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*by V Q*

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**Evidence Admission and Suppression**

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### **Evidence Admission and Suppression**

A defendant in any court case has the right to be tried by a non-partisan jury. This means that jurors ought to have no opinion of the accused persons before the prosecution and defense furnish them with the evidence. In addition to that, jurors are also enlightened by the courts regarding the requirement not to engage in any discussion regarding the trial with anyone, including jury members, until the commencement of the court deliberations. This move is meant to stop the jurors from engaging in discussions with the witnesses, the press, or even family members because it can affect their mandate of ensuring that a defendant is accorded a fair hearing (Neubauer & Fradella, 2018). To accomplish this, the amount of information the jurors can access must be limited.

Once a jury is sworn, they are instructed not to discuss the details of the case until such a time when the trial has ended. During court proceedings, the jury will get to hear witness testimonies, factual evidence, and forensic reports, among others. In this regard, the jury must restrict themselves to the factual evidence produced in court, collected in compliance with the constitution and approved by the judge (Hamer & Edmond, 2019). The constitution prescribes this approach because everyone is assumed innocent until proved guilty by the courts. Moreover, where there are no such rules, there exists a conflict of interest where the goal will not be to accord a defendant fair hearing but to ensure that evidence is available to send them to jail. That is why it is important to ensure that the evidence produced in a court of law adheres to the constitutional requirements. There should not be any exceptions because the prosecution may embark on a witch hunt and prosecute people based on evidence that is not admissible in court.

In short, the courts derive their mandate from the constitution, which is supreme. Even in instances where the jurors and the judges take an oath, they do so to abide by the constitution. In

other terms, their hands are tied because they cannot act based on their personal preferences in criminal proceedings. In such instances, the judge stands guided by the constitution. Besides, the jurors cannot develop their preferred rules during criminal proceedings because it will deny a defendant a fair hearing.

### References

Hamer, D., & Edmond, G. (2019). Forensic science evidence, wrongful convictions and adversarial process. *U. Queensland LJ*, 38, 185.

Neubauer, D. W., & Fradella, H. F. (2018). *America's Courts and the Criminal Justice System*. Cengage Learning.

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