

Criminal Defence: The Rights Of The Accused

Criminal defence at its core, is based on safeguarding the rights of the accused during criminal proceedings. When accused of a crime, every one of us is entitled to an unbiased, fair, and just process in the UK's legal system.

With this in mind, we've put together this article that emphasises your rights as an individual, outlining important information and what to avoid. Furthermore, we've also elaborated on the importance of a competent criminal defence solicitor to ensure the best outcome. Read on to find out more.

Individual Rights

The Right To Remain Silent

This phrase may be very familiar to most of us, not because we're all regularly accused of criminal activity, but due to its prevalence in the media. However, regardless of its widespread use in television and film, it's an extremely essential right we all have as individuals. Enshrined in The Police and Criminal Evidence Act 1984 (PACE), this particular aspect of criminal defence highlights a person's right to non-disclosure of information without legal counsel present.

This includes any questions and self-incriminating evidence. The importance of this lies in preventing manipulation or coercion into admitting guilt during stressful or vulnerable times.

The Right To Legal Counsel

All UK residents have the right to legal representation. They should be informed of this right upon arrest, and if they cannot afford legal representation, they may be eligible for free legal aid. This right is protected by Article 6 of the European Convention on Human Rights (ECHR) and guarantees that the accused can seek advice from a competent criminal defence solicitor.

A legal representative is essential for understanding charges, navigating legal processes, and building a strong defence case.

The Right To A Fair Trial

The right to a fair trial is a fundamental aspect of the UK's legal system. It ensures that the accused is given a fair hearing before an impartial judge and jury, with the presumption of innocence until proven guilty. A fair trial also includes the right to challenge witnesses and evidence presented by the prosecution, as well as the opportunity to present evidence and witnesses in their defence.

The Right To Disclosure

Disclosure is often a right rarely known by the general public. However, all individuals accused of a crime have a right to access evidence held by the prosecution. The driving force behind this is

allowing the accused to prepare a defence based on evidence found against them. As a result, the CPS is required by law to disclose all information to a defendant.

Important Information You Should Know

The Charges

An integral component of criminal defence is understanding the charges laid out against you. This includes the potential consequences should you be found guilty. By understanding this aspect you can understand the seriousness of your accusations and make the correct moves to prevent a guilty verdict.

This kind of information is best laid out by competent legal representation. An experienced criminal defence solicitor will be able to explain all legal jargon and propose the right course of action moving forward.

Legal Rights

As mentioned previously, if you've been accused of a crime, it's absolutely essential that you know your rights. The right to remain silent, to disclosure, to legal aid and to a fair trial are the weapons you have at your disposal during an arrest and accusation. We recommend familiarising yourself with the above information to ensure you know the best way to act in these situations.

Legal Aid

If the accused cannot afford legal representation, they should inquire about the possibility of obtaining legal aid from the government. Legal aid is available for individuals who meet specific financial criteria and is intended to ensure that everyone has access to legal representation, regardless of their financial situation.

What To Avoid When Accused Of A Crime

Don't Talk To Law Enforcement Officers Without Counsel

It's crucial that the accused avoids providing statements to the police or prosecution without first seeking advice from their criminal defence solicitor. This includes any verbal statements said during any stage of the arrest. Anything said can be used against in court, and having legal representation present during any questioning will help to protect the accused from any coercion or manipulation.

Avoid Public Statements

Publicly discussing the case on social media or with the press can have catastrophic effects on criminal defence. Any information made public through any means can be used against them indiscriminately in a court of law. Not only this, but public statements can be misconstrued, and damage the reputation of an individual.

How To Find A Criminal Defence Solicitor

The best way to find a competent criminal defence solicitor is research. Reading online reviews, blog posts, and previous cases of a lawyer is the best way to solidify confidence in their ability. It's also advised to check qualifications, licencing and experience to guarantee your potential lawyer will be successful in defending you during a difficult time.

Some individuals are eligible for legal aid and can seek guidance from local agencies to find a suitable solicitor free of charge. This is the best option for those without the financial ability to hire a private solicitor.

To help emphasise this more, we've put together a list of specific traits to look for in a criminal defence solicitor:

Experience

Look for a solicitor with experience in handling criminal cases. Not only this but look for specialist experience in areas of law that covered your accused crimes. An expert will have extensive knowledge in the subject matter and is your best chance for achieving optimum results.

Communication Skills

Effective communication is crucial and is arguably the most important skill a lawyer can have. A criminal defence solicitor should be able to explain legal matters clearly to the accused. Not only this but skills in communication come in clutch during a trial and are the main line of defence when conveying evidence, motive and circumstances to a judge or jury.

Reputation

A reputable solicitor will have a long history of success with a wide array of clients. As a result, their reputation should usually speak for itself. Moreover, it should be showcased to you as a prospective client from the very beginning. This kind of quality is mostly found through word of mouth, online presence and general reputation in the legal industry. However, it should not be difficult to find or verify.

Contact Blackfriars Law For Professional Criminal Defence Solicitors

In the UK, the rights of the accused are paramount in ensuring a fair and just legal process. Understanding and exercising these rights can significantly impact the outcome of a criminal case.

As a result, at Blackfriars Law, we pride ourselves on professional and quality legal defence for all our clients. We achieve this through relevant experience, communication skills, and a fantastic reputation. Furthermore, we're fully qualified, specialists in different aspects of law and trustworthy with your best intentions at heart. To discuss a case, get in touch today.