

In search for truth essay



In Search for Truth There are many convicted criminals and several activists who have expressed their clamor for justice. Many of them claim as well as some of the members of their families that they have been victims of lies and injustice. They express feelings of weary regarding their fate in the criminal justice system. Those who are pushing the innocence project claim that the courts of the United States have many times failed to exercise its duty to administer justice.

Rather than provide freedom to the innocent, some courts of various states have incarcerated and put to death row many innocent men. These events would yield one to think if the United States criminal justice system is indeed a scheme of revealing the truth behind a crime. In analyzing whether or not the justice system works for the truth or not, there is a need to evaluate the court processes, constitutional provisions as well as police practices that are related to the resolution of the crime. Before any trial can ensue there must first be a complaint filed against the accused and such arises from a violation of a right of an individual or the commission of an act considered criminal. When an accused is arrested he is given Miranda rights.

The said rights reminds the accused his right to remain silent, to seek the assistance of a lawyer if he has one, if he has none, the government will provide him one and he has the right to stop a police officer from conducting an interview (Resource for Criminal Law). Subsequently, the accused is delivered to a police station where he will initially be questioned regarding his identity and other pertinent matters related to the crime allegedly committed. During the investigation, the accused may either opt to answer the questions or not. After which, a complaint will be filed against him by the

complainant. The complaint filed will determine if the accused is entitled to bail or not. Through the bail system, the individual may gain temporary liberty. Usually, crimes which do not have a high penalty are those which are admitted to bail. Serious offenses are notailable as there is a possibility that the criminal will utilize his temporary liberty in order to escape prosecution.

After all these matters have been determined, the hearing for the case will be scheduled and started on the date specified by the court. During the hearings, the burden of proof rests on the complainant. The counsel of the complainant must show that the accused indeed committed the crime and present substantial proof or pieces of evidence that will reveal the involvement of the criminal.

The defendant on the other hand will also be given a chance to present pieces of evidence or cite specific laws or rules that will exonerate or mitigate the crime committed by the accused. Both the counsels of the complainant and the accused may examine the witnesses presented by the opposing parties as well as the other pieces of evidence presented. Based on the trial of the case and the pieces of evidence presented, the jury and the judge will promulgate their decisions.

Ideally, the jury and the judge will release a guilty verdict if there are proof beyond reasonable doubt otherwise, the accused will be acquitted (Jungman, 2003). The parties may appeal the decision of lower courts to higher courts or those courts which have appellate jurisdiction or review powers. The

aforsaid process reveals that the United States criminal system is a search for truth, justice and equality.

The court, before it promulgates its decision, observes certain processes and allows the parties to have opportunity to present their pieces of evidence and to rebut each others' evidence. The US courts observe the adversarial type of proceeding wherein one party convinces the jury, through the evidence and witnesses presented and the defenses claimed; that the court should give merit to their cause and not to the cause of the opposing party. Through this process, both parties will be obliged to face the truth. They have to rebut the claims of the opposing parties by presenting their version of what happened.

It is during the arguments and the presentation of witnesses and evidence that the juries and the judge will be able to assess on who is telling the truth and who is not. The adversarial process leads to the presentation of all evidence and witnesses linked to the crime. Through the revelation of such, the court can make its assumptions and judgment on what really happened and why such occurred. This truth can be corroborated by presenting DNA evidence. The court has also given primacy to DNA evidence (Jungman, 2003).

DNA is the genetic make up of every individual. Except for identical twins, no two persons have the same DNA thus, making this evidence a substantial proof to corroborate an individual's presence in the crimes scene or involvement to the crime. This evidence can conveniently assist the parties to the case in determining what really happened. The Federal Rules of

Criminal Procedure also indicates that the conviction should be made after determination that the accused is guilty beyond reasonable doubt. This would indicate that the complainant must provide all the necessary evidence in order to cast out doubts in the minds of the juries and the judge. They must be convinced, without doubts, that the accused is indeed responsible for the crime committed. If the criminal process is not a search for truth, the parties can easily make assertions and have the accused convicted even if there are doubts or no substantial grounds to believe the claim. Another reason which proves that the criminal system is a search for truth is the recording of the custodial investigation.

All the police inquiries are required to be recorded in order to be used by the courts in its promulgation of the judgment. This is connected to the truth in the sense that the initial reaction of those involved, especially the accused, after the consummation of the crime or the arrest, will be critically evaluated and recorded. These reactions can be material in the resolution of the case. The initial reaction of the individual and the admissions made, if assisted by a lawyer and duly informed of his rights will be utilized as material evidence to the case. There are two major reasons why recording is upheld.

The first is for the protection of the complainant. There might be admissions that are made during this instance and if the admissions are not recorded, these could easily slip the hands of the law and be denied by the defendant. There are criminals who, out of fear, admit the commission of the crime after they are apprehended. This may not necessarily be the case if the accused has already gained his composure and has been given a chance to meditate and think over the consequences of his act. The penalty might frighten the

accused and lead him to lie just to gain his liberty. If there is no such recording then the admissions may easily slip the hands of the law and create injustice. The other reason is to protect the accused.

There are some policemen who resort to abuse in order to make the accused admit the commission of the crime. If there is no recording, the police can easily torture the accused in order to make him admit in legal proceedings his participation to the crime (Sullivan, 2008). Sullivan (2004), however, suggests that recording should be through video tape in order to capture everything that happens in the investigation room. This will also allow the court to evaluate the veracity and relevance of the testimony.

In relation to this, there is also the requirement of reciting to the accused the Miranda rights. Although the said rights are initially designated to the benefit of the accused, this can also aid in the determination of the truth. This can eliminate the chances of coercion and forcible admission of the crime. This can thereby lead to the prosecution and worse, conviction of innocent people. The Miranda rights allow the accused to be protected of their rights and to know the consequences of their actions. They cannot easily be coerced to admit their participation even if in reality they have nothing to do with the crime. The criminal justice system may be facing several controversies such as the prosecution of the innocent, these controversies are not sufficient to topple down the established procedures and court processes. Neither can these controversies imply that the justice system is not a search for truth.

The US criminal system, the court and police processes are all created in order to lead the juries and judges to the truth. However, if there are wrongful convictions, these cannot be blamed on the system itself but on the individuals who are implementing the processes (Leipold, 2005). The system is there to guide people in authority on the acts that they should or should not do. However, a substantial part of this system lies in the decisions made by those who are implementing the said processes and procedures.

Although there are substantial remedies provided in the law, these are still subject to the sound discretion of the judges and juries. There is no hard and fast rule in promulgating a decision as there are many factors to be considered. If there are wrongful convictions, such cannot be blamed on the system, as the latter is good in itself, but on human limitations.

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