Name of student

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Appellate opinion research project

There are many court cases that have reached the appeal levels as a result of one reason or the other. One notable case is the case between Glik and Cunniffe. This is a case that involved two parties and the main issue they had was the fact that they needed to seek clarification on recording public officials. The officials in references in this case were the police officers. This case came at a time when arrests were so rampant and people thought it wise to be allowed to record the arrests. The courts decline this request and the next option was to move to the court of appeal to get direction.

The reason why this case fits in the appellate research is because it is an appeal case and has all the aspects that this paper needs to be based on. The research should be based on the opinion of the attorney and this case offers a good platform that can be used to discuss whether the case qualifies to be an appeal case or not. The first thing that needs to be looked at in the case is whether the appeal was guaranteed or not. A case where there is a lot of public interest can be appeal by any of the parties depending on the ruling made previously. In this case, the first ruling barred the public from recording any form of video when a public officer is discharging his or her duties. Many people were of the opinion that people should be allowed to record the videos as long as they are ones that do not focus on their private lifestyle. People were only allowed to record videos of the officer while they are in duty. Recording the videos when they are not at work would be considered an offence and could be punishable by law.

Issues raised by the opinion and how they relate to the practitioners

Issues raised by the case included the fact that there were many arbitrary arrests that were carried out. Under the law, people were to be arrested with a notification of the same. The complainant said that there were many cases in which people got arrested by people they were not even sure if were officers. Arresting a person has a given procedure and must be followed by the officer carrying out the arrest. In the case, the complainant also argued that there were many cases when people were arrested yet they did not know the reason why they were getting arrested. The opinion relates to more than one of the course objectives. One of the course objectives is to ensure that learners can define an opinion in any given appeal case. Learners should also be able to set the standards within which a case can be defined as an appeal. It is an important step because not all the cases that people forward to the court of appeal often pass the threshold for becoming a case within the court of appeal.

Historical context of the case and implication to practitioners

The main pushing factor in this case is the factor that there were many arbitrary arrests that were made in the past and people thought it wise to seek court intervention. There were many cases in the past that aimed to bring an end to such arrests without any success. The cases that took place in the past were ruled at lower levels and none of the complainants thought it wise to head to the court of appeal. In this specific case, they were seeking to get an interpretation on whether people could be allowed to record officers arresting people or whether they should not be allowed to do so.

The court case had a lot of implications on the practitioners. For the attorneys, the police and the juries it is always important to know the implications any law. All of them should know the circumstances that led to the enactment of the law. Different legal experts also need to know the ruling made on the case and impact that it would have on the general outlook of the law. The ruling meant that different aspects of the law would be changed to accommodate the new adjustments that have been made during the case. The law makers also have to look at the law again to determine whether the decision made by the court should be added to the law or not. The police had to know the manner in which they should carry out their duties.

Expert opinion on the subject matter

K. Ashley in his article talks about the willingness to record the interaction between police and the public. This is case that many people have failed to discuss and he thought it better to do a research on the willingness of people to use electronic devices to record any happenings that could occur when a police officer is arresting a person. His thoughts were limited to action of arrest. He defined an arrest as something that should take place in a certain procedure. He believed that one should only be arrested by an officer of the law. The officer should be within his or her area of jurisdiction. The officer should inform the person that he or she is an officer of the law. This should be followed by a statement of arresting informing the person that they are being arrested. In the whole of this process, the public comes in as witness as to whether the due process was followed or not. To get the evidence, Ashley believes that the public should be allowed to use electronic devices to record such happenings. The recording would be very important during the case. There are cases when people get arrested yet they just give in because they do not know their rights. Something that made Ashley to conduct the research is the fact that many people were not willing to record the videos. They feared that they could be arrested. He aimed at informing them of their rights and why it was important that they recorded such videos.

Another expert that looked at this topic is Arthur Martin who talked about detention by police and the privileges that could be enjoyed by the public. In his article, he complained that the major problem that people had in the country is the fact that people were not well informed of their rights. Most people did not even have a slight idea of the privileges that they had during an arrest. When one is being arrested, they often gave in to the demands of the police without looking at their rights. The few who knew their rights did not know did not take them seriously.

Public issues raised by the opinion]

The opinion raised a lot of public issues based on how the police should be carrying out their work. Arrests is one of the things that engaged the public and made them interest in the case. They wished to know how the police should be carrying out arrests. They were also interested in knowing the general procedure that should be used. It is only by following such a case that they were able to identify reasons why most of them got arrested for crimes they did not even commit. In case the police are held accountable for every mistake they make while carrying out any arrest then they would always try as much as possible to do it in the right way. They should never be allowed to take advantage of the ignorance of the citizens. Another thing that was in the interest of the public is the rights and privileges that they should have during an arrest. They wished to know whether it was possible to have any rights when being arrested. It is through such cases that many people became enlightened and knew the things that they should do in case they are being arrested.

The outcome of the opinion was that the public is allowed to record videos of police officer making arrests. I am in full agreement with the opinions since it aims at making the police officers accountable for everything they do. The police officers will know that everything they do will be captured on a video. It is a step that will reduce the number of arbitrary arrests and bring some sanity to the police department. Many people always complained that they did not have access to the best services in the police department. This is one way of ensuring that the police also feel that they should be operating within the law. Holding everyone accountable means that the law should b followed by each and every person within the country. Police can also feel that in case they do not carry out arrests well then they can also be sued and fined in a court of law. Before carrying out arrests they will have to check the requirements and ensure that they have met all the requirements.

References

# K. Ashley. (2015). Willingness to Record Police-Public Encounters: The Impact of Race and Social and Legal Consciousness. Sage Publications.

Arthur Martin. (1960). Police Detention and Arrest Privileges under Foreign Law. Journal of criminal law and criminology.