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ABUSE OF PROCESS AND JUDICIAL STAYS OF CRIMINAL PROCEEDINGS

SECOND EDITION

ANDREW L-T CHOO

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CRIMINAL LAW AND JUSTICE

Abuse Of Process And Judicial Stays Of Criminal Proceedings

Penney Lewis



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Abuse of Process and Judicial Stays of Criminal Proceedings Andrew L.-T. Choo,1993 This study presents a fresh perspective on judicial stays of criminal proceedings by examining discretion in the context of the law of criminal evidence Previously evidence scholars have demonstrated that every exclusionary rule and discretion in the law of criminal evidence can be explained in reference to the protection of the innocent from wrongful conviction and or the protection of the moral integrity of the criminal process Dr Choo persuasively argues that the judicial discretion to stay criminal proceedings should be viewed in the same way He examines the English law on the topic and also the way it is approached in other countries including Canada Australia and the United States *Building on The Decade of Disclosure In Criminal Procedure* John Epp,2013-03-04 First published in 2001 This work has three aims Firstly to provide an examination of the history of the disclosure of information in advance of trial in criminal proceedings in England and Wales This is done with reference to first principles statutory and case law and formal and informal practice norms This examination will set the stage for the discussion of the law and practice of disclosure in England and Wales now in found in Criminal Procedure and Investigations Act 1996 its Code of Practice and the expanding body of relevant case law and the Attorney General s Guidelines on disclosure 2000 Secondly to provide a detailed discussion of the current law and practice of disclosure in England and Wales by closely examining the case law statutory provisions and guidelines Finally to discuss the way forward The Government has indicated its provisional views in the Command Paper The Way Ahead Various commentators have made suggestions as to how the disclosure regime might be reformed Their ideas are discussed and original ideas are presented It is hoped that the discussion will assist in formulating the necessary reforms to the disclosure regime **The Criminal Process** Liz Campbell,Andrew Ashworth,Mike Redmayne,2019 The fifth edition of The Criminal Process continues in the tradition of previous editions in providing an insightful and stimulating analysis of the key issues in criminal processes and procedures The authors draw on arguments from the law research policy and principle to present an authoritative overview of this area of study This edition includes a new chapter on the interface between criminal and civil preventive justice and the addition of questions for discussion and suggested readings at the end of each chapter to facilitate debate and further research

Roberts & Zuckerman's Criminal Evidence Paul Roberts,Adrian Zuckerman,2022 Providing a systematic and contextualised introduction to the principles of criminal evidence and trial procedure this title is designed for university courses at all levels and for criminal practitioners seeking concise summaries of current law and a principled basis for novel legal arguments **International Criminal Law** Ilias Bantekas,Susan Nash,2009-06-02 Providing an introduction to and detailed examination of substantive enforcement and procedural aspects of international criminal law this book s examination of international and transnational crimes under treaty and customary law has been fully updated and revised Exploring the enforcement of international criminal law through an investigation of the practice of the Security Council based tribunals for

Yugoslavia and Rwanda the International Criminal Court and other hybrid tribunals such as those for Cambodia Sierra Leone Lockerbie and truth commissions the authors look at terrorism offences against the person piracy and jurisdiction and immunities amongst a variety of other topics New to this edition are four additional chapters on various forms of liability and participation in international crime war crimes crimes against humanity genocide and illegal rendition This is an ideal text for undergraduate and postgraduate students of law or international relations practitioners and those interested in gaining an insight into international criminal law

Criminal Evidence Paul Roberts, Adrian Zuckerman, 2010-08-26 Based on Adrian Zuckerman's *The Principles of Criminal Evidence* this book presents a comprehensive treatment of the fundamental principles underlying logic of the law of criminal evidence It includes changes relating to presumption of innocence privilege against self incrimination character the law of corroboration

Judicial Responses to Pre-Trial Procedural Violations in International Criminal Proceedings Kelly Pitcher, 2017-12-14 This book provides an in depth examination of the judicial response at the international criminal tribunals ICTs to the violation of procedural standards in the pre trial phase of proceedings It does so against the backdrop of the assumption that certain particularities of international criminal proceedings may warrant a different approach to the matter than at the national level By reference to relevant human rights standards and to national criminal procedure as well as to theoretical accounts of the judicial response to pre trial procedural violations this book assesses the ICTs law and practice in this regard thereby identifying points of concern and making suggestions for improvement In doing so it considers the most suitable rationale for responding to procedural violations committed in the pre trial phase of international criminal proceedings and the merits of judicial discretion in this context as well as the impact of certain particularities of such proceedings on the determination of how to address procedural violations The book is intended for academics and practitioners in the field of international criminal law who want to gain a deeper understanding of the possible impact of pre trial procedural violations on criminal proceedings Kelly Pitcher is Assistant Professor of Criminal Law and Criminal Procedure at Leiden University in The Netherlands

Advanced Criminal Litigation in Practice, 2010 Written specifically for students on the Bar Vocational Course the bar manuals are updated regularly and are very popular with practitioners as well as 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 Modern Law of Evidence Adrian Keane (Lawyer), Paul McKeown, 1901 The *Modern Law of Evidence* is an engaging and authoritative guide that provides concise and focused analysis of the theory behind the law as well as its practical application with an emphasis on current debates

