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LAW AND JUSTICE

ENGLISH CRIMINAL APPEALS 1844–1994



ROSEMARY PATTENDEN



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English Criminal Appeals 1844 1994

Austin Sarat



English Criminal Appeals 1844 1994:

English Criminal Appeals, 1844-1994 Rosemary Pattenden, 1996 The failure of justice in the cases of the Birmingham Six the Guildford Four the Maguire Seven and others in the late 1980s heightened public and media awareness of criminal appeals a subject previously of interest mainly to convicted persons legal practitioners and judges involved in the appeal process Practitioner s guides provided information on how to appeal convictions and sentences imposed in Magistrates Courts and in the Crown Court but there has been no literature which attempted a critical examination of the law and state of criminal appeals in England and Wales or any assessment of post appeal remedies for those like the Birmingham Six the Guildford Four and the Maguire Seven who did not initially succeed in having their convictions quashed on an appeal English Criminal Appeals seeks to fill this gap and in addition outlines the development of judicial and extra judicial remedies against wrongful conviction and inappropriate sentence since the first bill to establish a court capable of reviewing convictions on indictment was debated in Parliament in 1844 **The Court of Appeal for Ontario** Christopher Moore, 2014-01-01

Christopher Moore s history of the Court of Appeal for Ontario traces the evolution of one of Canada s most influential courts from its origins to the post Charter years **Crime, Policing and Punishment in England, 1750-1914** David Taylor, 1998-12-14 One of the fastest growing and most exciting areas of historical research in recent years has been the study of crime and the criminal The intrinsic fascination of the subject is enhanced by the fact that between the mid eighteenth century and early twentieth century the English criminal justice system was fundamentally transformed as a new disciplinary state emerged Drawing on recent research this book provides a comprehensive and up to date synthesis of these important changes Sitting in Judgment Penny Darbyshire, 2011-09-30 The public image of judges has been stuck in a time warp they are invariably depicted in the media and derided in public bars up and down the country as privately educated Oxbridge types usually out of touch and more often than not as old men These and other stereotypes the judge as a pervert the judge as a right wing monster have dogged the judiciary long since any of them ceased to have any basis in fact Indeed the limited research that was permitted in the 1960s and 1970s tended to reinforce several of these stereotypes Moreover occasional high profile incidents in the courts elaborated with the help of satirists such as Private Eye and Monty Python have ensured that the old white Tory judge caricature not only survives but has come to be viewed as incontestable Since the late 1980s the judiciary has changed largely as a result of the introduction of training and new and more transparent methods of recruitment and appointment But how much has it changed and what are the courts like after decades of judicial reform Given unprecedented access to the whole range of courts from magistrates courts to the Supreme Court Penny Darbyshire spent seven years researching the judges accompanying them in their daily work listening to their conversations observing their handling of cases and the people who come before them and asking them frank and searching questions about their lives careers and ambitions What emerges is without doubt the most revealing and compelling picture of the

modern judiciary in England and Wales ever seen From it we learn that not only do the old stereotypes not hold but that modern baby boomer judges are more representative of the people they serve and that the reforms are working But this new book also gives an unvarnished glimpse of the modern courtroom which shows a legal system under stress lacking resources but facing an ever increasing caseload This book will be essential reading for anyone wishing to know about the experience of modern judging the education training and professional lives of judges and the current state of the courts and judiciary in England and Wales *Building the UK's New Supreme Court* Andrew P. Le Sueur, 2004 In the context of the far reaching reforms proposed for the Appellate Committee of the House of Lords and the Judicial Committee of the Privy Council Building the UK's New Supreme Court considers the operation and reform of courts at the apex of the UK's legal systems The chapters are linked by broad and overlapping themes The first of these is the complexity of accommodating national differences within the UK into the institutional design of the new supreme court Not only will it be a court for the UK's three legal systems and simultaneously a national institution of the whole UK but it is also likely to be called upon to resolve division of powers disputes within the emerging system of multi level government A second theme is the scope for comparative lesson learning from top courts in other legal systems the Supreme Court of Canada the US federal courts system and the constitutional courts in Germany and Spain are considered Finally the connections between the UK's top level courts and other courts especially intermediate courts of appeal the European Court of Justice and the European Court of human rights are examined **The Rise and Fall of the Rehabilitative Ideal, 1895-1970** Victor Bailey, 2019-04-09

