

Rights of the Accused

Chapter 20

Section 3

Article I, Sections 9 & 10

- **Writ of Habeas Corpus**—A court order which prevents unjust arrests and imprisonment
- **Bills of Attainder**—laws passed by Congress that inflict punishment without a court trial
- **Ex Post Facto Laws**—new laws cannot apply to things that happened in the past

Grand Jury

A **grand jury** is the formal device by which a person can be accused of a serious crime.

- required for federal courts under the 5th Amendment.
- deliberates on whether the prosecution's **indictment**, a formal complaint, presents enough evidence against the accused to justify a trial.
- Only the prosecution presents evidence.
- The right to a grand jury is not covered by the 14th Amendment's Due Process Clause. Most States have legislated to skip the grand jury stage.

Speedy and Public Trial

The right to a speedy and public trial was extended as part of the 14th Amendment's Due Process Clause by *Klopfer v. North Carolina*, 1967.

The Speedy Trial Act of 1974 requires that the beginning of a person's federal criminal trial must take place no more than 100 days after the arrest.

A judge can limit who can watch a trial if the defendant's rights are in jeopardy.

Trial by Jury

- Americans in criminal trials are guaranteed an impartial jury chosen from the district where the crime was committed.
- If a defendant waives the right to a jury trial, a **bench trial** is held where the judge alone hears the case.
- Most juries have to be unanimous to convict.

Right to an Adequate Defense

Some rights of the accused:

1. to be informed of the content and form of the accusation	2. to be confronted with the witnesses against her/him
3. to be able to subpoena witnesses to testify on his/her behalf	4. to have a lawyer speak in his/her defense

Self-Incrimination

The Fifth Amendment states that no person can be “compelled in any criminal case to be a witness against himself.”

- extends to the States, and sometimes to civil trials if the self-incrimination could lead to a criminal charge.

- A person cannot be forced to confess to a crime under extreme circumstances.
- A husband or wife cannot be forced to testify against their spouse, although they can testify voluntarily.

Miranda Rule

- In *Miranda v. Arizona*, 1966, the Supreme Court set an historic precedent when it would no longer uphold convictions in cases in which the defendant had not been informed of his or her rights before questioning. This requirement is known as the **Miranda Rule**