

# **Fundamental Principles of the Italian Criminal Trial**

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*Nihilism is not only a contemplation of the vanity of things or the conviction that all things deserve to go in ruin; one puts oneself at work and ruins things... this is, so to speak, illogical; but the nihilist doesn't believe in the constraint of being logic... it is the state of strong spirits and wills and they can't stay motionless in front of the no 'of the judgement' – the no of action comes from their nature. Annihilation through the hand indulges in the annihilation through the judgement.<sup>1</sup>*

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<sup>1</sup> 'The Advent of Nihilism', 'Will to Power' F. Nietzsche

# 1. THE PRINCIPLE OF EQUALITY (FORMAL AND SUBSTANTIAL)

It is the fundamental principle of the Italian law and as such it conditions necessarily all the supporters of the law. It is sanctioned by article 13 of the Constitution, according to which 'all citizens have equal dignity and are equal in front of the law, without distinction of sex, race, language, political opinions, personal and social conditions (paragraph 1).

## ELEMENTS POSTPONED IN FIGURATIVE SECTIONING

In a perlocutionary paradigm the form is put before in a margin on the margins of the deduction of being marginalized.

In a place of 'having being' in conventional and official paradigmatic suppletion placed in a Being that has 'been', which is a precise reclaiming of the collocation of a being; and having been consistently that remains motile in placing the event as the coming true of a mature 'having being'.

The invitation pre-dicts and deduces from placing, in the prone motility, the effect giving the 'saying' to a producing movement in a placing in the collocation, and in the reason that reduces and moves at the extremity, which is 'margin', producing a margin useful to the motility of placing the event in a memorizing the margin by expressing it in a deductible 'marginality'.

A producing effect that is bordering on the side, given and supposed side deducted and induced to the extreme in affirmative induction at the 'margin' of a paradigmatic and in execution consequent to the result of the perlocutionary.

The expressed cure compresses and impresses at the margin its 'doubtful' being, compared to the producing effect in a side, which in a side induced by a side of 'having been', the event that consisted in predicting the cure that is a prone to motility.

*The most important data we need to get hold of are those that concern our interlocutor. We have to make sure that we know the process of formation of the decisions of his organization, so that we can know if the person we are dealing with has enough power to conclude the agreement. To negotiate with the wrong person is perhaps the most common mistake made by beginners.<sup>1</sup>*

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<sup>1</sup> 'The profile of the adversary' 'Guide to techniques of persuasion' J. Winkler

## 2 – PRINCIPLES RELATING TO CRIMINAL JURISDICTION

### A) – THE RIGHT TO LEGAL PROTECTION (ART. 24–113 OF THE CONSTITUTION)

*‘Article 24 paragraph 1 of the Constitution establishes that ‘anyone involved in criminal proceedings can act in order to protect their rights and legitimate interests.’*

*Even in a criminal trial personal rights that have been violated can be protected through plaintiff.’*

#### ANTERIOR DISSOLUTION IN A PERSPECTIVE

A prominent monition goes through the side line in an inferable way, in the given ‘side’, which leads to the extreme back in the boundary that is at the extremity of the border that becomes a mimesis of the deduced expression, in so called and deducing extreme margin at the extremity of the motile and hypothetic being.

The hypothesis leads to a correlation between the leading movement of the obtainable psycholinguistic and a deductible psycho- dyslexic.

The prominent Ejection is a segment that draws the cadaverous fluid in a hypothesis that is the thesis of a given being, detected in a program that takes the result proposed by the extraction of the code in a derivative idiom in the introjections of the ejected segment.

Modifying an expression on the side in a given ‘datum’ is also possible in a composed affirmation, given and defined in a series of theoretical affirmations of the deduction of the margin, which on the side affirms its Ejective being, obtainable in an accordant proposition as assertive correlation in search of the Rigor Mortis code.

We are inclined towards death like an arrow towards a target, and never fail our aim.<sup>1</sup>

### B) PRINCIPLE OF THE DOUBLE GRADE OF JURISDICTION

Our regulations establish three grades of judgement (first grade, appeal and appeal in Cassation). However, only the double grade of judgement is assisted by constitutional guarantee and can rely on the indefectible possibility of appeal in Cassation (art. 11 of the Constitution). This justifies the lack of the appeal limited only to some crimes or types of sentencing (articles 443, 593, paragraph 3, penal code).

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<sup>1</sup> ‘Breviary of Chaos’ A. Caraco

## RAMIFICATION AND REVELATION IN A PENETRATING DECOMPOSITION

The depressing expression corresponds to an assertion of the Necropolis that is margin-side of an affirmative assertion similar to the expression of motility.

Moving in an expressive module- and catalyzed expression in a moderate catalogue: the side is a sense towards an atonic similar to Rigor Mortis.

In a sense-boundary at the extreme, which is similar to the atonic verse, which is at the margins of the Necrosis in an hypothesis.

Possible affirmation of the side-datum to an extreme in a code: exerted assertion of a cure obtainable from the tissues in Necrosis.

