Assignment 3: The Big Stage!

Name

CRJ 320: Criminal Investigation

Professor Name

Date

1.Put yourself in the role of a prosecutor and explain the importance of the final report to the prosecution of a case. Further, analyze the possible impact of poorly completed final reports on the prosecution of a case.

A: A prosecutor is a person who serves as a leading legal representative with their role holding a central and significant position in the legal system. The prosecutor is recognized to have the full power as an official in a court. The prosecutor who bears added control over liberty, life, and reputation as compared to any other individual in the court. The prosecutor has the responsibility of ensuring that cases are prosecuted well. However, they rely on the investigator who informs them about all issues surrounding a case. The investigator conversely relies on the prosecutor to obtain justice for the victim and family (Davies, Croall & Tyrer, 2017). (1)

B: The final prosecution report is critical since it carries all the information obtained by the investigator concerning the event or issue under trial. The report gives information about the event, information on witnesses, collected evidence, evidence analysis, statements recorded by witnesses and information about the accused person. Such information helps the prosecutor in determining if further investigation is needed on trial if the case can be dropped or the need to offer any plea bargain.

C: When the final report is completed poorly, many problems may arise which are detrimental. Both the investigator and the prosecutor have a role to play in the information. When the report is written poorly, the credibility of the prosecutor is affected since they can lose a case thus possibly releasing a guilty person who goes and recommits a crime. A weak final report minimizes the rationale for justifying the investigator’s choice in a particular suspect or argument. At times, the prosecutor may feel that the evidence they have is not enough to build a substantial case that can lead to the conviction of an accused person (Davies, Croall & Tyrer, 2017). When it becomes apparent that the completed final report during a trial is improper due to lack of enough evidence, the prosecutor has the choice of getting a plea bargain to reorganize the evidence they have. (1)

2. Review Figure 21.1, The Use of Evidence in the Stages of the Criminal Justice Process, in Chapter 21 of the text and specify the manner in which each stage of the criminal justice process helps to build a successfully litigated action. Provide a rationale to support the response.

A: Every stage in the criminal litigation process as shown in Figure 21.1 plays a significant role in the prosecution and investigation to build a successful and effective trial action. When these stages are effectively followed, the evidence is passed in the court system to ensure that cases are well litigated. The first stage is the investigation stage which involves collecting of evidence and all relevant information that is available to the investigator for observations and search. In most cases, this stage occurs immediately after the crime is committed. The investigation stage is usually accompanied by an arrest (Davies, Croall & Tyrer, 2017). (1)

B: Charging is the second stage in the Criminal Justice Process. This stage is called charging because the prosecutor can decide to open charges, which is to be charged and for what crimes. The charging stage starts after the completion of the investigation. This stage is primarily focused on drafting a successful arraignment action. Also, in this stage, the prosecutor determines whether the investigator possesses evidence that is enough to convict either through the court jury system or the prosecutor (Zedner, 2017). The charging stage is significant since it is through it that that the decision that makes a suspect be officially charged as a defendant against a crime is made. Some

rights that are provided by the constitution to the suspect are taken away in this stage. (2)

C: Discovery and motion are the third stage. In this stage, both sides in the trail work together by sharing the available evidence and the defense team filing a motion towards building a proper arraignment action. Here, a pretrial stage also starts after the defendant been charged with a crime. The discovery process is aimed at ensuring that the defense and the prosecution disclose evidence they have to each other that can be used in the trial to avoid surprises as the process continues. A motion aimed at suppressing or dismissing the evidence is determined after the defense attorney has reviewed the evidence held by the prosecution (Zedner, 2017). (2)

D: The fifth and last stage is the trial stage. In this stage, the prosecutor can proceed with the trial where the accused may plead guilty or choose a bench trial or a plea bargain. All these stages help the prosecutor to determine whether enough evidence is available to launch a prosecution that is successful where the accused gets punished or sentenced for a crime they have committed.

3. Identify the three areas that Detective Richard Gautsch, a seasoned investigator, recommends an investigator focus on when giving courtroom testimony and discuss the importance of each area. Next, define a criminal investigator's role in preparing a case for court. Analyze the manner in which the investigator cooperates with the prosecutor to enhance the courtroom presentation.

A: In a court case, the criminal investigator plays a significant role. It is the criminal investigator who starts the investigation. Both the actual testimonies from witnesses and the substantial evidence list are essential parts that help the prosecutor to conduct a trial that is successful and based on fairness. Also, the criminal investigator has to investigate all the evidence brought by the defense team (Riley, 2017). The investigator usually consults the prosecutor to acquire a specialist or professional who assists in analyzing contradicting evidence or disapprove it. This is also done to confirm that the defense’s position on the evidence is not damaged. The final stage does not expect to be introduced with entirely new evidence or information. (3)

B: Both the investigator and the prosecutor work together in to improve the presentation in the courtroom. Reviewing the evidence that has been proven is one of the ways the investigator and the prosecutor can achieve enhanced court presentations. Also, going over how the evidence is presented to them helps in improving the performance since it ensures that the jury or judges can understand it. It also helps the jury or judge to comprehend what the evidence implies on trial at hand (Riley, 2017). The investigator and the prosecutor also review the order in which the evidence and witnesses are arranged to ensure that it can have a significant impact on the jury or judges. (3)

4. Differentiate not guilty and acquitted. Give your opinion as to whether or not a not guilty verdict means that the investigator failed. Support the position.

A: When the judge or jury look into the evidence presented against the accused and believe that it is not enough to prove the accused is not guilty beyond any reasonable doubt, then the person is pardoned as not guilty. On the other hand, when the person is acquitted after a trial, it means that they were found not guilty and that they cannot be charged with the same offense even if new evidence was presented at a later date (Schwartzbach, 2017). After the decision on acquittal has been made, it cannot be overturned even through an appeal by the prosecutor. Often the judge or jury may think or feel that the presented evidence is not enough to warrant a conviction of a suspect, a ruling that the accused is not guilty does not mean that the criminal investigator has failed. Every criminal justice trial can have either a guilty or not guilty verdict. (4)

5. Predict one to two changes that will take place in criminal investigation in the next twenty years. Provide a rationale to support the response.

A: One of the significant changes that will take place in criminal investigations is the use of better and innovative equipment in the analysis of evidence that has been collected. This will fasten the process of analyzing evidence. Also, new technology will be used to identify and pull traces of evidence on fingerprints in places that have been challenging before. For example, new technology may be able to remove fingerprints from pictures taken from the crime scene at a later date (Schwartzbach, 2017). (4)

## Source List

1. Davies, M., Croall, H., & Tyrer, J. (2017). *Criminal justice*. Harlow: Longman.
2. Zedner, L. (2017). *Criminal justice*. Oxford: Oxford University Press.
3. Riley, K. (2017). Virtual Justice: Using New Technology in the Criminal Justice System. Retrieved March 10, 2019, from https://www.mackinac.org/virtual-justice-using-new-technology-in-the-criminal-justice-system
4. Schwartzbach, M. (2017, July 02). What's the difference between an acquittal and a "not guilty" verdict? Retrieved March 10, 2019, from https://www.nolo.com/legal-encyclopedia/what-s-the-difference-between-acquittal-guilty-verdict.html