

Criminal Courts and Lay People FACTSHEET

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Introduction

It is necessary to know some basics about criminal law. It is also important to use the correct legal terminology when explaining the criminal courts.

Fill in the gaps using the words printed below:

A crime is an offence that has been committed against the

The defendant will be on behalf of the Crown by the CPS (Crown Prosecution Service).

The prosecution must find the defendant guilty 'beyond all doubt'. This is the of proof in a criminal case.

The burden of proof is on the prosecution to prove the is

If found guilty, the defendant will be This may be a discharge, fine, community-based sentence or a sentence.

Guilty	Reasonable	State	Standard
Prosecuted	Custodial	Sentenced	Defendant

Task: From your general knowledge and from previous topics, see how many of these questions you can answer:

1. What is the difference between a criminal case and a civil case?

2. Who would have dealt with a person accused of a crime before they reach court?

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3. Which courts deal with criminal trials?
4. Which courts deal with criminal appeals?
5. What is the difference between a trial and an appeal?
6. Which other topics that you have learnt link to the study of criminal courts?

Pre-Trial Procedures

Q. What is the role of the probation service?

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Triable either-way offences

Q. What are the advantages of having a case heard at the Magistrates' Court?

Q. What are the advantages of having a case heard by a jury at Crown Court?

Appeals and appellate courts – Questions

Answer the following questions:

1. If a case is appealed from the Magistrates' Court to the Crown Court, who will hear the case?

2. If a case is appealed from the Magistrates' Court to the Crown Court, what powers does the Crown Court have?

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3. When would a defendant appeal to the Queen's Bench Division?
4. If a case is heard at the Crown Court, which court will hear the appeal?
5. Which Act of Parliament contains the rules on appeals?
6. What are the 3 things that the defence can appeal on?
7. Name 3 types of appeal that can be made by the prosecution.

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8. What type of appeals are heard by the Supreme Court?

9. That is required to have a case heard at the Supreme Court?

10. Can a case go any higher than the Supreme Court?

TASK: Would you allow an appeal in the following cases? (Give the grounds)

(a) Mr Bentley was found guilty of the murder of a Police Officer in 1952. This was during a burglary, when his accomplice shot the Police Officer. Bentley was present at the shooting but had been arrested and was held by the police. He had allegedly said "Let him have it Chris". Bentley was eighteen but had a mental age of 11. This fact was never given to the jury. The Judge summed up in a very biased way, favouring the police. Bentley was hanged on 28th January 1953.

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(b) The Bridgewater Four were convicted of the murder of a schoolboy, but always denied it. One of the defendants had been questioned by police for ten days without a lawyer, then confessed after seeing a fabricated confession from one of the other defendants. They spent 18 years in prison, eventually new fingerprint evidence was disclosed, proving they were not involved.

(c) Mr Woollin was convicted of the murder of his own baby when he threw the child against a wall, during a moment of anger, as the baby was crying and would not feed. The trial Judge advised the jury that they must ask themselves if there was a significant risk of harm. He should have said “was serious harm a virtually certainty”. Woollin was jailed for life.

(d) Mr Dunlop was acquitted of murder after two different juries could not decide if he had killed pizza delivery girl Julie Hogg. He later confessed that he had in fact killed her (to a friend).

(e) Mr Plakici was convicted of the kidnapping and forced prostitution of several young eastern European girls. He was sentenced to ten years in prison.

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(f) Mr Twomey was acquitted of the biggest armed robbery in the UK after a jury could not reach a majority verdict. He was in fact guilty and the original jury had been nobbled.

Research task:

There are many miscarriages of justice cases including Derek Bentley, the Bridgewater Four, the Birmingham Six, the Guildford Four and the Maguire Seven. Research one of these cases and present your findings to the rest of the class.

TASK: Look on the Internet and find out some information about the work of the [Criminal Case Review Commission](#).