The correspondence of the leading movement in a given interlocutor in an affirmative side-datum expressed in a margin and deducible from a ductile expression in a removable prone producing cadaverous expressions.

## C) ADMINISTRATION OF JUSTICE IN THE NAME OF THE PEOPLE (ART.101.Cost.)

*The word offender, introduced to name the one who cum quo res agitur, indicates a person subjected to judicial proceedings. In criminal trials it indicates the one who is subjected to investigation or who has been charged. Now the word promiscuously designates both the investigated person and the charge. According to various systems, the word offender has a completely different meaning than that it has in common language. An offender can be not guilty and it is an outrageous mistake to confound the meaning of this word with the meaning intended by common language.<sup>2</sup>*

## PRE-AGONAL PARADOX

Self-indulgent Necrosis can be composed in a decomposable proportion in the regular variation of the self-induced discharge in a constant and disciplinary rotting form.

Rigor Mortis is now representation of decay in neuro-active hypothesis.

The periphrasis of a phase in itself circulating in a semi-god deducts in inferable configuration.

The structure of the configuration is introduced elaboration in a representation in itself in a representing state of Rigor Mortis.

Accordant to an identical equivalent in a given datum of the configuration a-phase in prefiguration.

The equivalent is computation of a derivative manifestation detected in a formula that integrates the decomposed axiom: Rigor Mortis is now Decay.

*Obviously what is valid for single truths or single states of things is also valid for the links of truths or states of things. This obvious inseparability, however, is not identity. The actual subsistence of things and links between things is expressed in the corresponding truths.*

*But the links of truths are different from the links of things that are 'truth' in them; this is immediately revealed by the fact that the truths that are valid for the truths do not coincide with those that are valid for the things that are placed in such truths.<sup>3</sup>*

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<sup>2</sup> 'On Offenders' 'Course of Criminal Law' F. Carrara

<sup>3</sup> 'The link of things and the link of truth' 'Logical researches' E. Husserl

## D) ON RIGHT TRIAL EX ART 111 OF THE CONSTITUTION

‘In Italy, the doctrinal elaboration of the notion of “right trial” on a constitutional level, in bill 23-11-1999, numb. 2, enforced since 7-1-2000, as an integration of art. 111 of the constitution with five new paragraphs, which strengthen the option for the accusatory model of the current code of law.’

### EJULATION CORRESPONDING TO A NECROTOMIA

Spasmodic invitation in an expressive modification revealing inequality diverging between a given stratum on the side of a margin in an all-compulsive segment of an induced dead material.

Unwillingly dead material of a retractable block of an assembled sentence that can be obtained.

Rigor Mortis keeps the concreteness of the post-induced elements in decay.

Prevailing in a prevarication of the willingly dead material in necrotic influx expressing unwillingly extension of the variations between funeral ceremony and a self-regulating, compulsive and invoked cult.

Data of instability producing infections through a system of correlating perspective measures in the variations of an autopsy in the ceremonies and funeral active composition, active in a decomposition.

*It is not unconceivable that a social fact can be characterized in many different ways: in fact, there is no reason to believe that it has just one distinctive character.*

*The coercive power we attribute to it is such a small part of the totality of the social fact that it can also represent the opposite character. In fact, if institutions impose themselves on to us, we stuck to them. They force us to love them; they compel us to find our interest in their functioning and even in their constraint.<sup>4</sup>*

### PRINCIPLES OF PROCEEDING EX ART. 111 OF THE CONSTITUTION

THE PRINCIPLES DISCERNIBLE FROM THE NEW ART. 111 ARE:

- Absolute reserve of the law on proceeding matters (‘right trial regulated by the law’);
- Impartiality of the judge;
- Creation of evidence in the dispute between parties;
- Eligibility of exceptions in ordinary and therefore in special trials;
- Parity between public prosecutor and the defence of the defendant;
- Right of the investigated person to be informed on the nature and reasons of the accusation and to produce evidence that can acquit him even through examination of the defence’s witnesses;
- Limitation of the regime inflicted on defendants collaborating with the authority;
- Right of the defendant to the use of a language he can understand.

### DISSOLUTION IN A DECIPHERING CORRESPONDING TO DISSOLUTION

The ejected segment detects the consequent phases of the redemption in a perspective introduction of postponed elements in the willing material in a cadaverous form.

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<sup>4</sup> ‘The Rules of Sociological Method’ Durkheim

The introduction in an epigraph infects the compromised phase placed on the margin of the inferable slope in an affirmative datum in decomposition, which expresses the essence of the cadaverous form.

Affirmative stabilizers move while Rigor Mortis gaits in a supplementary concatenation of grafts in Decay.

The ejected from receives the influx under the guise of infectious inhalations in a singular disruption.

The nucleus of the structure of Rigor Mortis predisposes the obtaining of the essence of the ejected essence – searching for the Necrosis.

The reproducing and systematic willing motive is the decomposed ceremony of a self-regulating invoked cult.

