Rights of the Accused

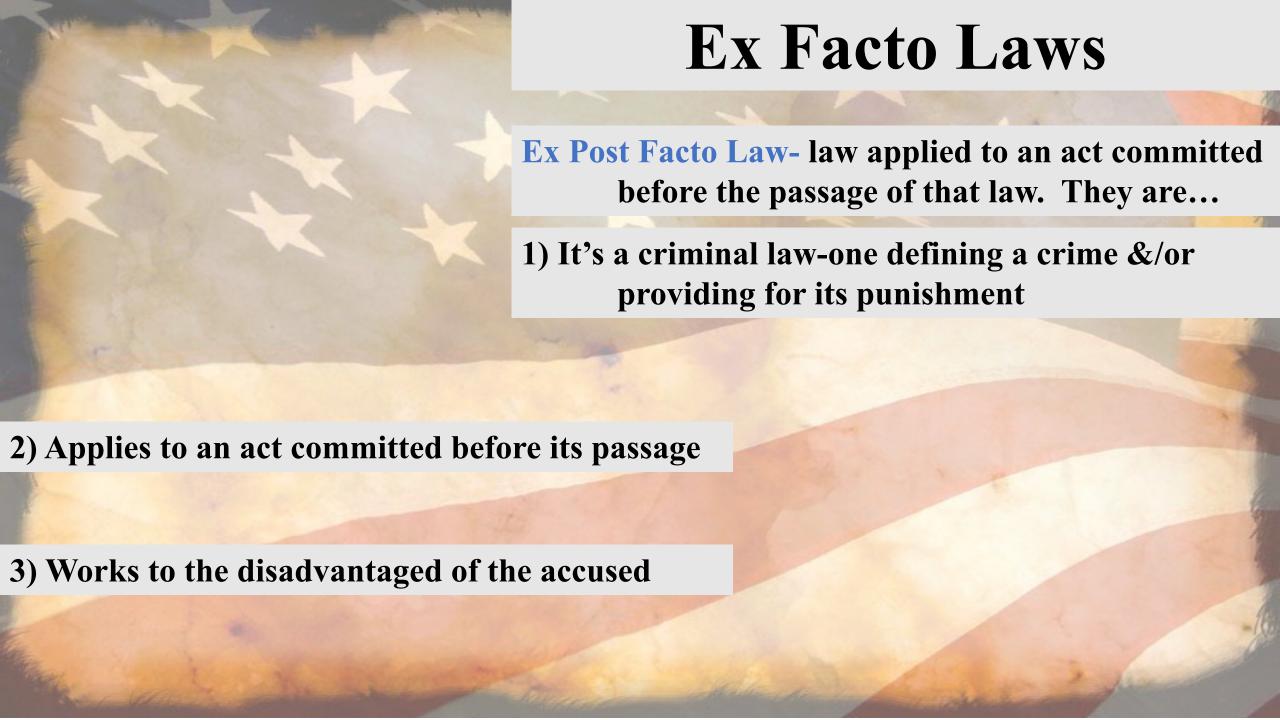
Article I Protections

Writ of Habeas Corpus- Writ of liberty that prevents unjust arrests & imprisonments

Constitution says it cannot be suspended unless in cases of rebellion or invasion

Recently, even Guantanamo Bay has allowed prisoners the writ of Habeas Corpus

Bill of Attainder- Legislative act that provides for the punishment of a person without a court trial



