

Discussion questions

Law



Discussion questions The law defines stages and legal factors that guide legal proceedings for criminal offenders. The criminal procedure, for example, sets out rules for implementation of substantive law during a criminal proceeding. This paper describes the jury selection process, rationale for decisions on charges, and concepts of weight of the evidence and circumstantial evidence.

The process of jury section in a federal criminal trial

A jury is a group of members of the public who are selected to decide on a case, based on guidance of a presiding judge. The jury selection process occurs in steps that recruit potential people from the public and scrutinizes them for final selection. The first step in the selection process is the generation of a master jury list. Rules of membership of a jury are common in most states and include citizenship, majority age, sound health, and freedom from a felony charge. The clerk then selects part of the list, based on the rules, into the Venire and notifies the selected individuals to appear before the court. Some of the potential jurors may however not be summoned. The last step in the selection is the scrutiny of the proposed jurors for competence and lack of conflict of interest into bias. The stage is called Voir Dire (Gaines and Miller 326, 327).

Reasons a prosecutor may consider when deciding whether to charge a defendant and crimes to charge the defendant with

The decision on whether to charge an accused or not, and which charges to make, remains at the discretion of the prosecutor. The prosecutor may however consider existence of probable cause and the possibility of arguing a case beyond reasonable doubt as legitimate reasons for the decision to charge or not, and for the charge to make (Gaines and Miller 287, 288).

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Meaning of weight of evidence and its application in a criminal trial

Weight of evidence defines the degree to which evidence offered in a trial process is valid and convincing. Strong weight of evidence implies a strong argument while a weak weight of evidence implies evidence and arguments that leaves doubt. Weight of evidence is used in a criminal trial to inform juror's decisions based on the doctrine of proof beyond reasonable doubt. A strong weight of evidence informs the jury high chances of decision for the argument towards a guilty charge. The jury, however, sometimes decides against weight of evidence (Erastus-Obilo 137).

Application of circumstantial evidence and opinion on its use

Circumstantial evidence is indirect evidence to a case at trial. The evidence may be used to establish likelihood of occurrence of an element of crime in order to support an claim but not to prove a fact. The type of evidence may also be used in a criminal trial, together with other substantial evidence, to establish a fact to the case (Gaines and Miller 334).

I believe that the use of circumstantial evidence is fair to the defendant because of the limited weight that it has in a trial process. Unless many such evidence exist, circumstantial evidence have little effect on the weight of evidence and therefore little chance of leading to unfair trial.

Works cited

Erastus-Obilo, Bethel. Reason curve, jury competence, and the English criminal justice system: The case for a 21st century approach. Boca Raton, FL: Universal-Publishers, 2009. Print.

Gaines, Larry, and Miller, Roger. Criminal justice in action. Mason, OH: Cengage Learning, 2012. Print.