

Constitutional Law: Principles and Practice

Criminal Justice and the Constitution

Chapter 14

Constitutional Law: Principles and Practice

The Exclusionary Rule

- Evidence obtained in violation of a person's constitutional rights is inadmissible in a criminal case.
- Applies to evidence that is
 - A direct result of an illegal police action
 - An indirect result (fruit of the poisonous tree)
- Not expressly stated in the Constitution; rather it's a result of Supreme Court interpretation.

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The Fourth Amendment: Search and Seizure

1. All searches must be reasonable.
2. All seizures must be reasonable.
3. If there is a warrant, it must:
 1. Be based on probable cause
 2. Be signed by a neutral magistrate
 3. Specifically describe the place or person to be searched or the items to be seized

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The Fifth Amendment: Self-Incrimination, Grand Jury, and Double Jeopardy

- Safeguards against self-incrimination
- Right of the accused to a grand jury
- Protection against double jeopardy

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The Sixth Amendment: Right to Counsel and a Fair Trial

- Right to counsel
 - Court-appointed counsel in state cases
 - Competent counsel
- Right to a fair trial
 - Speedy and public
 - Trial by an impartial jury

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The Eighth Amendment: Bail and Cruel and Unusual Punishment

- Bars requirement of excessive bail or fines
- Sets proportionality of cruel and unusual punishment
- Relationship of the death penalty to cruel and unusual punishment

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The Juvenile Justice System

- Juvenile procedures that deprive a person of liberty are governed by the Due Process Clause of the Fourteenth Amendment.
- Most rights guaranteed to an adult offender are also guaranteed to a juvenile.