Key Terms:

Define the following terms. Use clear definitions and examples if appropriate. You may also add more of your own:

SUMMARY OFFENCES	
EITHER-WAY OFFENCES	

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INDICTABLE OFFENCES	
EARLY ADMINISTRATIVE HEARING	
JURISDICTION OF THE MAGISTRATES' COURT	
PLEA BEFORE VENUE	
MODE OF TRIAL	
APPEALS FROM THE MAGISTRATES' COURT	
APPEALS FROM THE CROWN COURT	
LEAVE TO APPEAL	

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Sentencing and court powers:

Introduction to Sentencing

TASK: Look on the Internet and find out some information about the work of the probation service. <http://www.nationalprobationservice.co.uk/>

Aims

PUNISHMENT

Q. In what way would a tag be a punishment?

Q. Do you think the death penalty is an appropriate PUNISHMENT for a murderer?

Q. What is meant by the saying 'an eye for an eye'?

Q. What would be the most equal form of punishment for a person who commits criminal damage by smashing someone's windows?

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REDUCTION IN CRIME (DETERRENCE)

Q. If 55% - 65% of prisoners reoffend within 2 years of release (this figure is 70% for young offenders), does deterrence work?

Q. What assumptions does the aim of deterrence make about the offender?

Q. Why is a general deterrent unfair on the offender who is set as an example to others?

REFORM & REHABILITATION

Q. How will a pre-sentence report assist the court when deciding a sentence that will hopefully reform and rehabilitate the offender?

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Q. Why is this aim of sentencing more likely to work than punishment?

PROTECTION OF THE PUBLIC

Q. What type of sentence would protect the public from a football hooligan?

Q. Which type of sentence is the ultimate way to protect the public?

REPARATION

Q. Could the requirement for the offender to meet their victim help reduce future offending?

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Q. If you were the victim of a crime, would you want to meet the offender?

Factors

Sentencing Council

Visit the Sentencing Council's website: <http://sentencingcouncil.judiciary.gov.uk/>

Types of sentences

FINE

Q. Why is a fine more of a punishment for some offenders more than others?

COMMUNITY SENTENCE

Q. How would the public be protected from an offender with a curfew order?

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Group Task:

Peter has been caught shoplifting. He has a drug addiction and mental health problems. He is 21 years old and unemployed living with his mum. He said that he goes shoplifting because he is bored.

Which community orders would you impose? Each group is to come to their decision and must be able to link their decision to the aims of sentencing. Discuss which the most appropriate sentence is for Peter.

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Task: Which aim(s) of sentencing do you think the judge is using when they impose the following community orders?

Community Order	Aim(s) of Sentencing
Prohibited Activity Requirement	
Exclusion Requirement	
Attendance Centre Requirement	
Residence Requirement	
Supervision Requirement	
Curfew Requirement/Electronic Monitoring Requirement	
Alcohol Treatment Requirement/Drug Rehabilitation Requirement	
Mental Health Treatment Requirement	
Unpaid Work	

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CUSTODIAL

Life Sentences

Q. Define the word 'mandatory'.

Q. Define the word 'discretionary'.

Fixed-Term Sentences

Q. What is the benefit of having sex offenders subject to an extended licence period?

Suspended Sentences

Petra is a single mother who is caught shoplifting clothes for her children. This is her 12th offence and she has been previously fined and banned from the shopping centre.

Q. Explain how a suspended sentence may reduce her offending.

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Evaluation of the different types of sentences

One advantage of a custodial sentence is:

This is an advantage because:

However:

One advantage of a community sentence is:

This is an advantage because:

However:

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One advantage of a fine is:

This is an advantage because:

However:

One advantage of a discharge is:

This is an advantage because:

However:

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YOU BE THE JUDGE – Group Activity

Task:

Consider the following situations. In your group, you must agree on an appropriate sentence, consider aggravating and mitigating factors and consider the aim of the sentence. You may wish to download the Sentencing Council's guidelines for a more authentic answer.

