

Outcome Task 2

Question 1. (2 marks)

Explain how the role of the jury in a criminal trial may contribute to one of the principles of justice.

The role of the jury may contribute to the principle of fairness as it makes it harder to find an innocent persons guilty by requiring at least 11 out of 12 jurors to agree on a guilty verdict.

Question 2 (11 marks)

Charlie has been charged with common assault and has been summoned to appear in the magistrates' Court. Charlie has sought advice from a community legal centre, who reassured them that the charge can only be heard by a Magistrate'. The victim of the assault is nervous about giving evidence in court.

a. Has Charlie been charged with a summary of indictable offence? Justify your response. (2 marks)

Charlie has been charged with a summary offence. This is due to the charge only being able to be heard by a Magistrate

b. Explain **One** right Charlie is entitled to in relation to the charge against them (2 marks)

As an accused Charlie is entitled to the right to fair hearing, which entails that the outcome of his charge should be decided upon by an impartial, independent and competent court

c. Discuss the role of community legal centres in assisting Charlie. (3 marks)

For Charlie, community legal centres assisted him by providing legal information regarding what type of offence he had been charged with

d. Discuss the appropriateness of a sentence indication in Charlie's case. (4 marks)

- if you plead guilty now this is your sentence
- appropriate because victim is nervous about giving evidence in court
- not appropriate due to accused most likely having no legal representation

Question 3 (2 marks)

Outline Two purposes of committal proceedings

One purpose of committal proceedings is to decide if there is sufficient evidence to support a conviction. Another purpose is to decide whether it is appropriate for the charges to be heard summarily.

Question 4 (2 marks)

Explain how the presumption of innocence is upheld through the burden and standard of proof

The presumption of innocence is upheld through the burden and standard of proof

Question 5 (2 marks)

Explain One purpose of a plea negotiation

One purpose of a plea negotiation is to ensure a guilty verdict is reached. This can allow for a faster trial.

Question 6 (2 marks)

Kim has a cognitive impairment and has been the victim of a violent crime. Explain One right available to Kim as a victim within Victoria's criminal justice system

Due to being considered a vulnerable witness, Kim is entitled to be able to give evidence as a vulnerable witness. This entails the ability to request special considerations when giving evidence such as having the accused obscured by a screen

Question 7 (4 marks)

describe two reasons for having a court hierarchy

One reason for having a court hierarchy is to allow different courts to have different specialisations eg. Magistrates for summary offences and Supreme court for murders. Another reason for having a court hierarchy is to allow for appeals, in which the decision of a lower court can be reviewed by a higher court