

The response addresses the issue raised in the question using basic legal terminology and provides some description of relevant legal issues. Reference to relevant legislation and cases and some analysis of the issues would enhance the response.

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When dealing with Criminal Cases there is a definite tension between the community interests and the individual rights and freedoms.

Everybody under the Australian legal system is entitled to a trial, and the statement "innocent until proven guilty" applies. This statement and policy ensures that everyone is treated equally and fairly throughout the trial process.

When talking about a criminal case there can be a lot of tension regarding the trial, the way it is laid out and how the evidence can be obtained and shown in court.

During cases some evidence cannot be used, although it could be very important to the case, if it is not properly and fairly obtained it can not be used. This benefits the individual rights of the accused, because the evidence was not used the sentence could be higher, shorter etc. This would then disadvantage the community interest as this vital piece of evidence can not be used against

the accused person. Therefore tension between the two people/group of people grows. Tension towards the legal system also grows.

~~Also~~ Also in a criminal case the sentencing and severity of punishment can cause tension. When the judge makes a decision on the case it is final the judge & jury collectively make the final decision on the accused person/people. Many communities and people affected by the crime may believe the punishment was not harsh enough and more tension then develops. The community may not view this sentence as fair. The case can only be opposed if there is new substantial evidence found, or if the judge acted unfairly and in a biased manner. If none of this happens the trial cannot resurface and make the sentence harsher. This will then anger and upset the community and those involved in the case.

Following the sentence and the guilty party then going to jail, sometimes

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The ~~good~~ person can be let out on a good behaviour bond, or even on bail. This is due to good behaviour, or the person showing positive signs towards others and ^{their} crime. When this happens it is obviously a huge benefit to the accused as they may be able to live and work in society. But this also is a negative to the community who must now welcome back a criminal. The media can also contribute to the tension felt. By releasing stories, articles, interviews etc etc, they can influence how society and community groups view the criminal trial, and how they view the accused person. In times of a criminal case, many people's emotions are more sensitive and the media can use this to their strengths. All these things lead to the tension felt between the community interests and individual rights and freedoms.

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