Situation 1

Simon was celebrating his 40th birthday with friends. He had a lot to drink and on the way home he stole the milk off everyone's doorstep in his street. The neighbours reported him to the police. He said he had no recollection of stealing the milk but for the fact that he had eight bottles of it in his house. He was very sorry for what he did and has never been in trouble with the police before.

Sentence:	Aims:
Aggravating Factors:	Mitigating Factors:

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Situation 2

Hazel is 28 years old with two children. The neighbours call the police when they hear shouting and smashing noises from her house. The police arrive and Hazel has hit her boyfriend with a baseball bat causing actual bodily harm (he has a cut on this head and has bruising on his body). Hazel tells the police that he deserves it as he has been cheating on her. As the police take her away, she shouts to her neighbours that she will “see to them for snitching on her”. Hazel has five previous convictions for fighting and admits that she has a short temper. She has previously been fined, had an electronic tag, and done unpaid work in the community.

Sentence:	Aims:
Aggravating Factors:	Mitigating Factors:

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Situation 3

Carl is 50 years old and addicted to heroin. He commits a robbery at the local post office. He threatens the cashier with an imitation gun and gets away with £1000. He pleads guilty at the earliest opportunity. He has previous convictions for assault, possession of drugs, theft and burglary.

Sentence:	Aims:
Aggravating Factors:	Mitigating Factors:

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Key Terms:

Define the following terms. Use clear definitions and examples if appropriate. You may also add more of your own:

PUNISHMENT	
DETERRENT	
REHABILITATION	
PROTECTION OF THE PUBLIC	
REPARATION	
DISCHARGE	
FINE	

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COMMUNITY SENTENCE	
CUSTODIAL	
PRE-SENTENCE REPORTS	
AGGRAVATING FACTORS	
MITIGATING FACTORS	

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Lay magistrates

Q. Define the term 'Lay'.

Qualifications

Q. Could you be a Magistrate?

TASK: Read the information on the [gov.uk website](https://www.gov.uk) about the qualifications for being a Magistrate. Look at the application form and make notes below:

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Six Key Qualities

Make notes about each of these qualities and why you think they would be important in the role:

1. Good character	
2. Understanding & communication	
3. Social awareness	
4. Maturity & sound temperament	
5. Sound judgement	
6. Commitment & reliability	

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Selection & Appointment

Q. Who is the Lord Chief Justice?

Q. Why is it important that Magistrates' represent society as a whole?

Role in criminal cases

Q. What are preliminary matters?

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Evaluation using lay people in criminal cases

One advantage of using magistrates in criminal cases is:

This is an advantage because:

However:

Another advantage of using magistrates in criminal cases is:

This is an advantage because:

However:

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One disadvantage of using magistrates in criminal cases is:

This is a disadvantage because:

However:

Another disadvantage of using magistrates in criminal cases is:

This is a disadvantage because:

However:

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Key Terms:

Define the following terms. Use clear definitions and examples if appropriate. You may also add more of your own:

Lay People	
Justices of the Peace	
Six Key Qualities	
Local Advisory Committees	
Lord Chief Justice	
Preliminary Matters	

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Summary Offences	
Triable-Either Way Offences	
Indictable Offences	
Youth Court	
Legal Adviser	
Case-hardened	

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Juries

Introduction:

See how much you already know about juries. In pairs, answer the following questions. When you have answered all you can, team up with other pairs until you think you have a correct answer to all:

1. How many people sit on a jury?
2. Name another country that has juries?
3. Would you be allowed on a jury?
4. Name two types of people who should not be allowed to do jury service.
5. What do juries have to do in a case?
6. What sorts of cases use a jury?
7. Who is in charge of the jury?

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8. Why do you think we have juries?

Research the facts of Bushell's Case (R v Penn and Mead (1670)):

Answer the following questions:

1. Why is Bushell's Case so important?

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2. Do you think it is right for juries to have the power to acquit a guilty person (Explain your answer)?

