

Essay on Criminal Justice

Introduction

The Criminal justice systems all over the world observe certain rules and procedure in maintaining law and justice. These systems of procedure most often go in line with countries' laws and procedures described in constitutions of nations. Such laws and procedures therefore, relate to plea for bargaining in cases. It may also include the rights to appeal by the accused, rights against personal incrimination. Another influence relates to all matters relating to the due process of the law. In the criminal justice system, various points of management need constant review and monitoring. Such various initiatives in the system therefore, ensure that initiatives on juvenile takes place and that the confidentiality of evidence is kept from distortion.

The criminal justice systems of counties on the other hand, are categorized into adult system and in retrospect that of juvenile. There have however, been many debates from policy makers and members of the justice system on the separation of such groups of criminals. Others feel that the criminal justice system needs to treat both groups of criminals equally. Others are of the idea that juvenile systems need to be different from that of adults. However, from another viewpoint one could argue that both systems are same in terms of management and application of policy (Hessick & Saujani, 2002). These individuals argue that juveniles, as well as adults commit the same crimes despite their ages. However, in terms of prosecutions, the court system seems to be lenient to juveniles in some instances. Both groups of criminals commit the following crimes: robbery, Rape, Assault and homicide. Other characteristics of crime include Arson and burglary.

Plea, Bargaining Appeals and due process

Plea in the judicial system has a significant influence in the fulfillment of cases. For example, when one is deemed to have taken a guilty plea, it means that the accused party in a case has confessed to the crime. In a court of law, a guilty plea means that the prosecutor does not have to prove that the accused is guilty further than the confession. Therefore, in legal terms, a guilty plea is termed as a "Legal equivalent". One must also recognize that guilty pleas may also occur when the defendant plead no contest in the case (Hessick & Saujani, 2002). In respect to pleas, there is the possibility of slow pleas occurring in the court process.

Slow plea results when there is a bargain for submission on the information on the preliminary information in which the only credible evidence comes from the testimony of the accused. In such a scenario, the defendant does not provide any testimony while the council does not provide evidence on behalf of the defendant. However, it is upon the court to make a decision on the guilty verdict. From previous court proceedings, courts have been able to rule in diverse ways in relation to cases upon submission of pleas (Hessick & Saujani, 2002). In some cases, submissions have been tantamount to a guilty verdict and in some instances lead to no guilty plea.

However, in relation to the justice system, the defendant may bargain pleas. In relation to, many cities' criminal justice systems like that of California, there are many types of types of guilty pleas. For the city of California, there are two types. An individual can provide no contents to the plea or take a guilty plea. According to the cities laws, there is a possibility of having a conditional plea. According to Hessick & Saujani (2002), a conditional plea refers to the provisions of a plea on the condition of reception of a specific disposition. The other form of bargaining relates to the unconditional plea where there are not limits to the plea. In due process of in the court, an individual may enter into a conditional plea that might involve an exchange of benefits.

These benefits may include the dismissals of specific counts and on the change in the maximum punishment by the courts. A court might decide to enforce the plea or in some cases withdraw completely. However, one needs to realize that, in the justice system, the accused, as well as the defendants have several rights (Hessick & Saujani, 2002). Such rights in the system includes the rights to hearing, rights against self-incrimination and the right to question the due process through court appeals.

Juvenile and Adult Criminal Systems

The criminal justice system comes under two categorizes. These categories include the Juvenile and Adult criminal justice systems. It is therefore, important to note that these differences not only relate to the structural system but also on Courts proceedings. These differences therefore, border on various rehabilitation efforts on the system. On the other perspective, the differences represent court proceedings and issues relating to confidentiality. In relation to prosecutions, it is evident that Juveniles do not get prosecution on criminal activities committed, but on delinquent acts committed. However, in the case where the act is very serious the Juvenile might have to face trial in an adult system (Kurlychek & Johnson, 2004).

One of the Differences in relation to the two systems is that a juvenile may not the right to respond to a public jury. In such cases, the judge might have to judge after hearing evidence whether the minor is a delinquent or not. Further, in relation to the due process of the law, the Juvenile system differs to the Adult system in this perspective: the Juvenile system of providing justice tends to advocate for rehabilitation while the adult system tend to punish the offenders (Kurlychek & Johnson, 2004). Another difference postulated by the two systems relates to aspects of formality and aspects of leniency. Juvenile systems are less formal than that of adults. Further, the rules relating to the evidence admissibility make the Juvenile system much lenient in terms of judgment.

Conclusions

The major differences between the Juvenile system and Adult system relates to the overall goal of such judgments. From various articles on the subject, Juvenile systems concentrate on rehabilitating offender unlike the adult system, which promotes punishment. This therefore, means that the criminal Justice system has been decades developing alternative sentencing on

Juveniles that see them avoid jail sentencing. However, such differences have not been satisfactory in providing policy makers with clear ways of providing justice to all members in the society irrespective of age.

In the recent past, there has been an argument, which points out that the difference in these systems is not of much significance to warrant two different systems of prosecution. These systems are far much similar than different. For example, members of both Adult and Juvenile systems have a right to attorney, both recognize the right against self-incrimination, all members have the right to know all charges inferred and “the prosecutor is required to prove beyond reasonable doubt” that the defendant is guilty. Further, both systems provide defendants the rights to cross-examine and confront witnesses of the prosecution (Kurlychek & Johnson, 2004).

References

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Kurlychek, M. C., & Johnson, B. D. (2004). The juvenile penalty: A comparison of juvenile and young adult sentencing outcomes in criminal court*. *Criminology, 42*(2), 485-515.