Regulating Undercover Law Enforcement: The Australian Experience Brendon Murphy, 2021-03-05 This book examines the way in which undercover police investigation has come to be regulated in Australia Drawing on documentary and doctrinal legal analysis this book investigates how in the space of a single decade

Australian law makers set out to regulate one of the most difficult aspects of police undercover investigation. In so doing the Australian experience represents a paradigm model. And yet despite its success it is a system of law and practice that has a dark side: a model of investigation that relies heavily on activities that are unlawful in the absence of authorisation. It is a model that is as much concerned with the surveillance and control of police as it is with suspected criminal conduct. The book aims to locate the Australian experience in comparative perspective with other major common law jurisdictions: the United Kingdom, Canada and New Zealand, with a view to contrast strengths, similarities and weaknesses of these models. It is argued that the Australian model at the pragmatic level offers a highly successful model for regulatory structure and practice, providing a significant model for successful regulation. At the same time the model that has been introduced raises important questions about how and why the Australian experience evolved in the way that it did, and the implications this has for the relationship between citizen and state, the judiciary and the executive, and broader questions about the protections offered by rights discourse and jurisprudence. This book aims to document the law, policy and practices that shape undercover investigations. In so doing it aims to not only articulate the way in which the law regulates these activities but also to move on to consider some of the fundamental questions linked to undercover investigations: how did regulation happen? By what means of regulation? What are the driving policy issues that give this field of law its particular complexion? What are the implications? Who gains and who loses by which means of power? The book offers unique insights into a largely unknown aspect of modern covert policing, identifying a range of practices, the legal framework, controversies and powers. By locating these practices in a rich theoretical context informed by risk and governmentality scholarship, this book offers a legal and theoretical explanation of one of the most controversial forms of policing.

The English Legal System Alisdair Gillespie, Siobhan Weare, 2019. An engaging guide to the English legal system which helps students new to law develop a critical legal mind. Presenting and critiquing the law in a lively style, this text invites students to question, analyse and evaluate.

The Law Reports of the Special Court for Sierra Leone Charles Chernor Jalloh, Simon M. Meisenberg, 2012-06-01. The Special Court for Sierra Leone was established through signature of a bilateral treaty between the United Nations and the Government of Sierra Leone in 2002. This volume presents all the interlocutory decisions and final trial and appeals judgments issued by the court in the case *Prosecutor v Brima Kamara and Kanu*.

Human Rights and Criminal Justice Ben Emmerson, Andrew Ashworth, Alison Macdonald, Mark A. Summers, 2012. A survey of Czech business law, tax and accounting regulations. The political, legal and economic systems of the Republic are outlined.

Evidence Andrew Choo, 2012-04-12. 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.

Remedies for Human Rights Violations Kent Roach, 2021-04-08. Justifies a two track approach that includes individual and systemic remedies in both domestic and international human rights law.

International Criminal Procedure Göran Sluiter, Håkan Friman, Suzannah

Linton, Sergey Vasiliev, Salvatore Zappalà, 2013-03-21 *International Criminal Procedure Principles and Rules* is a comprehensive study of international criminal proceedings written by over forty leading experts in the field. The book offers a systematic overview and detailed comparison of the standards governing the conduct of proceedings in all major international and internationalized criminal courts from the Nuremberg and Tokyo Tribunals to the recently established Cambodian Extraordinary Chambers and the Special Tribunal for Lebanon. Based on a major research project, the study covers all procedural phases from the initiation of investigation to the appeals process. It pays special attention to the crosscutting themes which shape the contemporary discourse on international criminal justice including the law of evidence, the defence issues, the procedural role of victims and negotiated dismissal of international crime cases. The book not only takes stock of the procedural legacy of the UN ad hoc Tribunals for the former Yugoslavia and Rwanda and the International Criminal Court but also reflects on the future directions of international criminal procedure. Investigating the tribunals' procedural law and practice through the prism of human rights law, domestic legal traditions and tribunals' special objectives, the expert group puts forth proposals on how the challenges facing international criminal jurisdictions can best be met. *International Criminal Procedure* will be an indispensable work for practitioners involved in the adjudication of serious crimes on both national and international level as well as international law students and academics.

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Delayed Prosecution for Childhood Sexual Abuse Penney Lewis, 2006-04-13 Child sexual abuse prosecutions are often brought about following a delay of some years after the alleged abuse which can cause a variety of problems for the prosecutions. This work examines the issues associated with these kinds of trials and the response of the criminal justice system to such cases.

International Criminal Law Edwin Bikundo, 2016-04-22 This book analyses the relationship between law and violence, the utility of law over violence and whether legality as an approach has an inherent disability in addressing mass violence as a crime. The study is located within international law and assesses whether prosecuting political violence would necessarily entail an abuse of the legal process. The intention is to encourage definition of criminal aggression via legal processes laid down by the International Criminal Court rather than giving favour to political action under the United Nations Charter. Issues discussed in the book include the controversies over the location of the crime of aggression in either law or politics, taking a legal approach to the problems outlined. Using examples from Libya, the Ivory Coast and Kenya, the work will be of interest to those working in the areas of international criminal justice, international law, legal theory and international relations.

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