Spanning almost a century of penal policy and practice in England and Wales this book is a study of the long arc of the rehabilitative ideal beginning in 1895 the year of the Gladstone Committee on Prisons and ending in 1970 when the policy of treating and training criminals was very much on the defensive Drawing on a plethora of source material such as the official papers of mandarins ministers and magistrates measures of public opinion prisoner memoirs publications of penal reform groups and prison officers the reports of Royal Commissions and Departmental Committees political opinion in both Houses of Parliament and the research of the first cadre of criminologists this book comprehensively examines a number of aspects of the British penal system including judicial sentencing law making and the administration of legal penalties In doing so Victor Bailey expertly weaves a complex and nuanced picture of punishment in twentieth century England and Wales one that incorporates the enduring influence of the death penalty and will force historians to revise their interpretation of twentieth century social and penal policy This detailed and ground breaking account of the rise and fall of the rehabilitative ideal will be essential reading for scholars and students of the history of crime and justice and historical criminology as well as those interested in social and legal history *Victorians Against the Gallows* James Gregory, 2011-11-30 By the time that Queen Victoria ascended the throne in 1837 the list of crimes liable to attract the death penalty had effectively been reduced to murder Yet despite this the gallows remained a source of controversy in Victorian Britain and there was a growing unease in

liberal quarters surrounding the question of capital punishment Unease was expressed in various forms including efforts at outright abolition Focusing in part on the activities of the Society for the Abolition of Capital Punishment James Gregory here examines abolitionist strategies leaders and personnel He locates the gallows question in an imperial context and explores the ways in which debates about the gallows and abolition featured in literature from poetry to novels of purpose and popular romances of the underworld He places the abolitionist movement within the wider Victorian worlds of philanthropy religious orthodoxy and social morality in a study which will be essential reading for students and researchers of Victorian history

Judges and Judging in the History of the Common Law and Civil Law Paul A. Brand,Paul Brand,Joshua Getzler,2012-01-12
Leading historical research analysing the history of judges and judging allowing comparisons between British American Commonwealth and Civil Law jurisdictions

Wrongful Convictions and Miscarriages of Justice C. Ronald Huff,Martin Killias,2013 This innovative work builds on Huff and Killias earlier publication 2008 but is broader and more thoroughly comparative in a number of important ways 1 while focusing heavily on wrongful convictions it places the subject of wrongful convictions in the broader contextual framework of miscarriages of justice and provides discussions of different types of miscarriages of justice that have not previously received much scholarly attention by criminologists 2 it addresses in much greater detail the questions of how and how often wrongful convictions occur 3 it provides more in depth consideration of the role of forensic science in helping produce wrongful convictions and in helping free those who have been wrongfully convicted 4 it offers new insights into the origins and current progress of the innocence movement as well as the challenges that await the exonerated when they return to free society 5 it assesses the impact of the use of alternatives to trials especially plea bargains in the U S and summary proceedings and penal orders in Europe in producing wrongful convictions 6 it considers how the U S and Canada have responded to 9 11 and the increased threat of terrorism by enacting legislation and adopting policies that may exacerbate the problem of wrongful conviction and 7 it provides in depth considerations of two topics related to wrongful conviction voluntary false confessions and convictions which although technically not wrongful since they are based on law violations represent another type of miscarriage of justice since they are due solely to unjust laws resulting from political repression

Studies in Law, Politics, and Society Austin Sarat,2012-01-31 Contains an international and interdisciplinary array of legal scholarship This work illuminates the law s response to its social context as well as the way law shapes that context It shows how legal scholars contribute to public debate about contemporary issues as well as how they articulate the nature of rights and the limits of law

