SILENCE AND CONFESSIONS

The Suspect as the Source of Evidence

Susan Easton



Silence And Confessions The Suspect As The Source Of Evidence

Paul Bergman, Sara J. Berman

Silence And Confessions The Suspect As The Source Of Evidence:

<u>Silence and Confessions</u> S. Easton,2014-10-29 This book examines the treatment of suspects in interrogation and explores issues surrounding the right to silence Employing a socio legal approach it draws from empirical research in the social sciences including social psychology to understand the problem of obtaining reliable evidence during interrogation

<u>Evidence</u> Andrew Choo, 2021 Choo s Evidence provides a lucid and analytical account of the principles of the law of evidence in England and Wales Succinct critical and engaging it is the ideal text for undergraduate law students

Evidence Andrew L.-T. Choo, 2018 Andrew Choo s Evidence provides a lucid and concise account of the principles of the law of civil and criminal evidence in England and Wales Critical and thought provoking it is the ideal text for undergraduate law students The Right to Silence in Transnational Criminal Proceedings Fenella M. W. Billing, 2016-09-01 This book considers the effectiveness and fairness of using international cooperation to obtain confession evidence or evidence of a suspect or accused person's silence across borders. This is a question of balance in limiting and protecting the right to silence The functioning of the applicable law in Denmark England and Wales and Australia is analysed in relation to investigative and trial measures such as police questioning administrative questioning powers covert surveillance and the use of silence as evidence of guilt On the national level this work examines the way in which domestic rules balance the right to silence in national criminal proceedings and whether investigative and trial rules produce continuity throughout the criminal proceedings as a whole From the transnational perspective comparative legal analysis is used to determine whether the national continuity may be disrupted to such an extent that cooperation in the gathering of confession evidence causes unfairness From the international perspective this research compares the right to silence under the ICCPR and the ECHR to identify the overall effect of cooperating under particular human rights frameworks on the question of balance Proof. Evidence and Hate Crime Tshepo Bogosi Mosaka, 2025-07-18 Proof is the property of a disputed fact being established inferentially from an extant fact This book explicates the structural components of this phenomenon in the context of hate crimes across various jurisdictions around the world It departs from the orthodox conception of evidence and proof as being a general value neutral or non normative and epistemic subject and offers a relativistic conception of this area of law The core argument is that proof is both semantically and methodologically determined by three conditions of materiality process and probativity This argument is then justified by the context specific application of this relativistic theory of proof to hate crimes This theoretical application of proof is sustained throughout the book using multiple examples and illustrations of hate crimes around the world The discussion both at the level of proof and hate crimes while focusing on the grounds of race religion and ethnicity specifically is framed in jurisprudential cross jurisdictional and interdisciplinary terms The book will be of interest to academics and researchers working in the areas of criminal law legal philosophy and procedural law

Defendant Participation in the Criminal Process Abenaa Owusu- Bempah, 2016-10-04 Requirements for the

defendant to actively participate in the English criminal process have been increasing in recent years such that the defendant can now be penalised for their non cooperation This book explores the changes to the defendant s role as a participant in the criminal process and the ramifications of penalising a defendant s non cooperation particularly its effect on the adversarial system The book develops a normative theory which proposes that the criminal process should operate as a mechanism for calling the state to account for its accusations and request for official condemnation and punishment of the accused It goes on to examine the limitations placed on the privilege against self incrimination the curtailment of the right to silence and the defendant s duty to disclose the details of his or her case prior to trial The book shows that by placing participatory requirements on defendants and penalising them for their non cooperation a system of obligatory participation has developed This development is the consequence of pursuing efficient fact finding with little regard for principles of fairness or the rights of the defendant It's Silence, Soundly John McGreal, 2016-04-21 It's Silence Soundly It's Nothing Seriously and It's Absence Presently continue The It Series published by Matador since The Book of It 2010 They constitute another stage in an artistic journey exploring the visual and audial dialectic of mark word and image that began over 25 years ago In their aesthetic form the books are a decentred trilogy united together in a new concept of The Bibliograph All three present this new aesthetic object which transcends the narrow limits of the academic bibliography The alphabetical works also share a tripartite structure and identical length The Bibliograph itself is characterised by its strategic place within each book as a whole as well as by the complex variations in meaning of the dominant motifs nothing ness absence and silence which recur throughout the alphabetical entries that constitute the elements of each text It's Nothing Seriously for example addresses the amusing paradox that so much continues to be written today about nothing The aleatory character of the entries in the texts encourage the modern reader to reflect on each theme and to read them in a new way The reader is invited as well to examine their various inter textual relations across given conventional boundaries in the arts and sciences at several levels of **Anatomy of a French Murder Case** Bron McKillop, 1997 The book provides a physical psychical social reproduction first hand account of the processing of a murder case through the French criminal justice system from the initial police investigation through to the compilation of the dossier the hearing and the appeal and the press coverage of the case The study provides an effective comparison between adversarial and inquisitorial processes and will be valuable for anyone with an interest in comparative law criminal process and legal systems **The Criminal Law Handbook** Paul Bergman, Sara J. Berman, 2024-01-30 This book demystifies the complex rules and procedures of criminal law It explains how the system works why police lawyers and judges do what they do and what suspects defendants and prisoners can expect It also provides critical information on working with a lawyer Provided by publisher Obstacles to Fairness in Criminal Proceedings John D Jackson, Sarah J Summers, 2018-03-22 The character of the right to a fair trial Stefan Treschel Autonomy and agency in American criminal process David Alan Sklansky Innocence the burden of proof and fairness in the criminal trial revisiting