The phases of the sequence of a segment nod in the willing wanting the recondite mood of the material in a cadaverous form and spasms of necrosis introduce a hegemonic flux and penetrate by marginalizing the side of a datum of a side datum.

The border is between a necrosis and the symbiosis, which is part of a side in the margin in relation to a configuration of Rigor Mortis.

The moving figure in an intrinsic substance places the re-elaboration of the programmatic structures of the willing-unwilling.

*It is fundamental that the plan fixes a limit to the manoeuvres conceded to the negotiator: if the latter is only asked of 'securing' the best contract he can achieve, we can be sure that he will conclude at the lowest level.*

*Only if he supported by precise preventive instructions and a given goal will his action be effective and the agreement will be concluded at an acceptable level.<sup>5</sup>*

## DERIVATIVE CONCATENATION

The dissolution places the adaptation of a prone and motile motive, which produces introductive dissociation affirming the side on the side of a given margin in a preposition inducing motility.

The moving Reification that expresses the dissolving terms of prevarication moves to the Decay in margin of the undulating margin derived by a code that deciphers programmatic induction: in a side that on the side of a slope of the given datum that is ejected side of the segment in an epigraph exposed and expressing ductility and the formation of apparent concreteness.

In an apparent non-form of a deformed configuration of a declarative structure, of a retroactive supplication of the dissolution of the side of the datum of a margin producing motility.

The margin of the postponed configuration in the fading of the side-datum, in corresponding posthumous postulate dissolution of a margin: obtainable by a boundary compressing expressive ductility of the decomposed composition in an epigraph in an impenetrable but rotten slope.

*The logic of this defensive strategy is an instrumental logic because it presumes the introduction of coherence and concatenation in the randomness of the events and in the irrationality of behaviours, which are only functional to the prejudice of a rationalisation made dormant in its very assumptions because it is immediately sucked and distorted by those who should form objective relations; Huld, Titorelli and Bloch, as well as the women K met, crumble and nullify all certitudes, and up-*

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<sup>5</sup> The Plan for Negotiation 'A Guide to the Techniques of Negotiation' J. Winkler



*turn all univocal conceptual mechanisms in a complicated development of hypothesis and fleeting conjectures in which logic is perverted and degraded.*<sup>6</sup>

## **COROLLARIES**

- Offices are organized by the law: it is the law that establishes the sites of Tribunals, Courts of Appeal, etc. These sites cannot be determined or changed by the executive power of the judicial one (2);

- 'No one can be judged by a body created after the event or which has been appointed after the event in order to avoid possible 'concessions' or 'retaliations' towards the defendant.

## **RELATED IN AN ASSERTION IN CONSTRUCT**

In a dissolution through a back-expressive disposition of elements in concatenation in fading. The line on the margin of a side of a datum-side in an unmaking and defined term, in frenetic supposition of explanation, in a deductible and impassable margin of a slope that is assertion in a confrontation of a side, which is on the side of a datum-side equivalent to a ejected and prominent ceremony, in a representation that is at the limit of the limit, following the criterion of a parameter producing decay.

Predisposed and configured in a paraphrase of the ejected term in an invoked cult, which is on the side of the margin of a slope in a 'marginalized' margin.

The smell of putrid stagnation in a side that is on the margin of the desire producing Ejection.

Indulgent Necrosis that impresses an invitation expressing marginal cure in the side of a datum accordant to the declamatory fading in decay.

*Solitude is a school of death, and the ordinary man will never attend it.*<sup>7</sup>

## **B) PROHIBITION TO APPOINT EXTRAORDINARY OR SPECIAL JUDGES (ART. 102 OF THE CONSTITUTION)**

'This principle is the natural consequence of the principles of equality and pre-constitution of natural judge.'

## **EXPLANATORY EJECTION**

The self-indulgent Necrosis postpones the removal of the explicative assertion of a datum on the side, which is the 'marginalized' margin, which is a given and incontrovertible datum in the ejected ceremony, which is on the margin of a correlated Paradigm in an affirmative datum in a side on the side of a given datum.

The border is a margin that explores the configuration in a compressible cure in a dissolution equivalent to the impeding Rigor Mortis.

Affirmation of an ejective placing before on the side of the margin in a representation of a cadaverous form.

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<sup>6</sup> Introduction to 'The Trial' F. Masini

<sup>7</sup> 'Breviary of Chaos' A. Caraco

Constitutional elements of a moving figure in an intrinsic elaboration of the programmatic structures of the willing-unwilling move towards the margin in a datum on the side of the invoked cult of a segment expressing the cure: definitely defined 'Defunct definitely'.

*All attempts made by K. to orientate himself on a possible line of defence fall in incertitude and mistake because the picture of the situation changes continuously. The trial becomes the castle of conjectures, suppositions immediately denied, tortuous arguments and deviations.*

*Surely there is still a will to struggle in him: 'it was not right to renounce these efforts, it was necessary to organize and control everything. The court would finally face a defendant who knew how to exercise his rights.'*<sup>8</sup>

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<sup>8</sup> Introduction to 'The Trial' F. Masini

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