

CASES STUDIES	BIAS	OPINION	CIRCUMSTANCES	CURRENCY	ACCURACY
EVIDENCE *SALLY CLARKE *STEPHEN LAWRENCE *COLIN STAGG *DAMILOLA TAYLOR	DR MEADOWS WAS <u>BIASED</u> – HE PROPOSED ‘MEADOWS’ LAW, WHICH STATES THAT “ONE COT DEATH IS TRAGIC, TWO IS SUSPICIOUS, AND THREE IS MURDER.” IT SEEMS ROY MEADOWS HAD ALREADY MADE UP HIS MIND ON SALLY CLARKS’ GUILT WHEN HE BEGAN INVESTIGATING THE CASE. ROY MEADOWS WROTE A PAPER FOR THE ‘BRITISH MEDICAL JOURNAL’ – A CASE OF MURDER – IN WHICH HE CRITICISED THE TIME BEING ‘WASTED’ ON THE APPEAL PROCESS, AGAIN HIS BIAS IN THIS CASE WAS CLEAR.	ROY MEADOW’S HAD AN <u>OPINION</u> – HOWEVER, OTHER PAEDIATRICIANS DISAGREED – SEVERAL WERE CONVINCED THAT THE CHILDREN DIED OF NATURAL CAUSES. IN JANUARY (2003), THE COURT OF APPEAL OVERTURNED THE CONVICTION AFTER IT WAS REVEALED THAT HARRY (HER FIRST SON) COULD HAVE DIED FROM NATURAL CAUSES.	PROFESSOR MEADOW’S FAILED TO CONSIDER THE <u>CIRCUMSTANCES</u> IN WHICH THESE CRIMES ARE ALLEGED TO HAVE OCCURRED. A STUDY PUBLISHED IN DECEMBER 2004, IN THE LANCET (RESPECTED MEDICAL JOURNAL) FOUND THAT SECOND COT DEATHS IN THE SAME FAMILY WERE FAR MORE LIKELY TO RESULT FROM NATURAL CASES THAN ABUSE. DR MEADOW’S EVIDENCE WAS SHOWN A LACK OF KNOWLEDGE OF (UpToDate) RESEARCH.	ROY MEADOWS HAD CONSIDERABLE <u>CURRENCY</u> – HE WAS A SENIOR PAEDIATRICIAN PROFESSOR AND WORLD EXPERT RENOWNED EXPERT IN SUDDEN INFANT DEATH SYNDROME (SIDS). BECAUSE OF HIS SCIENTIFIC CREDENTIALS COULD BE REGARDED AS HIGHLY ACCURATE. BECAUSE OF THESE FACTORS HIS TESTIMONY TO THE COURT WAS THOUGHT TO HAVE HIGH VALIDITY.	THE KEY STATISTIC IN THE SALLY CLARKE CASE WAS INACCURATE. PROFESSOR MEADOWS CLAIMED THAT THE CHANCE OF 2 COT DEATHS OCCURRING IN ONE FAMILY WERE AROUND 1 IN 77 MILLION. SUBSEQUENT RESEARCH PRESENTED BY ROYAL STATISTICAL SOCIETY SHOWED THE TRUE FIGURE COULD BE AS LOW AS 1 IN A THOUSAND
JUDGEMENTS TWO VERY IMPORTANT JUDGMENTS ARE *R vs R (RAPE) *R vs BROWN (CONSENT) *R vs R v AHLUWALIA (PROVOCATION) *FAGAN v MPC THE APPEAL COURT GIVES A JUDGMENT SO TWO CASES YOU COULD USE ARE BARRY GEORGE AND SALLY CLARKE	A JUDGEMENT WHICH SHOWS CONSIDERABLE <u>BIAS</u> IS (R vs BROWN) THE CASE THE FAMOUS SPANNER CASE. IT IS ARGUED THAT THE HOUSE OF LORDS (NOW SUPREME COURT) CHOSE TO UPHOLD THE ORIGINAL VERDICT IN THE CASE BECAUSE OF BIAS AGAINST GAY MEN. THESE PRACTICES WERE QUITE MAINSTREAMS FOR A SECTION OF THE GAY COMMUNITY BUT THE JUDGES MADE THEIR DECISION FROM A HETERONORMATIVE POINT OF VIEW. ANOTHER EXAMPLE IS THE JUDGMENT IN THE R vs R CASE. BEING MARRIED TO THE VICTIM HAD BEEN USED AS DEFENCE IN RAPE CASES BEFORE 1991 BUT AFTER THIS A MORE MODERN OUTLOOK MEANT THIS BIAS LOOKED OUTDATED.	THE R vs BROWN SHOWS <u>OPINION</u> IN JUDGMENTS. THE LAW LORDS WERE DIVIDED ON WHETHER CONSENT COULD BE USED AS DEFENCES IN SADOMASOCHISTIC CASES – THREE THOUGHT IT COULDN’T BE USED, AND TWO THOUGHT IT COULD. THIS SHOWS THAT THE LAW IS SHAPED BY THE OPINIONS OF INFLUENTIAL PEOPLE SUCH AS SENIOR JUDGES.	