YES	NO

Q. How does the decision in Bushell's Case improve the independence of a jury?

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Qualifications

Q. Should criminals be allowed to sit on a jury?

YES	NO

Q. Can people ever have a fair trial now that lawyers, police and judges can be called for jury service?

YES	NO

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Selection

Q. Who is the Attorney General?

Watch this short video about jury service and answer the questions below:

<http://www.youtube.com/watch?v=JP7slp-X9Pc>

1. How are jurors selected?
2. What happens to a juror if they fail to attend the jury 'roll call'?
3. What must a person take with them to court when they serve on a jury?
4. How long do most periods of jury service last?

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5. How many people will the jury officer select at the beginning of a case?

6. How many of those selected will actually serve on a jury?

7. What happens to those who are not selected?

8. What basic pattern do all criminal cases follow?

9. What are jurors specifically told not to do during a case?

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10. What is an 'unanimous verdict'?

11. Identify 3 key functions of a jury during a criminal case:

12. What happens to the jury when the case is over?

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Juries Debate Task

Judges should be allowed to sit on a jury.	Judges should not be allowed to sit on a jury.
Police should be allowed to sit on a jury.	Police should not be allowed to sit on a jury.
Criminals should be allowed to sit on a jury.	Criminals should not be allowed to sit on a jury.
75 year olds should be allowed to sit on a jury.	75 year olds should not be allowed to sit on a jury.
16 year olds should be allowed to sit on a jury.	16 year olds should not be allowed to sit on a jury.
Deaf people should be allowed to sit on a jury.	Deaf people should not be allowed to sit on a jury.

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Role

TASK: Research the case of R v Twomey (2009). Summarise the facts of the case and why this case was heard without a jury:

Q. Under what other circumstances is the judge alone allowed to decide a case?

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Class Debate

Depending on the size of the class, allocate each pair or individual one of the following arguments for and against reform:

1. The judge should be allowed into the jury room during deliberations.
 2. The jury room should remain secret.
 3. The current jury system is essential and should be retained.
 4. Juries should be abolished and cases decided by the judge alone.
 5. Jury equity is essential and should be retained.
 6. Juries should be forced to apply the law
- Each pair/student should prepare their arguments (they may wish to produce a poster outlining the main points of their argument).
 - Point 1 should then go up against point 2 in a debate lasting 5 minutes. The rest of the class should then vote on a winner.
 - Repeat the process with point 3 verses point 4, and finally point 5 verses point.

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Evaluation using lay people in criminal cases

One advantage of using juries in criminal cases is:

This is an advantage because:

However:

Another advantage of using juries in criminal cases is:

This is an advantage because:

However:

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One disadvantage of using juries in criminal cases is:

This is a disadvantage because:

However:

Another disadvantage of using juries in criminal cases is:

This is a disadvantage because:

However:

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TASK: Pick two of the suggested alternatives/reforms and note at least three of the advantages and disadvantages of each.

Alternative/reform:	
Advantages	Disadvantages

Alternative/reform:	
Advantages	Disadvantages

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Case List:

This topic contains many cases that you can use in an exam question to explain a point you are making, criticise the law or show juries in a good light. It might not be possible to remember every case, so pick the main cases and the ones that can be used to make important points about the jury system. Remember that the decision in a case is usually more important than the facts. You may wish to photocopy this page if you want to include more cases. You could even enlarge the page to A3 and put it on the wall for revision.

Fill in the case list below with important details:

Case name:	Facts:	Decision & Comments:

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Key Terms:

Define the following terms. Use clear definitions and examples if appropriate. You may also add more of your own:

JURIES ACT 1974	
CRIMINAL JUSTICE ACT 2003	
CRIMINAL JUSTICE AND COURTS ACT 2015	
QUALIFICATIONS	
DISQUALIFIED	
DEFERRAL	
EXCUSED	

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INELIGIBLE	
INCAPACITY	
SUMMONS	
VETTING	
CHALLENGING	
DELIBERATING	
JURY TAMPERING	
MAJORITY VERDICT	

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