



Rights of the Accused



I hope you never need these...



Mindset

- Innocent until proven guilty
- Burden of proof on the prosecution



Rights from the Article

- A guarantee that no person shall be deprived of life, liberty, or property without the due process of law
- Protection against being tried for the same crime twice ("double jeopardy")
- The right to a speedy trial by an impartial jury
- The right to cross-examine witnesses, and to call witnesses to support their case
- The right to legal representation (a lawyer)
- The right to avoid self-incrimination
- Protection from excessive bail, excessive fines, and cruel and unusual punishment



Probable Cause

- Reasonable grounds for belief that an accused person may be subject to arrest or the issuance of a warrant



Don't forget...

- Law enforcement needs a warrant signed by a judge for your arrest.
- If you are not under arrest, you may walk away at any time. (Politely please)
- You are allowed one phone call to notify someone of your arrest
- You can ask an officer for their badge number or name (if you need it for ID purposes)- answer may not be given



Miranda v. Arizona

- Ernesto Miranda accused of abducting and raping an 18 yr. old girl (1966)
- Confessed after 2 hours of interrogation
- His lawyer objected to being interrogated without knowing his rights (apparently lessons in class don't count)
- Resulted in...



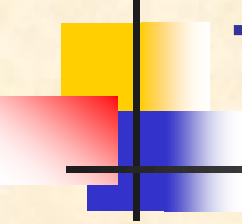
Miranda Warning

- *"You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?"*
- Miranda is in effect with custody and interrogation



Friendly Reminders

- Don't break the law...ever
- Be respectful
- They can search you.
- Be prepared- they might ask you questions even if you stop talking and are silent.
- They should tell you what you have been charged with.
 - If you aren't sure while being questioned ask, "Am I free to go?"



These don't count for...

- Dangerous Public Situations
 - Riots
 - Any situation when the public "health and welfare" are at stake
- Police are in charge of restoring law and order