

# Law, Obligation and Legalization Science (LOLS)

## *The Role of the Prosecution in Criminal Law*

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The role of the prosecutor is a very important one. Not only does he try a case, but in a certain district he also acts as a legal advisor to the defense lawyer and acts as a mediator between the two sides. The role of the prosecutor is important. There may be various situations when a person's life or liberty is on the line. It is in such situations that the prosecutor's role comes into action. Often people do not understand the legal implications of what they are undertaking.

The prosecutor is an officer vested with the responsibility of defending a client charged with crime. The person is under the purview of the court and performs a crucial role in ensuring that the accused is treated lawfully. He may also be required to conduct thorough investigations, and is expected to zealously pursue evidence to corroborate and strengthen the position of the accused. In some instances, he is also asked to negotiate with the police for the release of the said accused.

He bears the exclusive right to call a witness to testify on behalf of the client. This right extends to all other statements the prosecutor may find significant to his cause. Additionally, the prosecutor may exercise his right to give charge, which is a summary of the proceedings so far. He is also the one responsible for handling the case through law enforcement agencies.

The prosecutor has the duty to inform the lawyer of any evidence against the client, in addition to interviewing the clients. The lawyer must then take a position on the charge. While each lawyer will have a different interpretation of the duties of the prosecutor, some common points remain. A lawyer must advise his client as to whether it is advisable to plead guilty to the charges, whether there is a trial, and whether he would be better off with a deal or a jury trial.

Any plea bargain in criminal cases is governed by the law of the country in which the trial is taking place. A defense lawyer may try to convince the court to allow the client to plead guilty to the entire charge. The plea bargain is usually contingent on two factors. If the prosecutor has offered a deal based on the extent of the defendant's guilt, the defense may counter that there was sufficient evidence to show that guilt beyond reasonable doubt existed.

In criminal law, it is imperative that the client communicate with the lawyer on the possible outcome of the case. The advice the lawyer gives should be interpreted skeptically. Even if the lawyer recommends a sentence of incarceration, the defendant should be given the chance to accept or reject the offer. While a lawyer will do everything in his power to ensure that his client's rights are protected, he is not obligated to divulge information on the nature or results of any investigation conducted by his office.

The role of the prosecutor in plea negotiations can be complicated in light of conflicting information from witnesses and defendants. He may not always accurately predict how a trial will proceed, which may influence the way a judge sentences someone. Some defendants may decide to plead guilty even though they do not believe they committed a crime. Sometimes the charges are true, but the punishments become much more severe because of the plea. Others may decide to fight their charges, but they are often unable to obtain an attorney.

The criminal law system, like the rest of the legal system, operates on the presumption of innocence until proven guilty. Once the defendant has been found guilty, a defense lawyer may be able to reduce the overall sentence or present alternative options to the prosecutor to get the client a fair trial. Although the role of the prosecutor may sometimes conflict with that of the defense, the two roles have a lot of importance in the application of the law. Any distortion of the process would greatly affect the ability of the courts to fairly determine the outcome of a case. In criminal law, being found guilty and having to face the punishment marks the beginning of the end for a person's innocence.

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