unfair therefore it should be given reasonable emphasis and consideration. This was meant to ensure that the relevant facts are gathered in order to support the verdict regarding the prejudicial aspects against the aboriginal people in the society.

Dissenting Judgement:

In the context of the judgment by the court of appeal to disallow the appeal raised many controversial issues on the grounds of impartiality and indifference on the part of the jury. This has raised concern pertaining to evaluation of the jury in order to ensure that the crown was not favored by the court against the accused. It was therefore necessary to collect enough evidence and facts on the possibilities of bias relating to this case so as to support the decision of the court of Appeal. The crime code was necessary in assessing this case therefore enough information should be analyzed in relation to the crime while at the same time protecting the accused from the bias which was widespread in the community. The Canadian Charter of

Rights and Freedom was therefore taken into consideration in assessing the racial prejudice against the aboriginal people in the society.

Reference

Cariboo-Chilcotin Justice Inquiry (B. C.). (1993). Report on the Cariboo-Chilcotin Justice Inquiry. Victoria. B. C.: The Inquiry.