Grand Jury

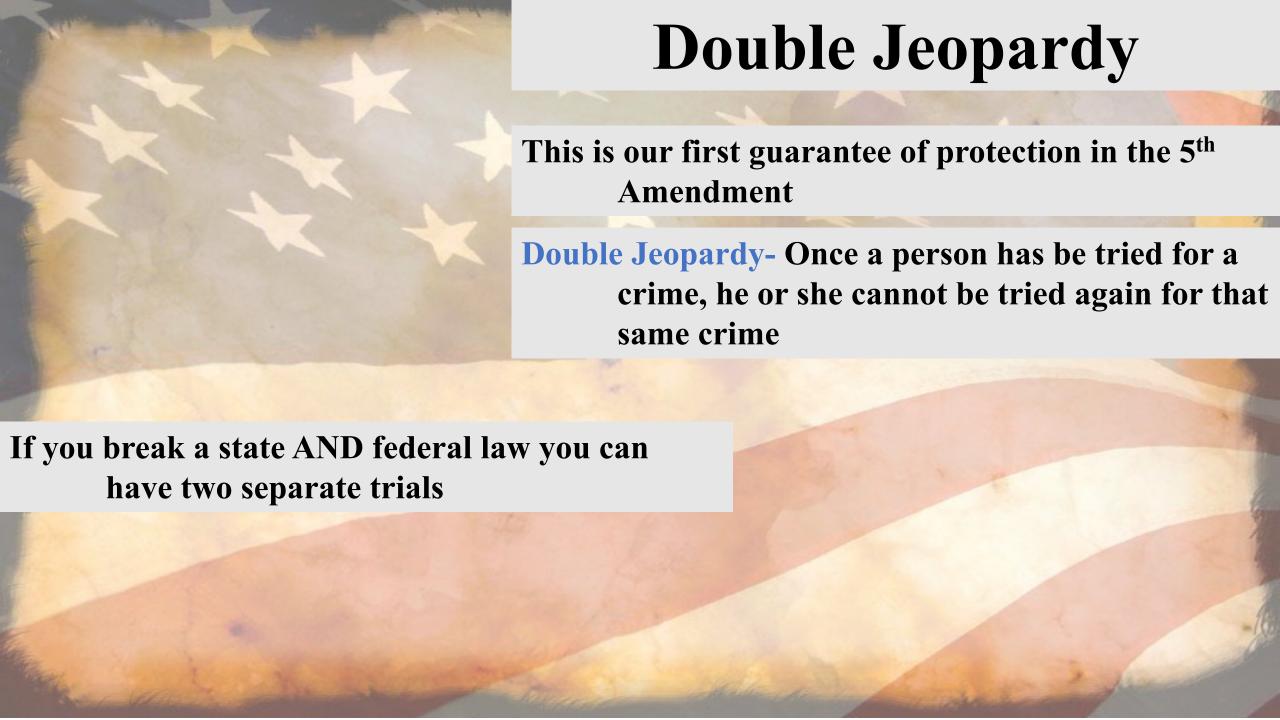
Grand Jury- Formal device by which a person can be accused or a serious crime such as death or imprisonment

Indictment- formal complain that the prosecutor lays before a grand jury

Presentment- Formal accusation brought by the grand jury on its own motion rather than the prosecutor

They are held in secret & no defense is given.

Information- affidavit in which the prosecutor swears there is enough evidence to justify trial

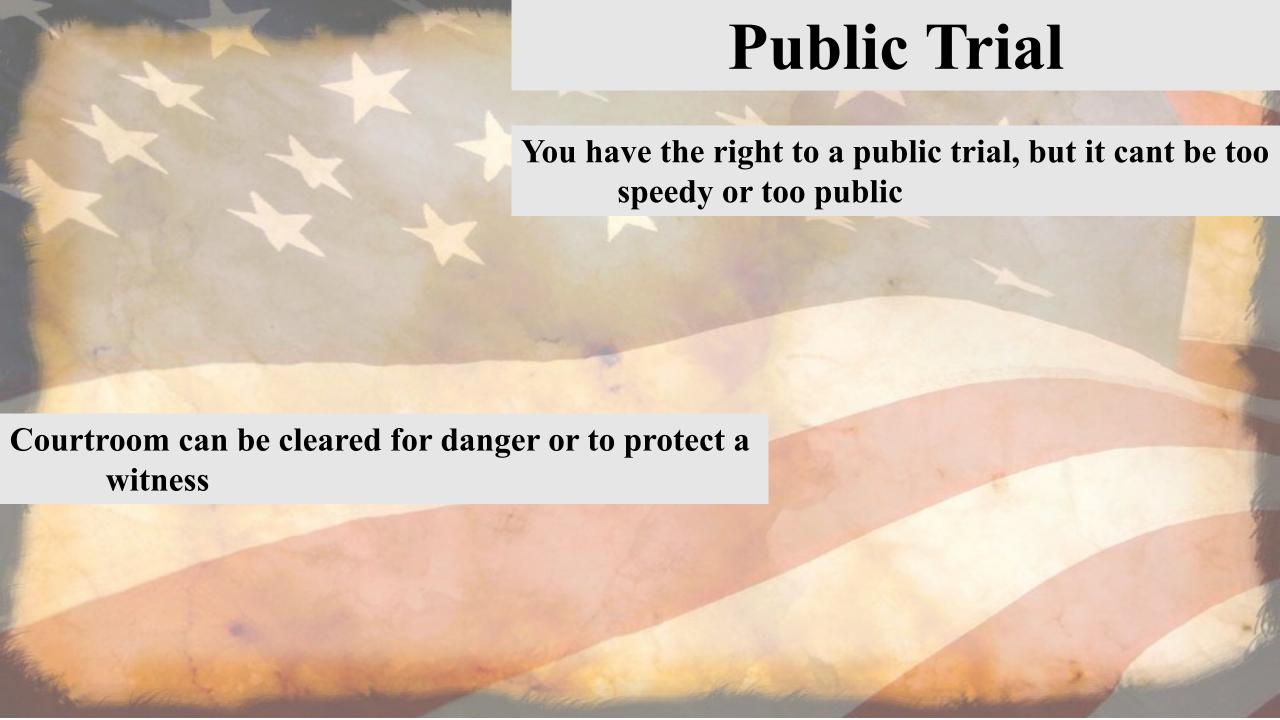


Going to Trial

You have the right to a speedy trial, but how long is a delay too long?

