Constitutional Exclusionary Rules in Comparative Law

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crucial issues on both theoretical and practical levels that is essential to understanding the nature of human rights, comparative criminal procedure, and the Chinese legal system. The application of the Fourth Amendment's exclusionary rule has divided the justices of the Supreme Court for nearly a century. This book traces the rise and fall of the exclusionary rule in the American courts, and demonstrates how constitutional law can be used to prevent prosecutors from introducing evidence of guilt in criminal trials, making it harder to convict offenders and enabling some criminals to avoid conviction and punishment. The importance of these evidentiary bars cannot be understated. They reflect inevitable tensions between liberty and security. Constitutional Exclusion, by James J. Tomkovicz, contains in-depth analyses of each constitutional doctrine that dictates the exclusion of evidence. The text begins with an extensive treatment of the Fourth Amendment exclusionary rule which bars evidence obtained through unreasonable searches, and concludes with a discussion of the情境前的the Fifth Amendment privilege that suppresses testimony that supports self-incrimination by coerced confessions. Miranda, Arizona v. Arizona police prophylaxis assumption that certain confessions are inadmissible, and the Morgan v. North Carolina exclusionary rule that bars the admission of evidence obtained through the use of excessive physical force, as well as the many other evidentiary rules employed in American courts. The book's clear analysis of the current state of the law provides a fresh perspective on the relationship between the American legal system and the Constitution, and is especially valuable for students studying constitutional law and criminal procedure. It is an essential resource for anyone interested in understanding the complex issues surrounding the legal rules that govern the admission of evidence in American courts.
opportunities for critical analysis and application of concepts covered in the chapters. A discussion in Chapter 1 of competing values in criminal procedure as well as the role of race, class, and gender in criminal law. Complete and thoughtful discussion Fourth Amendment including: What constitutes a Fourth Amendment search and seizure; Who is covered by the Fourth Amendment; The state action and standing requirements; Exception to the warrant requirement; The exclusionary rule (Chapter 6) This book is a comparative study of the exclusion of illegally gathered evidence in the criminal trial, which includes 15 country studies, a chapter on the European Court of Human Rights, and a comparative synthetic conclusion. No other book has undertaken such a broad comparative study of exclusionary rules, which have now become a world-wide phenomenon. The topic is one of the most controversial in criminal procedure law, because it reveals a constant tension between the criminal court's duty to ascertain the truth, on the one hand, and its duty to uphold important constitutional rights on the other. The most important of these rights is the privilege against self-incrimination and the right to privacy in one's home and one's private communications. The chapters were contributed by noted world experts on the subject for the XVIII Congress of the International Academy of Comparative Law in Washington in July 2010. The book reviews the origin and development of the exclusionary rule in China, and systematically explains the problems and challenges faced by criminal justice reformers. The earlier version of the exclusionary rule in China pays more attention to confessions obtained by torture and other illegal methods, reflecting that the orientation of the rule is mainly to prevent wrongful convictions. Since the important clause that human rights are respected and protected in the Constitution was written in the Constitution in 2004, modern notions such as human rights protection and procedural justice have been widely accepted in China. The book compares various theories of the exclusionary rule in many countries and proposes that the rationale of human rights protection and procedural justice should be embraced by the exclusionary rule. At the same time, the book elaborately demonstrates the thoughts and designs of the vital judicial reform strategy—strict enforcement of the exclusionary rule, including clarifying the content of illegal evidence and improving the procedure of excluding illegal evidence. In addition, the book discusses the influence of the exclusionary rule on the pre-trial procedure and trial procedure respectively and puts forward pertinent suggestions for the trial-centered procedural reform in the future. In the appendix, the book conducts case analysis of 20 selected cases concerning the application of the exclusionary rule. This is the first book to give a comprehensive and systematic analysis of the exclusionary rule of illegally obtained evidence in China. The author of the book, senior judge of the Supreme People's Court in China, with the special experience of direct participation in the design of the exclusionary rule, will provide the readers with thoughtful, provoking explanation of the distinctive feature of judicial reform strategy and criminal justice policy in China. Criminal Procedure By Storm begins with the foundations of law and the legal system, and then extensively explores the criminal process using the Constitution and US Supreme Court precedent as guidelines. After reading Criminal Procedure By Storm, you will be familiar with the structure and sources of law, the court system, the law of search and seizure, proper investigative techniques, and the adversarial process. An incomparyably clear and contemporary introduction to the field, Constitutional Law decodes the "legalese," simplifies jurisprudence, and examines those specific provisions that govern the day-to-day work of criminal justice personnel while protecting the individual rights of whom they serve. Part one is highly organized and provides a digestible explanation of the legal concepts and principles. A discussion in Chapter 1 of competing values in criminal procedure as well as the role of race, class, and gender in criminal law. Complete and thoughtful discussion Fourth Amendment including: What constitutes a Fourth Amendment search and seizure; Who is covered by the Fourth Amendment; The state action and standing requirements; Exception to the warrant requirement; The exclusionary rule (Chapter 6) This book is a comparative study of the exclusion of illegally gathered evidence in the criminal trial, which includes 15 country studies, a chapter on the European Court of Human Rights, and a comparative synthetic conclusion. No other book has undertaken such a broad comparative study of exclusionary rules, which have now become a world-wide phenomenon. The topic is one of the most controversial in criminal procedure law, because it reveals a constant tension between the criminal court's duty to ascertain the truth, on the one hand, and its duty to uphold important constitutional rights on the other. 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