The criminal trial process of NSW aims to achieve justice for all parties; victims, offenders and society. It is through the numerous aspects of this process, including defences, pleas and charge negotiation and role of juries, that justice is able to be achieved.

An accused person’s plea has a major influence on the achievement of justice for all parties. This requires an accused person to enter a plea in relation to the charges they are facing. Accused can either plead guilty or not guilty, or enter no plea, which is taken to mean guilty by judges or magistrates. A guilty plea is when an individual admits to the offence they have been charged with. This enables the trial to go straight to the sentencing hearing. This is therefore advantageous for victims, as it allows them to gain piece of mind that the perpetrator will be held in detention until they are sentenced. This also gives them confidence in the legal system about the achievement of justice on their behalf. In addition to this, a guilty plea achieves justice for society, as they are not burdened with the cost of a trial, and also other cases in which a trial is needed are able to proceed, due to less backlog. This notion is seen within the case R v MF, as MF pleaded guilty to the murder of his wife, thus his sentence was lessened due to his saving time and money of the courts and community members.

Charge negotiation refers to the negotiation of charges between the defence and prosecution. Solicitors utilise this process to get the accused to plead guilty to their offence. Due to this, fewer charges or less serious charges are prosecuted by courts, and other charges accompanying this are either not proceeded with or are taken into account whilst sentencing. Charge negotiation attempts to balance community interest, in regards to ensuring that criminal conduct is adequately punished, and public interest in reducing the costs in the CJS and the backlog of cases in courts. Although, through numerous media articles in the Sydney Morning Herald, such as ‘Top Judge outraged by plea bargain deals’, the issue of achieving justice for society and victims is brought to the attention of the public. Due to lesser sentences being granted to offenders due to charge negotiation, crimes may go unpunished or victims may feel as though their rights haven’t been adequately met by the system. Also, offenders may also be treated unjustly due to them being forced to plead guilty when they are innocent. Therefore, through pleas and charge negotiation, justice is somewhat achieved for communities, victims and offenders.

Defences to a crime also have a major influence in the achievement of justice for victims, offenders and society. There are two types of defences, complete and partial. Under the Crimes (defences to a crime) Act (NSW), offenders are able to appeal for their charge to be lessened or acquitted due to their individual circumstances. Section 418 of the Crimes Act 1900 outlines the complete defence of self-defence. This is when a person is not criminally responsible for their offence if they carry out the conduct of constituting self-defence. This can only be accepted in a reasonable person deems to conduct necessary. Self-defence is plausible when an offender acts to prevent or terminate the unlawful deprivation of their liberty, or the liberty of another person or in response to circumstances in how they perceive them. This defence is highly controversial within the criminal trial process, as the mentality of an individual when they offend cannot be sustainably proved in the court. In the case of R v Katarzynski 2002, the accused shot the deceased three times in a Liverpool Hotel. It was proved that the accused was acting in self-defence as the deceased was highly intoxicated. This case exposes the ineffective achievement of justice for victims, and possibly society, as the offender has admitted to the murder of the deceased, but is acquitted from any punishment. This creates uncertainty in the minds of victims and society, as speculation about the actual mens rea of the offender is questioned, due to the lack of proof that is able to be collected. Though, this complete defence does achieve justice for offenders who are legitimately acted in self-defence, as they are able to resume to their normal lives and not be punished by the legal system.

In addition to this, consent is another controversial defence in which the achievement of justice for victims and society is not made clear. Consent is accounted by whether or not the accused believed that there was consent given by the victim. It is a complete defence for some crimes if the accused can show that the victim freely consented to the act in question. This achieves justice for offenders who did not purposely commit the crime they are being accused of committing, as their charges are acquitted. Although, as brought to the attention of the public recently in the case of Luke Lazarus, victims of rape are not being justly treated by the legal system. This is due to the fact that the definition of this defence is that the accused must prove consent was given, not for the victim to prove that their
consent wasn’t given. Lazarus was charged with sexual assault, alleged to have raped a teenage girl in an alley, he was jailed for three years but released to appeal on consent. This case sparked controversy in society as to the way in which consent defences are ruled. As a result of this, the NSW government has acted in spreading awareness of what consent means in a way of giving individuals education on this matter, news.com.au states. Therefore it is obvious that consent defences in NSW courts are extremely controversial and thus do not gain any justice for victims and society.

Furthermore, the Jury Act 1977 (NSW) stipulates the role of juries within a criminal trial process. Juries are regular people within society who have been selected at random from the electoral role, to participate in a criminal trial. This achieves justice for society and victims and also offenders, as jurors represent the majority of society’s values, thus the verdict of the offender’s trial will most likely reflect society’s opinion. Jury trials also achieve justice for offenders, as their barrister or solicitor is able to eliminate jurors which they believe will impede their case. Each the defence and prosecution have three eliminations. Majority verdicts although, partially impede the achievement of justice for victims and society, as prior to reforms, all 12 jurors needed to agree on a unanimous verdict. This often resulted in hung juries, and thus a mistrial, which did not achieve justice for victims or society as offenders were let go until their trial is reheard. Victims and witnesses often did not want to relive the difficulties of trial, and therefore charges are dismissed, which does not achieve justice for society also, as an offender has not been punished and is on the streets.

Therefore, it is clear that the criminal trial process aims to achieve justice for offenders, society and victims to a great extent, although the actual outcome of cases is sometimes either inconsistent or incorrect in the achievement of justice for one or more parties.