4 ways to determine if delay has violated constitutional protection

- 1) Length of delay
- 2) The reason for the delay
- 3) The delay has harmed the defendant
- 4) Whether the defendant had asked for a prompt trial



Trial by Jury

The jury has to be fair & sometimes a "change of venue" can be granted or even waive the right to a jury

Bench Trial- This is a trial where only a judge hears the case

Jury must be from a fair cross section of the community

This is to protect people from possible prejudice as well

*Right to Adequate Defense

6th Amendment says that a defendant has many rights such as...

1) To be informed of the nature & cause of the accusation

- 2) To be confronted with the witnesses against him & question in an open court
- 3) To have compulsory process for obtaining witnesses in his favor
- 4) To have the Assistance of Counsel for his defense

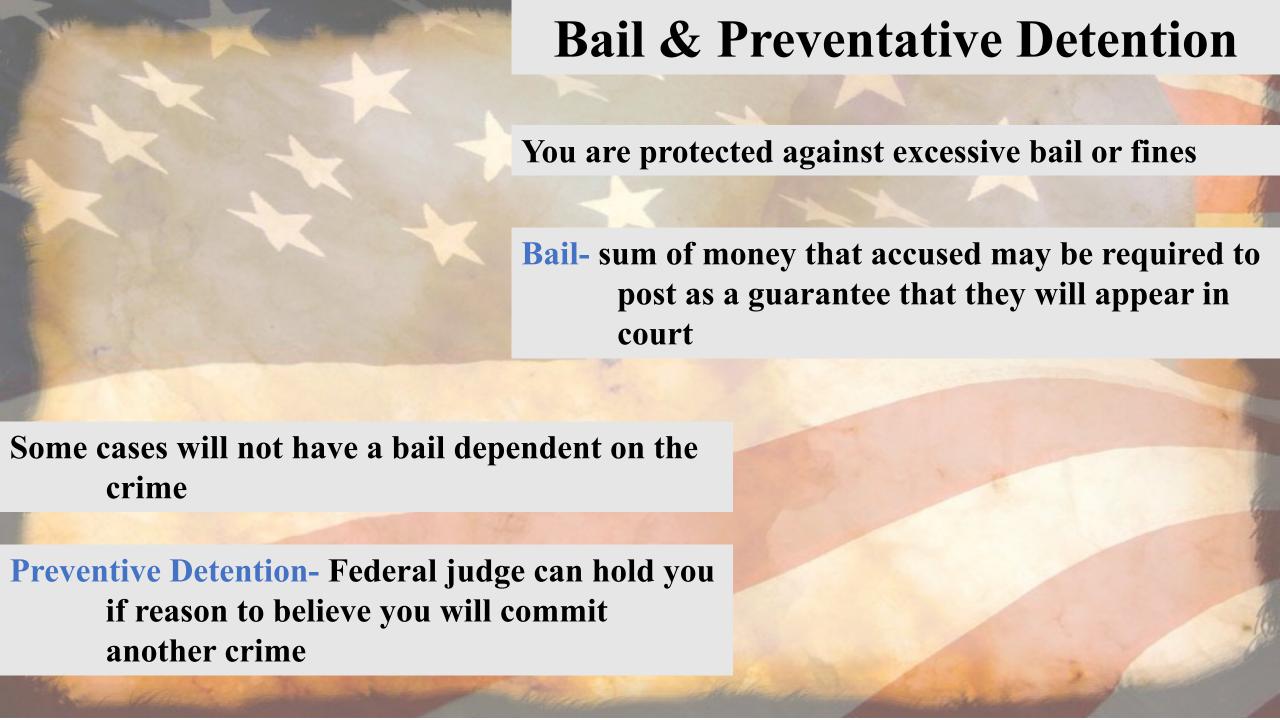
Guarantee Against Self Incrimination

Plead the 5th, you are protected against compelling to answer any question that could lead to a criminal charge

Someone can still be required to speak about you, 5th amendment applies to only yourself

You may still have to comply with the law such as finger prints, photographs, handwriting, etc

Miranda Rule- Requirement that police must read a suspect their rights before questioning



Punishment

8th Amendment protects you from cruel & unusual punishment

Capital Punishment- This is the death penalty for a crime

Is the death penalty a cruel & unusual punishment?

Treason- Levying war on the U.S. or giving enemies of the country aid & support