

# Prosecution and offense issues

Law



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## Prosecution and Offense Issues

### Introduction

The successful prosecution of a case inside the courtroom depends to a very large extent on the degree of preparation that goes on outside of the court (Bugliosi, 2000, p. 5). Any good prosecutor will pursue eyewitnesses if there are any and preserve crime scene evidence in order to strengthen and build up a case against the accused. The prosecutor will do well cooperating or coordinating with police work since police investigators are very good at building up a case to a point of probable cause. However, the prosecutor must go beyond at this point since most police often stop at the point of probable cause. In other words, the prosecutor must be diligent enough to find other corroborating witnesses and employ the help of forensic experts in gathering more crime scene evidence to make the case airtight towards a final conviction.

### Discussion

Other necessary legal prosecution preparations include discussing the merits of the case with the witness/es and also try going over the case of the defense so that all involved in the case has a good overview of what might happen and how to counter the arguments of the defense side and then present counter-arguments; witnesses should be adequately prepared by their offense lawyer on possible questions to be asked by the defense lawyer during their cross-examination. All these required work is collectively termed as witness preparation (Ahmed, 2009, p. 25). The good prosecution lawyers are prepared for anything and do not allow themselves to be caught in off-guard situations, such as presentation of a surprise witness or evidence by the defense.

An example would be prosecuting a case for homicide. The prosecuting attorney must be certain about a few things, such as the identification of the suspect, the motive, the opportunity to commit the crime and all the additional evidence that will establish the presence of the suspect at the time and location of the crime scene when the crime was committed.

Another example would be a case for arson. A case like this presents a special challenge to the investigator because arson is usually a crime committed in secret. Additional challenges to a successful prosecution include the help of a forensics expert because in a fire, most of the real evidence that may help in the investigation are burned. There is extensive disruption to a crime scene and locating or collecting more evidence extremely difficult (Saferstein, 2005, p. 223). A good prosecution investigator needs to focus on finding the accelerant material used to spread a fire more quickly once it is started by the arsonist.

### Conclusion

Prosecution lawyers must ensure they have no conflicts of interest in a case they handled. They must not have an interest or motive in the case other than seeing justice is rendered to the victims of a crime. They must neither know the victim or the perpetrators personally. This will help in avoiding clouding their judgment. A good way to reduce ethical problems with the crimes given as examples is to remind prosecuting attorneys to always abide by their professional code of responsibility and the code of judicial conduct. Seminars can held for them precisely for this. A problem that can arise if a case is presented for trial with an investigator who was unethical is a likelihood of losing the case altogether. Some ethical issues involving prosecuting attorneys are incompetence, witness coaching and illegal plea

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bargaining (Schwartz, 1985, p. 211).

#### References

Ahmed, N. M. (2009). *Witness preparation and examination for DUI proceedings*. Boston, MA, USA: Thomson Reuters - Aspatore.

Bugliosi, J. (2000). *The art of prosecution: trial advocacy fundamentals from case preparation through summation*. New York, USA: Looseleaf Law Publications.

Saferstein, R. (2005). *Forensic science handbook: volume 1*. Prentice Hall.

Schwartz, M. L. (1985). *Lawyers and the legal profession*. Charlottesville, VA, USA: Michie Company.