**Injustices in the Australian Legal System: John Button**

Justice is an extremely crucial part of the legal system. Without it, there would be guaranteed way to ensure that all trials are fair and equal. John Button was a man who unfortunately was targeted as a victim of corruption in the justice system. In 1963, he was accused of the murder of his girlfriend Rosemary Anderson. He was sent to jail for 5 and a half years and had his appeal in 2002 where he was proven innocent. In this case multiple principles of justice such as innocent until proven guilty, equal treatment before the law, and the right to silence were not supported. But some were, such as the right to appeal and impartial judge and jury. This shows the extent to which justice has been upheld.



Picture of the damage to John Buttons car

Innocent until proven guilty means that any person accused of committing a crime cannot be referred to, described as, or portrayed as guilty until it has been proven in court. This is important because it allows the system to be fair and without discrimination. In the case of John Button, from the moment police investigated, John, in their minds was guilty. The police believed so much of his guilt that they did not properly investigate and the most obvious example of that was his car. Button’s car was damaged 3 weeks before the Anderson accident and had a dent on one of the front lights. Police saw this and assumed that was where Anderson had been hit the car. This was not true as Anderson was found on the opposite side of the road as the dent. The car had blood on it from Button trying to transport her and police assumed that the blood was from the first strike of the car. Police immediately assumed that he was lying when he said he did not hit her and continued to force Button into a confession. Button eventually caved after being beaten almost to death. This shows that the principle, innocent until proven guilty was clearly not supported.

  
Equal treatment before the law means that all citizens no matter their race, gender, or mental state have the right to a fair trial and cannot be disregarded because of these factors. This is important because it ensures that everyone is treated fairly. In Button’s case he was not treated equally because of his mental state at the time. Right before questioning police told Button that his girlfriend, Rosemary Anderson had died early that morning. John obviously felt a sudden surge of grief and disbelief towards the matter which caused a suspicious stutter during questioning. Police still did not think that Anderson’s death was the cause of his nervousness and began to brutally beat Button into a confession. John stated in a later interview “I didn’t care about what happened to me, I just wanted to get out of there”, speaking about the beatings. John had no legal representation at the time and had no legal support on the case. He was fully forced into a confession without legal representation and support. This shows to the extent of how this principle was not supported.

Picture of John Button at 19 years old

The right to silence means that during the investigation, and even in court, the accused does not have to answer any questions other than personal information such as name, age, D.O.B, occupation etc. This is important because it gives people the choice to talk about their case and if they believe it will make them look guilty, they can choose to stay silent. In Button’s case, this principle was strongly not supported as he was beaten by police into a confession. John stated in a later interview that “I told them to give me a confession form on paper and I would sign it”, he just wanted to be left alone to grieve. In court he chose not to stay silent even though the evidence made him look guilty. In his first trial the two most persuasive pieces of evidence was the damage to button’s car (which was not properly investigated) and the signed confession (which was forced) so this case clearly had an uncovered injustice. The Judge believed of John’s innocence but was overruled by the Jury. This states to the extent in which justice was not upheld.

The right to appeal is when a person who has already been found guilty can take their case to a higher court to be heard again by a panel of judges. This is important because if a case has been the victim of an injustice, the accused can have a second chance for justice. In John’s case, this principle was supported although, John tried for multiple appeals and most were rejected along with Cooke’s original confession and investigation. There were very minimal amounts of investigation done on Cooke as police truly believed that they had imprisoned the right man. Regardless of this series of actions, John successfully held an appeal on the 25th of January 2002, and was proven innocent while the true criminal, Eric Edgar Cooke was imprisoned for the murder of Rosemary Anderson and many other women. John managed to finally have his appeal at the court of appeals. The government admitted that there was an injustice in the legal system and compensation was awarded. This shows to the extent of which justice was supported.

Impartial judge and jury means that the judge is only making their decision based off the evidence given and the jury is not biased. This is important to ensure that the trials are fair and just with multiple opinions on the accused’s innocence. The jury initially has more power over the judge, but it is split between 12 people. In Button’s case this principle was supported, and the judge had believed of John’s innocence, but the jury had found John guilty. The jury was not biased, and the decision was made just on the evidence given. Although the evidence had a clear injustice, the judge and jury did not present an injustice. This presents to the extent that justice was upheld.

In conclusion, for this case to be improved, the evidence should have been properly and thoroughly investigated and police should have trialed the accident correctly. There should have also been a shorter waiting time for an appeal. John was proven innocent on the 25th of January 2002 and received a compensation of $460,000 which was also the highest amount of compensation awarded to anyone in WA history. The extent to which justice was upheld was unbalanced and justice was not properly supported in this case.