

CRIMINAL TRIAL

Abstract

The subject of this thesis is the criminal trial as the most important stage of the criminal proceedings. In this stage, the facts are established on the basis of evidence according to the precise provisions of the Czech Criminal Procedure Code and subsequently, the guilt or innocence of the defendant is determined.

Aim of this thesis is to describe the criminal trial, from the definition of the basic principles on which it is based, through its preparation, taking of evidence, to the court's decision at the end. The emphasis is on theoretical interpretation of the key institutes and also to the problems encountered in practice. The thesis is supported with relevant case law, proceedings in juvenile and corporate cases, and also with *de lege ferenda* proposals that are either already part of the draft of the new Criminal Procedure Code or should be part of it.

The thesis consists of a total five chapters, an introduction and a conclusion.

The first chapter deals in detail with the application of the basic principles of criminal procedure in the criminal trial and also discusses the debated expression and placement of these principles in the new Criminal Procedure Code. One of the subchapters discusses in detail the institution of plea bargaining in terms of the principles.

The second chapter describes the preparation of the criminal trial, focusing on the delivery of the indictment and the ordering of the trial itself. The subchapter then discusses the laic element in the composition of the court.

The content of the third chapter is the opening of the criminal trial, the presence of the persons, the presentation of the indictment and other related acts.

The fourth chapter discusses the evidence in the criminal trial and the various means of proof, together with the evaluation of the evidence and *de lege ferenda* proposals.

The fifth chapter subsequently presents the closing arguments and individual decisions at the conclusion of the criminal trial, with most attention being paid to the judgment.

The conclusion of the thesis summarizes the current situation in which the criminal trial is situated and also suggests directions that new legislation might take.

Keywords:

criminal trial

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defendant