

CRIMINAL LAW JOURNAL

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EDITORIAL

CLANT Conference, Bali, 2009	193
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ARTICLES

Double jeopardy where the defendant is convicted for a non-fatal offence and the victim later dies – *Matthew Goode*

This article explores the mess that the High Court has made of the law dealing with double jeopardy and related issues through the trials and tribulations of the mysterious Mr P. The issue through which the mess is explored is the simple question – what is the rule applicable where the offender is convicted of a non-fatal offence against a person, the results of which later cause the victim to die? Can the offender be prosecuted subsequently for homicide? If not, why not? These questions should be capable of answer by a simple rule – but wait – there’s more! Tangles such as these contribute nothing but understandable contempt for the content of the criminal law.

196

Pattern recognition and forensic identification: The presumption of scientific accuracy and other falsehoods – *IR Coyle, D Field and P Wenderoth*

Decision-making in forensic contexts where patterns (such as fingerprints) are compared involves processes of perception and cognition which are notoriously fallible in many circumstances. The known or potential rate of error in those scientific methods of forensic identification which have long been accepted by the courts is often higher than would generally be perceived, despite the presumption of accuracy of such techniques. In this article, the authors argue that errors arising from perceptual and cognitive errors in such forensic identification evidence are overwhelmingly due to the misuse and profound lack of understanding of basic epistemological and statistical principles. To avoid miscarriages of justice, these principles need to be understood and safeguards employed so that the legal process is not contaminated by pseudoscience.

214

OBITUARY

Paul Byrne SC – former general editor of the Criminal Law Journal	227
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CONTEMPORARY LEGISLATION COMMENT

Back to the future in the Northern Territory – The return of mandatory imprisonment for first offenders – <i>Stephen Barlow</i>	231
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DIGEST OF CRIMINAL LAW CASES	236
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