Principle and Policy Assignment

Name

Affiliation

Date

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The judicial system is one of the most important sections of any society. It is responsible for conducting the hearings of the legal, as well as criminal issues and presents the judgments and jurisdictions according to the rules, principles, and policies of the legal system of the country. R v Shipley [2014] QSC 299 is one of the most famous cases of the recent times, in which the appellant initially pleaded guilty and depicted remorse over her attitude, as well as her willingness to get the sentence. However, after some time, she appealed to get her initial plea back and move ahead in the court hearing on the status of not being guilt, as well as highlighting the misunderstanding of the court of law. The case gave rise to a number of issues, as well as the authority of rules, principles, and policies in the light of the decision making regarding the case. The matter of rules, policies, and principles hold great importance in the court of law, as they are the defining elements of the orders passed on by the court authorities, in response to any kind of case. However, there is a possibility that no specific rule, principle or policy has been developed yet, in accordance to a certain case, and then in such scenarios, the court makes its decisions in the light of the similar cases, or the related rules, principle, and policies. In the case of Shipley, the court had to face the similar issue, as there was no directly applicable rule, policy or principle about the charges of the appellant, so the court authorities made use of the closely related rules and passed on the orders of the case.

The key elements of the judgment include the proper identification of the legal issues, which is presented in front of the court of law, arguments presented in front of the court of law, legal reasoning according to the issues presented in the court of law, and decision made by the court of law, in the light of the issue, presented arguments and the existing laws or rules about the issue. The court of law has to give special consideration to the orders made regarding the similar cases if there is no direct rule, law or principle in response to the issue presented in front of the court of law. In the case of Shipley, the court authorities had to consider the previous similar cases, as well as the related rules and policies, in order to reach some decision, because of the fact that there was no direct law applicable to the scenario (Ronald, 2017).

Rules, principles, and policies are the most basic elements of the order passed by the court of law, in accordance with some crime committed by the appellant. The court has to provide the details of the rules, principles, and policies, in order to provide the justification of their order, as well as to prove the applicability of the orders to the scenario of the appellant. On the other hand, if the court is not able to provide a logical justification of the punishment or acquittal of the appellant, then the opposite party holds the right of pleading the case in the higher court of law. The detailed percept about a detailed legal issue, including the detailed explanation of the facts in the scenario, represents the rule in the jurisdiction. So, if the detailed facts and detailed legal consequences are present about some issue, it would be called as a rule regarding that issue. On the other hand, the principles are the ideas embedded in the sets of rules, which can be further highlighted by interpretations. In addition to it, the policy is formulated in the light of the rules and principles, in accordance with some issue (Lopes, 2017).

In the case of Shipley, she was charged for the possession of illegal as well as dangerous drugs. The drugs were discovered behind the driving seat of a truck, and Shipley was sitting in the passenger seat of that truck. There were two other individuals riding the truck at the time they were caught. The drugs recovered in great quantity, as well as were of quite fine quality. Shipley denied the charges of having any connection with the drugs and mentioned that she was not even aware of the presence of drugs in the truck. There is no particular rule developed yet about the sentence of people found at the scene of the drugs, more specifically in some transport vehicle, and denying their awareness of the presence of the drugs.

The case became complicated when the Shipley pleaded guilty for her acts, as well as showed her concern about being punished by the court of law. However, in her next hearing, she pleaded that she was not guilty and there was a misunderstanding on the part of the court of law. The appellant had entered the plea of guilty through the registry committal. The court of law presented the decision that the plea of not guilty does not hold any importance in the case of the appellant. The court of law reached the decision in light of the previous cases. In addition to it, the evidence presented in front of the court of law was not sufficient enough to prove the link of appellant with the drugs. The appellant denied the awareness of the presence of drugs. Moreover, the vehicle was not owned by the appellant, and she was also not sitting in the driver seat, which could have represented her control on the vehicle, as well as suspected link with drugs.

In addition to it, the appellant initially pleaded guilty through the registry committal; however, in the next hearing pleaded not guilty. The case was not decided on the basis of some specific rule or policy, however, according to the previous cases. Moreover, there was not enough evidence against the appellant which nullified the status of her sentence. Moreover, the scenario of pleading guilty while not actually being guilty provided a chance to the court of law to reconsider the decision of sentencing her and reached the decision that evidence was not enough to prove her guilty. The court presented the final decision, in the light of Criminal Code 1899 (Qld), Drugs Misuse Act 1986 (Qld) and Justices Act 1886 (Qld), which are all about the possession and use of drugs, while the appellant was not found engaged or involved in any scenario (R v *Shipley* [2014] QSC 299).

The rules, principles, and policies are the base of the decisions made by the courts of law, according to some issue presented in front of a court of law. In the case of Shipley, there was no evidence of her involvement in the possession or knowledge about the presence of drugs, in the vehicle, she was riding at that time. So the court made the decision in the light of previous cases, as well as the drug misuse act.

Bibliography

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