Woolmington v DPP 1935 Lindsy Farmer The right of silence in England and Wales sacred cow sacrificial lamb or Trojan horse Hannah Quirk Seeking core fair trial standards across national boundaries judicial impartiality the prosecutorial role and the right to counsel John D Jackson and Sarah J Summers The role of counsel in criminal proceedings Wolfgang Wohlers Falling on deaf ears looking for the Salduz Jurisprudence in Greece Dimitrios Giannoulopoulos Fairness and expediency in international criminal procedure Kai Ambos International criminal procedure and the false promise of an ideal model of fairness Yvonne McDermott Written records of statements and fairness Nadja Capus Regulating and limiting plea concessions towards fairness in charge adjudication Richard L Lippke A fair cop and a fair trial Eric J Miller Rights analysis in addressing pre trial impropriety an obstacle to fairness Kelly M Pitcher Fairness in criminal proceedings concluding thoughts and further questions R A Duff Criminal Law Reform Now J Child, R A Duff, 2018-11-29 If you could change one part of the criminal law what would it be The editors put this question to nine leading academics and practitioners The first nine chapters of the collection present their responses in the form of legal reform proposals with topics ranging across criminal law criminal justice and evidence including confiscation control orders criminal attempts homicide assisted dying the special status of children time restrictions on prosecution the right to silence and special measures in court Each chapter is followed by a comment from a different author providing an additional expert view on each reform proposal Finally the last two chapters broaden the debate to discuss criminal law reform in general examining various reform bodies and mechanisms across England Wales and Scotland Criminal Law Reform Now highlights and explores the current reform debates that matter most to legal experts with each chapter making a case for positive change **The Miranda Debate** Richard A. Leo, George Conner Thomas, 1998 New in paperback An in depth collection of key writings on the Supreme Court's controversial 1966 ruling in Miranda v Arizona a decision that remains at the forefront of today s debate about defendants constitutional rights victims rights and crime control **Evidence Concentrate** Maureen Spencer, John Spencer, 2019 The Evidence Concentrate is written and designed to help you succeed Written by experts and covering all key topics Concentrate guides help focus your revision and maximise your exam performance Each guide includes revision tips advice on how to achieve extra marks and a thorough and focused breakdown of the key topics and cases Revision guides you can rely on trusted by lecturers loved by students I have always used OUP revision and Q A books and genuinely believe they have helped me get better grades Anthony Poole law student Swansea University The detail in this revision textbook is phenomenal and is just what is needed to push your exam preparation to the next level Stephanie Lomas law student University of Central Lancashire It is a little more in depth than other revision guides and also has clear diagrams and teaches ways to obtain extra marks These features make it unique Godwin Tan law student University College London The concentrate revision guides stand out against other revision guides Renae Haynes Williams law student Bangor University The exam style questions are brilliant and the series is very detailed prepares you well Frances Easton law student University