Judges and Convicts Victor Bailey,2025-06-19
Uncovering the origins of the new sentencing structure that emerged in the course of the nineteenth century this book travels from the demise of the Bloody Code in the 1830s through the mid century transition from convict transportation to home based penal servitude and on to the remarkable and unprecedented mitigation of sentencing severity in the final two decades of the century By providing such an extended span of analysis this book reveals the discrete stages of development

in sentencing policy and practice and particularly the contribution of the small coterie of professional judges at the county Assizes the Old Bailey or Central Criminal Court and the Middlesex Sessions around whose sentencing decisions the study revolves In consequence readers are offered an overarching survey of the nineteenth century trends in sentencing including an account of the struggle between politicians mandarins and judges for supremacy in sentencing along with a detailed explanation of that remarkable mitigation of sentencing severity that ultimately defined a new equation between crime and punishment or the modern sentencing tariff Judges and Convicts The Principles and Patterns of Criminal Sentencing in Victorian England will be of great appeal to students and scholars of history law criminology and sociology particularly to those with an interest in the history of the criminal trial the judiciary punishment and sentencing

Fundamentals of Sentencing Theory Andrew Ashworth, Martin Wasik, 1998 The Oxford Monographs On Criminal Law And Justice series aims to cover all aspects of criminal law and procedure including criminal evidence the scope of the series is wide encompassing both practical and theoretical works Series Editor Professor Andrew Ashworth Vinerian Professor of English Law All Souls College Oxford This volume is a thematic collection of essays on sentencing theory by leading writers The essays fall into three groups Part I considers the underlying justifications for the imposition of punishment by the State and examines the relationship between victims offenders and the State Part II addresses a number of areas of sentencing policy that have given rise to particular difficulty such as the sentencing of drug offenders the rationale for discounting sentences for multiple offenders the existence of special sentencing for young offenders and cases where the injury done to the victim is of a different magnitude from what might have been expected Part III raises various questions about the unequal impact on offenders of different sentencing measures and examines the extent to which sentences should be adjusted to take account of these different impacts and of broader social inequalities This volume is dedicated to Professor Andrew von Hirsch whose continuing work on sentencing theory provided the stimulus for the collection

Constitutional Law of Ireland Michael Forde, David Leonard, 2016-10-14 Originally written for the fiftieth anniversary of the Constitution of Ireland this book is an account of how the Constitution's requirements have been implemented by the legislature and interpreted by the courts In this way it provides an integrated and contextual account of constitutional law in Ireland It goes as far as to place it in context of some foreign constitutions especially the Constitutions of the United States France Germany and the United Kingdom as indeed the Irish courts refer frequently to other countries for guidance in interpreting the Constitution The book largely falls into four parts The first few chapters are introductory and cover the drafting and adoption of the Constitution some features of the State and its citizens and the judicial review of laws The next few chapters deal with the various institutions of government and with the activities of the State in the international arena and in relation to fiscal matters Then following on from this there are a number of chapters which consider what may be termed the various civil liberties and rights There is a final brief section towards the end of the book which deals with the various legal breaches of the

Constitution This new edition has been extensively rewritten to account for the enormous to take into account the tumultuous changes in Irish Constitutional Law in the intervening years Challenges to articles referenda new legislation and cases are all judicially considered Michael Forde and David Leonard offer the reader everything they need to know on this complex subject Release from Prison Nicola Padfield,Dirk Van Zyl Smit,Frieder Dünkel,2013-01-11 This book addresses the

current debates surrounding the release of prisoners offering an invaluable survey of the situation in a number of European countries in a comparative perspective and focusing on issues of fairness and justice **Court of Appeal Criminal**

Division Susan Holdham,Alix Beldam,2012 Presents commentary on and analysis of the European Union and its substantive law This book covers the constitutional structure of the EU examining the functioning of the institutions the jurisdiction of the European Court of Justice and the nature of the European legal order It serves as a reference work for legal practitioners