AN EXAMPLE OF <u>CIRCUMSTANCE</u> IN A JUDGMENT IS THE CASE OF BARRY GEORGE. AT THE ORIGINAL TRIAL THE JURY WAS TOLD THAT GUNSHOT RESIDUE HAD BEEN COLLECTED FROM BARRY GEORGES POCKET. HOWEVER, IN THE JUDGEMENT OF THE APPEAL COURT THE JUDGES CONSIDERED THE CIRCUMSTANCE THAT THIS EVIDENCE WAS COLLECTED IN. THE EVIDENCE WAS COLLECTED BY ARMED POLICE OFFICERS, THESE CIRCUMSTANCES WERE NOT MADE CLEAR TO THE JURY AT THE ORIGINAL TRIAL. IN THE <u>OPINION</u> OF THE APPEAL JUDGES THE VERDICT WAS UNSAFE	JUDGEMENTS CAN SHOW CURRENCY. FOR EXAMPLE, IN THE R vs R JUDGMENT. IT COULD BE ARGUED THAT THE LAW UNTIL IT WAS CLARIFIED BY THE JUDGEMENT REFLECTED OUT OF DATE ATTITUDES TO CONSENT, WOMEN AND MARRIAGE JUST AS THE 18TH CENTURY RULING BY SIR FRANCIS BULLER. THAT A MAN WAS LEGALLY PERMITTED TO BEAT HIS WIFE, PROVIDED HE USES A STICK NO THICKER THAN HIS THUMB. SIMILARLY, THE CASE OF R vs BROWN REFLECTS THE ATTITUDES TO GAY MEN IN THE 1990S AND IT IS SUGGESTED THAT THESE ARE OUT OF DATE AND NEED TO BE CHANGED	JUDGEMENTS ARE REGARDED AS AN ACCURATE REFLECT ON THE CURRENT STATE OF LAW. THEY HELP TO CHANGE MISTAKES IN VERDICTS, POLICY AND CRIMINAL LAW.

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<p>MEDIA REPORTS</p> <p>THESE ARE CASES THAT HAVE BEEN INFLUENCED BY THE MEDIA</p> <p>CHRISTOPHER JEFFRIES JAMIE BULGER CASE AMANDA KNOX OJ SIMPSON HILLSBOROUGH ENQUIRY BIRMINGHAM SIX</p>	<p>MEDIA REPORTS OFTEN SHOW <u>BIAS</u>. ONE EXAMPLE OF THIS IS THE CASE OF CHRISTOPHER JEFFRIES. THE TABLOID PRESS CAMPAIGNED AGAINST JEFFRIES. FOR EXAMPLE, THE SUN CLAIMED HE HAD BEEN BRANDED A 'CREEPY ODDBALL' BY EX-PUPILS AND TEACHING COLLEAGUES. THAT HE HAD INVITED PUPILS TO HIS HOME, WAS DOMINEERING AND WAS BELIEVED TO BE 'GAY'. THE DAILY MIRROR CLAIMED JEFFRIES WAS A 'PEEPING TOM' AND THE DAILY STAR DESCRIBED HIM AS A FOUL-TEMPERED, ANGRY WEIRDO. THIS LED THE PUBLIC CONCLUDING THAT HE MUST HAVE BEEN INVOLVED WITH THE KILLING OF JOANNA YEATES, WHEN HE HAD NOTHING TO DO WITH IT.</p>	<p>THE MEDIA SHOULD <u>NEVER</u> INFLUENCE A JURY BUT SOMETIMES THE OPINION OF MEDIA ORGANISATIONS DOES HAVE AN INFLUENCE. FOR EXAMPLE, THE CASE OF OJ SIMPSON WAS HEAVILY INFLUENCED BY THE MEDIA. ALTHOUGH THE EVIDENCE AGAINST HIM WAS STRONG THE RELENTLESS COVERAGE OF THE RACIST REMARKS OF POLICE OFFICER MARK THURMAN SEEM TO SWAY SOME JURY MEMBERS.</p>	<p>MEDIA REPORTS OFTEN TAKE NO ACCOUNT OF THE <u>CIRCUMSTANCES</u> THAT CRIMES OCCUR IN. FOR EXAMPLE, ROBERT THOMPSON AND JOHN VENABLES WERE FROM VERY CHAOTIC AND ABUSIVE HOMES WHICH MUST HAVE HAD A PART IN THEIR OFFENDING BEHAVIOUR. THIS WAS HARDLY MENTIONED BY THE TABLOID PRESS.</p>	<p>SOME MEDIA OUTLETS HAVE CONSIDERABLE <u>CURRENCY</u>, BROADSHEET NEWSPAPERS AND TV ARE GENERALLY REGARDED AS RELIABLE – THEY HAVE HIGHER CURRENCY WHEN COMPARED TO TABLOID NEWSPAPERS. SOCIAL MEDIA ARE IS GENERALLY REGARDED AS THE LEAST RELIABLE OF SOURCES.