

Der Strafprozessuale Beweisantrag Und Dessen Vereinbarkeit Mit Dem Fristenmodell Des Bgh - Tobias Schudlik

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Der folgende Beitrag möchte dem Leser einen Überblick über das in der StPO geregelte Beweisantragsrecht geben. In einem ersten Schritt wird der Begriff des Beweisantrages erläutert und sowohl vom Beweisermittlungsantrag als auch von der bloßen Beweisanregung abgegrenzt. Hieran schließt sich eine allgemeine Darstellung der in den §§ 244 III-V, 245 StPO normierten Ablehnungsgründe eines Beweisantrages an. Ausgehend davon wird der Ablehnungsgrund der Prozessverschleppung (§ 244 III 2 Var. 6 StPO) fokussiert und in diesem Zusammenhang ein aktueller Beschluss des BGH vom 23.09.2008 in den Mittelpunkt gestellt. In besagter Entscheidung erklärte der 1. Strafsenat des BGH die Zurückweisung eines Beweisantrages nach Ablauf einer vom Vorsitzenden des Instanzgerichtes gesetzten Frist wegen Verschleppungsabsicht für rechtmäßig demnach sei die verspätete Stellung des Beweisantrages ein Indiz für die innere Tatsache der Verschleppungsabsicht. Wissenschaftlicher Aufsatz aus dem Jahr 2010 im Fachbereich Jura - Strafprozessrecht, Kriminologie, Strafvollzug, Note: -, -. Author: Schudlik, Tobias Publisher: GRIN Verlag Illustration: N Language: GER Title: Der strafprozessuale Beweisantrag und dessen Vereinbarkeit mit dem Fristenmodell des BGH Pages: 00020 (Encrypted PDF) On Sale: 2010-01-01 SKU-13/ISBN: 9783640510023 Category: Law : General

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