Fine Lines and Distinctions Terrence Morris,Louis Blom-Cooper,2011-06-20 Written by two of the UK s leading experts on the law of homicide Contains new information and analysis Suggests a radical new solution to the mess which English homicide law has become In this powerful account the authors show that from Sir Edward Coke s classic common law definition of murder through political fixes poorly thought out compromises and misguided legislative or Executive tinkering the English law of homicide is in a mess Even the most adept legal minds are faced with what has been described in Parliament as fine lines and distinctions What must juries make of messy laws and how can anyone have confidence in criminal justice if laws affecting some of the most serious offences in the criminal calendar are deeply flawed To make matters worse the entire subject of homicide in England and Wales is further distorted by the existence of the mandatory life sentence for murder Building on unrivalled knowledge extensive research close practical observation and incisive analysis Professor Terence Morris and Sir Louis Blom Cooper QC trace the development of the law of homicide from early times to the present day They counter and dismantle specious arguments for preserving the status quo and point out that only root and branch reform of the basis of liability for homicide and its sentencing regime will serve to restore justice fairness and political probity Professor Terence Morris and Sir Louis Blom Cooper QC are two of the UK s leading experts on the law of homicide having studied developments together for over 50 years This has led them to recognise the extent of disquiet especially following particularly troubling cases and to conclude that the law of homicide in England and Wales is an unsatisfactory law enveloped in a political fix Their suggestion of a replacement single offence of criminal homicide coupled with abolition of the mandatory life sentence for murder in favour of discretion at the sentencing stage demands close study by judges lawyers legislators academics penal reformers and anyone who senses that something is seriously amiss This is no dry legal tome The authors present their case in a bracing persuasive and highly readable way This is an important and stimulating work that should engage not just the legal practitioner politician or law student but anyone concerned with our justice system or puzzled by the conduct and outcome of a murder trial guardian co uk Fine Lines and Distinctions prompted

me to pay more attention to and reflect further on those who have killed Though its primary focus is the law specifically a potentially significant improvement to the law I also warmly recommend it to anyone interested in lifers Independent Monitor This timely provocative and certainly topical book puts forward a closely argued and well supported case for encouraging a root and branch reform of the law of homicide and provides ample evidence and ammunition to those who would agree that such a reform should be put in place as a matter of urgency by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers

Asians in Britain Rozina Visram, 2002-04-20 This is a comprehensive history of Asians from the Indian subcontinent in Britain Spanning four centuries it tells the history of the Indian community in Britain from the servants ayahs and sailors of the seventeenth century to the students princes soldiers professionals and entrepreneurs of the 19th and 20th centuries Rozina Visram examines the nature and pattern of Asian migration official attitudes to Asian settlement the reactions and perceptions of the British people the responses of the Asians themselves and their social cultural and political lives in Britain This imaginative and detailed investigation asks what it would have been like for Asians to live in Britain in the heart of an imperial metropolis and documents the anti colonial struggle by Asians and their allies in the UK It is an invaluable contribution to our understanding of the origins of the many different communities that make up contemporary Britain

Criminal Law and the Modernist Novel Rex Ferguson, 2013-07-08 This book offers an interdisciplinary account of the relationship between criminal trials and novels in the modernist period

Poor Defence Lawyering in Criminal Proceedings Ashlee Beazley, Michele Panzavolta, Andrew Sanders, 2025-07-31 This collection discusses the concept of poor quality criminal defence representation and assistance so termed poor lawyering It does so from diverse perspectives including legal and criminological The work presents an overview of the issue of the quality of legal assistance in criminal proceedings so allowing a better understanding of the potential limits and problems The volume is divided into three parts which over 14 chapters offer analyses of poor lawyering across national and supranational legal systems including Belgium Germany Greece Italy England and Wales the United States and the European Court of Human Rights the specific challenges of poor lawyering such as regulation of counsel before the International Criminal Court through codes of conduct and in cross border proceedings within Europe the individual fault and external pressures of criminal defence lawyers the missed opportunity of pre charge engagement the importance of insights from legal and criminological psychology and the role of neurodivergent defendants in the adaptation of the defence lawyer s assistance The collection concludes with a transversal and comparative analysis of the effectiveness of defence and the independence of lawyers With contributions from academics and practitioners from a range of backgrounds the book will be a valuable resource for students academics researchers and policymakers working in the area of criminal justice

Observing Law through Systems Theory Richard Nobles, David Schiff, 2012-12-07 This book uses Niklas Luhmann s systems theory to explore how the legal system operates as one of modern society s subsystems The authors demonstrate how this theory alters our understanding of some of the most

important and controversial issues within law the nature of judicial communication and legal argument the claim that it can be right to disobey law the character of legal pluralism and globalisation time and its construction within law the significance of the rule of law and human rights and the role of appeals to and within law Systems theory enables the authors to demonstrate how the legal system observes its own operations through its own communications and how this contrasts with the manner in which law is observed by other systems such as the media and politics In this context the authors explore the constraints imposed by systems in particular the legal system upon the individuals who participate in them

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