ISSN 1758 843X

Criminal Law News online

THOMSON REUTERS

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ISSUE 40 FEBRUARY 2010

PUBLISHED BY SALLY RAMAGE
COPEHALE, COPPENHALL, STAFFORD, UNITED KINGDOM
TEL 01785 - 211370
FAX 01785 - 228281
WWW.SALLYRAMAGE.NET

Tweeting counsel struck off by the Bar Council

David Harris, an English barrister specialising in IP, used Twitter to insult prosecuting lawyers in an anonymous account whilst defending a website, *Newsbin*, (which he owned) from where users could download films illegally. During the trial he bragged online that 'whoring and drinking' would begin at the end of the case.
Harris of Technology Chambers, Sillwood Road, Brighton, was …..

Hewlett Packard's recently resigned CEO Mark Hurd: Sexual Harassment Letter unsealed by Delaware Court

Sally Ramage

In the United States, sexual harassment is a pervasive and insidious form of gender discrimination that has been present in the workplace for over forty years, despite the enactment of Title VII of the Civil Rights Act of 1964, which explicitly prohibited sex-based discrimination in the employment context. Title VII of the Civil Rights Act, the foundation for federal sexual harassment case law, began as racial equality legislation in 1964, when it was reputed that conservative congressmen added sex discrimination as a last-minute floor amendment intended to derail the bill. Federal courts first identified sexual harassment with Title VII's ban on sex-based discrimination in 1976 but the federal judiciary did not fully embrace this approach until the Equal Employment Opportunity Commission (EEOC) issued guidelines in 1980 articulating that sexual harassment was a form of sex-based discrimination barred by Title VII. Federal courts later constructed two distinct sexual harassment categories. The first category is known as 'hostile work environment' sexual harassment, where a court will hold an employer liable if the employer knew or should have known of workplace sexual harassment and the harassment was so severe and pervasive that it altered the employee's work conditions……

Sex offenders, sex offenders' lists, sex offenders' treatment: a short review

Sally Ramage

There is a plethora of legislation triggered by recent serious sex offences. There are problems with the policing of registration and notification of sex offenders. Some say that there is fear in the community that, by concentrating on a few known sex offenders, a false sense of security is being instilled into the government, police and public, and concern that legislation, including the Safeguarding Vulnerable Groups Act 2006, simply gives the authorities knowledge about an offender's whereabouts and that it is assumed by the authorities that this would make the community safe. However, as to how the knowledge would actually be used for public protection is not clear. It can even be argued that the law Safeguarding Vulnerable Groups Act, can be likened to the vehicle licensing regulations, and will be run on similar operational methods.

Would 'surgical castration' prove a better answer?

Surgical castration, as a topic of research, has enjoyed a swathe of academic studies, such as Bremer, 1959; Heim and Hursch, 1979; Berlin and Krout, 1986. The derogation of the sex offenders' right to privacy as per Article 8 'is permitted for public safety and for the protection of rights and freedom of others' and arguments for a continuation of surgical castration are arguments for further derogation of sex offenders' human rights. …

Asset forfeiture in the USA

Sally Ramage

Like the UK in asset forfeiture, police in USA report. Quarter of a million dollars was seized from drug traffickers when their car was impounded. The Drug Enforcement Agency's asset-forfeiture program enabled Lower Paxton Twp supervisors to use the seized money to purchase two second-hand Harley-Davidson motorcycles. The cash and an unspecified amount of illegal substances were discovered
by Lower Paxton officers following a traffic stop on Interstate 83. The DEA returned 80% of the seized assets to that police department to be used for police-related, non-budgetary expenses…

United States of America v John Kiriakou, (January 23, 2012)

Sally Ramage

Trailing the UK's hacking and bribery allegations, in Vancouver, a former CIA officer, John Kiriakou, was charged in January 2012 with repeatedly disclosing classified information to journalists, including the name of a covert CIA officer and information revealing the role of another CIA employee in classified activities. A police investigation was triggered by a classified defence filing in January 2009, which contained classified information the defence had not been given through official government channels, and also by the discovery of photographs of certain government employees and contractors in found in searches of detainees at Guantanamo Bay, Cuba. …..

Corruption convictions: energy contracts

Sally Ramage

In January 2012, four men, Andrew Rybak, Ronald Saunders, Philip Hammond, and Barry Smith, who had disclosed details of bids relating to lucrative energy contracts overseas, were convicted of conspiracy to corruptly obtain payments by supplying confidential information about contracts for five oil and gas projects in Iran, Egypt, Russia, Singapore and the United Arab of Emirates between 2001 and 2009. 6 When a company bidding for a contract in Singapore reported that Rybak had made a 'suspicious approach', offering information about the process in return for money, the SFO took an interest and began to investigate the matter in 2008. Evidence of suspected corruption was discovered in relation to the other contracts and identified Rybak, Saunders, Hammond and Smith as being involved. The men were charged with offences of conspiracy to corruption in September 2010.

Criminal Law Act

Under the Criminal Law Act individuals are guilty of conspiring to commit an offence if they carry out actions 'in accordance with their intentions' that they had agreed with others that will necessarily amount to or involve the commission of any offence or offences by one or more of the parties to the agreement, or would do so but for the existence of facts which render the commission of the offence or any of the offences impossible. It is of note that special evidential rules are used in conspiracy charges, which allow evidence against one party to be put forward against the others. This is why this conspiracy charge is still being used instead of charges under the Fraud Act 2006 and it is arguably open to abuse by the prosecution.

The importance of lawyers in the interrogation room and the right to counsel used to protect defendants not only during trial but also 'under midnight inquisition in the squad room of a police station'. Consider, for example, the many exceptions to the general requirement that all searches and seizures must be supported by a warrant issued upon probable cause. While many of these exceptions use standard-like approaches, requiring case-by-case fact-finding, many more use a rule-like approach, providing certainty about the scope of the exception at the expense of ensuring that the government's conduct is reasonable on the facts of an individual case. For example, the exigency exception to the warrant requirement is defined with reference to a standard. Police may search without a warrant when the facts of an individual case give rise to a reasonable belief that evidence will be destroyed, a suspect will

escape, or the public or police will be at risk if the police stop to complete the warrant process. Despite the existence
of this standard-based exception to the warrant requirement, the Court has recognized other, rule-like exceptions that are grounded in underlying concerns about exigency, such as the search incident to arrest doctrine and the automobile exception. Rather than require the government to litigate, case by case, the exigent circumstances presented by the search of an arrestee or a readily movable vehicle, the Court has carved out bright line rules rendering these searches reasonable, even when it may be unreasonable to believe that an individual arrestee might destroy evidence or that an individual vehicle might elude police.

In favour of disclosure

Moreover, the Court's view that prudent prosecutors will err in favour of disclosure and disclose a favourable piece of evidence reflects the belief that the disclosure of immaterial exculpatory evidence not only imposes few costs, but is actually preferred. Open-file discovery can require prosecutors to disclose evidence that would be problematic in the defendant's hands, but protective orders and other measures can mitigate those costs. Some might argue that the use of harmless error review for rule violations would reduce the rule's costs at the expense of its utility, eviscerating the rule of any bite. However, error reviews provide remedies for the defendants….