</p>	<p>MEDIA REPORTS VARY IN THE ACCURACY THAT THEY CONTAIN. FOR EXAMPLE, IN AMANDA KNOX CASE THE REPORTS IN THE TABLOIDS WERE SENSATIONALIST AND FOCUSED ON AMANDA'S SEX LIFE AND DRUG TAKING. WITH CHRISTOPHER JEFFRIES THERE WERE MANY ACCOUNTS OF 'FRIENDS' OR 'ACQUAINTANCES' WHICH WERE SIMPLY MADE-UP. CASES IN THE BROADSHEET MEDIA AND TV TEND TO BE FAR MORE FACTUAL AND ACCURATE.</p>

<p>LAW REPORTS</p> <p>ANY CASES WHICH SET 'PRECEDENT' – THESE ARE IMPORTANT CASES WHERE THE LAW NEEDS UPDATING OR CLARIFYING</p>	<p>ONLY ABOUT 2% OF ALL CASES ARE REPORTED IN LAW REPORTS. THESE ARE THE CASES THAT SET A <u>PRECEDENT</u> – THAT IS, THEY LAY DOWN A NEW PRINCIPLE OF LAW. IN ENGLAND AND WALES, THE PRINCIPLE OF PRECEDENT GOVERNS HOW COURTS REACH MANY OF THEIR DECISIONS. PRECEDENT INVOLVES FOLLOWING THE DECISIONS THAT HAVE BEEN MADE IN PREVIOUS SIMILAR CASES. FOLLOWING PRECEDENT PROMOTES CONSISTENCY AND FAIRNESS BETWEEN SIMILAR CASES THAT PROVIDES CERTAINTY – PEOPLE CAN KNOW WHAT TO EXPECT IN A CASE, GIVEN THE REACHED IN A SIMILAR PREVIOUS CASE. CASES WHICH HAVE SET PRECEDENT INCLUDE R VS R, AND R VS BROWN (ABOVE REPORTED IN SECTION ON <u>JUDGEMENTS</u>) – THESE CASES WERE ALL PRESENTED IN LAW REPORTS FOR THE LEGAL COMMUNITY TO READ</p> <ul style="list-style-type: none"> ○ THE DECISIONS OF THE COURTS WHICH MAKE IT INTO THE LAW REPORTS ARE CHOSEN BECAUSE THEY ARE BEST PRACTICE, THEY DO NOT SHOW OBVIOUS EVIDENCE OF BIAS ○ THEY HAVE CONSIDERABLE CURRENCY AS THE INFORMATION CONTAINED IN THEM IS REGARDED AS IMPORTANT AND WILL BE USED TO GUIDE THE COURTS IN FUTURE DECISIONS, IT THEREFORE HAS VALUE. ○ THEY ARE ACCURATE ACCOUNTS OF CASES THAT HAVE ALREADY BEEN HEARD, THEY CONTAIN A TRANSCRIPT OF THE JUDGEMENT WHICH WILL HAVE BEEN CHECKED FOR ACCURACY.
<p>TRIAL TRANSCRIPTS</p> <p>COULD BE ANY CASE IN WHICH A TRIAL TRANSCRIPT WAS USED (THESE ARE FREQUENTLY REFERRED TO WHEN A DEFENDANT APPEALS A CASE)</p>	<p>TRIAL TRANSCRIPTS ARE RECOGNISED AS <u>VALID</u> SOURCES OF INFORMATION BECAUSE THEY ARE SEEN AS HIGHLY <u>ACCURATE</u> AND <u>UNBIASED</u> ACCOUNTS OF THE WORDS SPOKEN IN COURT. FOR EXAMPLE, THE APPEALS OF BARRY GEORGE AND SALLY CLARKE BOTH HAD REFERENCE TO TRANSCRIPTS OF THE ORIGINAL TRIALS.</p> <p>TRIAL TRANSCRIPTS HAVE CONSIDERABLE CURRENCY BECAUSE THEY ARE THE WORDS RECORDED AND TRANSCRIBED AT THE MOMENT WHEN THEY WERE SPOKEN, AND NOT A RECONSTRUCTION OF WHAT WAS SAID IN COURT MADE AT A LATER TIME. THE DARTS RECORDING SYSTEM IS HIGHLY RELIABLE, HOWEVER THERE IS ALWAYS A SMALL RISK OF MALFUNCTIONING WITH ANY TECHNOLOGY. IT IS ALSO POSSIBLE THAT SOME SPOKEN WORDS MAY NOT BE RECORDED CLEARLY. WHERE STENOGRAPHERS WERE USED, THERE WAS A SMALL RISK OF HUMAN ERROR IN MISHEARING OR MISTYPING THE SPOKEN WORD.</p>