of Birmingham The accompanying website for Concentrate is the most impressive I ve come across Alice Munnelly law student Kings College London it is a fantastic book It covers absolutely all topics you need for the course Emma McGeorge law student Strathclyde University Evidence, Respect and Truth Liat Levanon, 2022-11-03 Can we rely solely on statistics when we judge what is true and just This book takes a holistic approach to addressing this question It considers the legal trial as its paradigmatic case study before analysing a wide range of different cases including profiling the use of algorithms to predict students grades and the authorisation of automated cars The book suggests that when we make judgements about the truth or about justice approximations are not good enough Truth and justice are uncompromising They must be so because the value that underlies them both is respect and respect takes no compromise Thus in the search for truth as in the search for justice a body of evidence that imposes a statistical compromise will not do Only evidence that in principle allows reaching the truth and doing justice is good evidence Once such evidence has been traced the burden is on us to make good use of the evidence and reach truth and justice We might or might not succeed but once we have done our best on evidence that allows success our judgements are justified and as such they can resolve conflicts over the truth and Suspicion and Silence David Morgan, Geoffrey Michael Stephenson, 1994 The Criminal Justice and Public over justice Order Bill includes provisions to restrict a defendant s right to silence in response to police questioning and in the courts Supporters of this change argue that the right to silence is an anachronistic impediment to justice and its abolition would lead to the conviction of more guilty offenders in the courts However there is growing concern that removal of this age old right will expose suspects to far greater pressures from the police and increase the risks of false confessions and miscarriages of justice Evidence in Context Jonathan Doak, Claire McGourlay, Mark Thomas, 2012-05-16 Evidence in Context explains the key concepts of evidence law in England and Wales clearly and concisely set against the backdrop of the broader social and theoretical contexts It informs students of the major debates within the field providing an explanation as to how and why the law has developed as it has This third edition has been expanded to cover the field of civil evidence alongside its traditional criminal focus It has also been thoroughly revised and updated to take into account recent developments in the law and the considerable amount of case law that has emerged since publication of the previous edition This edition includes a new chapter structure with new chapters on the adversarial trial and suspect evidence Updated features include self test questions and advice on further reading at the end of each chapter key learning points which summarise the chapter as well as highlighting the most important issues New and updated chapters on topics such as adversarial trial witnesses and suspect evidence Addressing the evolving case law on subjects such as hearsay and bad character which were overhauled in the Criminal Justice Act 2003 this book is an essential purchase for anyone studying evidence law The Psychology of Interrogations and Confessions Gisli H. Gudjonsson, 2003-05-27 This volume a sequel to The Psychology of Interrogations Confessions and Testimony which is widely acclaimed by both scientists and practitioners

brings the field completely up to date and focuses in particular on aspects of vulnerability confabulation and false confessions The is an unrivalled integration of scientific knowledge of the psychological processes and research relating to interrogation with the practical investigative and legal issues that bear upon obtaining and using in court evidence from interrogations of suspects Accessible style which will appeal to academics students and practitioners Authoritative integration of theory research practical implications and vivid case illustration Coverage of topical issues like confabulation false memory and false confessions Part of the Wiley Series in The Psychology of Crime Policing and Law Evidence: Law and Context Claire Mcgourlay, Mark Thomas, Suzanne Gower, 2024-05-16 Evidence Law and Context explains the key concepts of evidence law in England and Wales clearly and concisely set against the backdrop of the broader political and theoretical contexts The book focuses on the essential topics commonly found on Evidence courses covering both criminal evidence and civil evidence Taking a contextual approach the authors show how wider policy debates and societal trends have impacted upon the recent evolution of the law helping to explain how and why the law has developed The sixth edition has been revised to include the impacts of the COVID 19 pandemic the introduction of the Solicitors Qualifying Examination SQE and updates on previous statistics on the increase in the use of show pleas false confessions and miscarriages of justice alongside a comparative perspective on how the American criminal practice has evolved along a parallel line Learning points summarise the major principles and rules covered and practical examples are used throughout the text to give better understanding as to how the technical rules are applied in practice Self test questions are included in the book helping students to test their understanding and prepare for assessment Well written clear and with a logical structure throughout it contains all the information necessary for any undergraduate evidence law module **Police Interrogation** J. A. Barnes, N. Webster, 1980

The Rise and Fall of the Right of Silence Hannah Quirk,2016-11-25 Within an international context in which the right to silence has long been regarded as sacrosanct this book provides the first comprehensive empirically based analysis of the effects of curtailing the right to silence The right to silence has served as the practical expression of the principles that an individual was to be considered innocent until proven guilty and that it was for the prosecution to establish guilt In 1791 the Fifth Amendment to the US Constitution proclaimed that none shall be compelled in any criminal case to be a witness against himself In more recent times the privilege against self incrimination has been a founding principle for the International Criminal Court the new South African constitution and the ad hoc International Criminal Tribunals for Rwanda and the former Yugoslavia Despite this pedigree over the past 30 years when governments have felt under pressure to combat crime or terrorism the right to silence has been reconsidered as in Australia curtailed in most of the United Kingdom or circumvented by the creation of the military tribunals to try the Guant namo detainees The analysis here focuses upon the effects of the Criminal Justice and Public Order Act 1994 in England and Wales There curtailing the right to silence was advocated in terms of common sense policy making and was achieved by an eclectic borrowing of concepts and policies from

other jurisdictions The implications of curtailing this right are here explored in detail with reference to England Wales and Northern Ireland but within a comparative context that examines how different types of legal systems regard the right to silence and the effects of constitutional protection

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