

Judicial Discretion And Criminal Litigation

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Judicial Discretion And Criminal Litigation

Law Principles as a Means of Limiting Legal Discretion

criminal procedure scheme allows us to say that the law-enforcement discretion of the court (criminal procedural discretion) as a system of objective and subjective factors rests (as a superstructure) on the general legal regime (as the basis) of all stages of pre-trial and trial proceedings of the criminal procedure TABLE II

JUDICIAL DISCRETION AND HUMAN RIGHTS: EXPANDING ...

2004] Judicial Discretion and Human Rights A Defining Judicial Discretion Judicial discretion — the result of its exercise is referred to herein as a discretionary decision — is exercised when a judge is granted a power under either statute ('statutory discretion') or common law that requires the judge to

Judicial Discretion In Common Law Courts

The term judicial discretion is one of the most general expressions in the law Bouvier's Law Dictionary (first edition, confront the trial courts in the administration of civil and criminal law in the courts The rationale that has caused the development of the doctrine is well set forth in Moody v

Litigation and the Judicial Process - Georgetown Law

LITIGATION AND THE JUDICIAL PROCESS Traditionally, the law school courses most relevant to someone contemplating a career as a litigator have been the courses focusing on the "law" applied by courts in a litigation setting courses such as civil and criminal procedure, evidence, federal jurisdiction, and conflict of laws

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Prosecutorial Discretion: The Decision to Charge

Focusing on police discretion to arrest and the prosecutor's discretion to charge, the author notes that justified discretion is that which ameliorates the harshness of the literal criminal law For instance, since crimina I conduct is described in general terms, criminal laws sweep together simi ...

ADMISSIBILITY AND THE DISCRETION TO EXCLUDE EVIDENCE ...

12 See the Criminal Procedure Code 2010 (Act 15 of 2010) s 258(3) 13 See Jeffrey Pinsler, Evidence and the Litigation Process (LexisNexis, 3rd Ed, 2009) ch 10 14 [2008] 2 SLR(R) 239 The impact of Law Society of Singapore v Tan Guat Neo Phyllis has been considered in at ...

Judicial Fact Discretion

discretion so as to avoid being reversed on appeal by a court with dif-ferent preferences In sum, fact discretion not only creates leeway for the expression of judicial biases, it also undermines the appeals process and adversarial litigation Although these mechanisms are sometimes believed to put a

The Use of Sentencing Findings as a Collateral Estoppel ...

preclusive effect in subsequent civil litigation as to the issues which are identical to the matters necessarily decided by the judgment in the criminal case⁴ On the other hand, whether tion was to reduce judicial discretion in fixing criminal sentences and

Minnesota Judicial Branch Policy

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