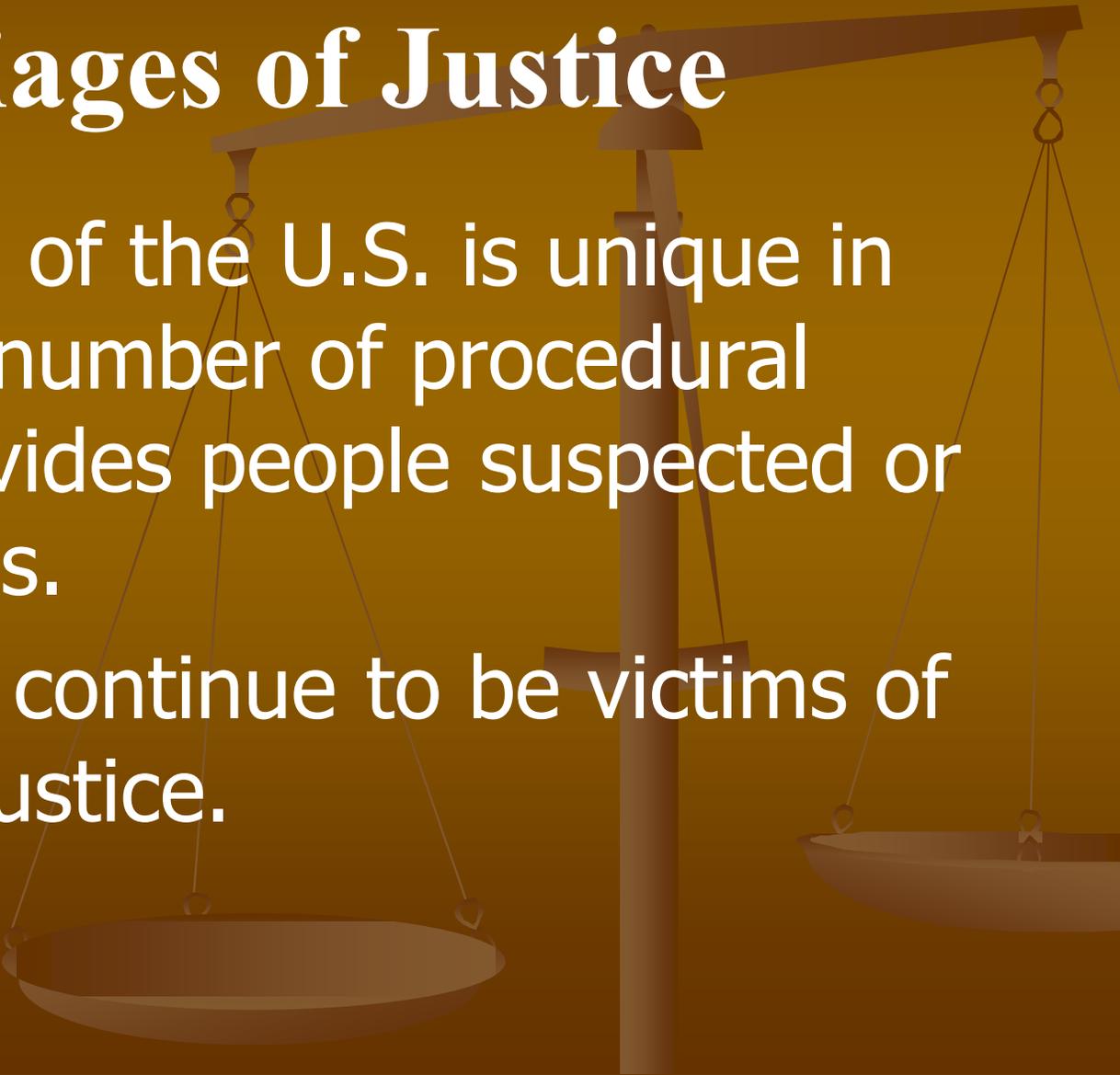


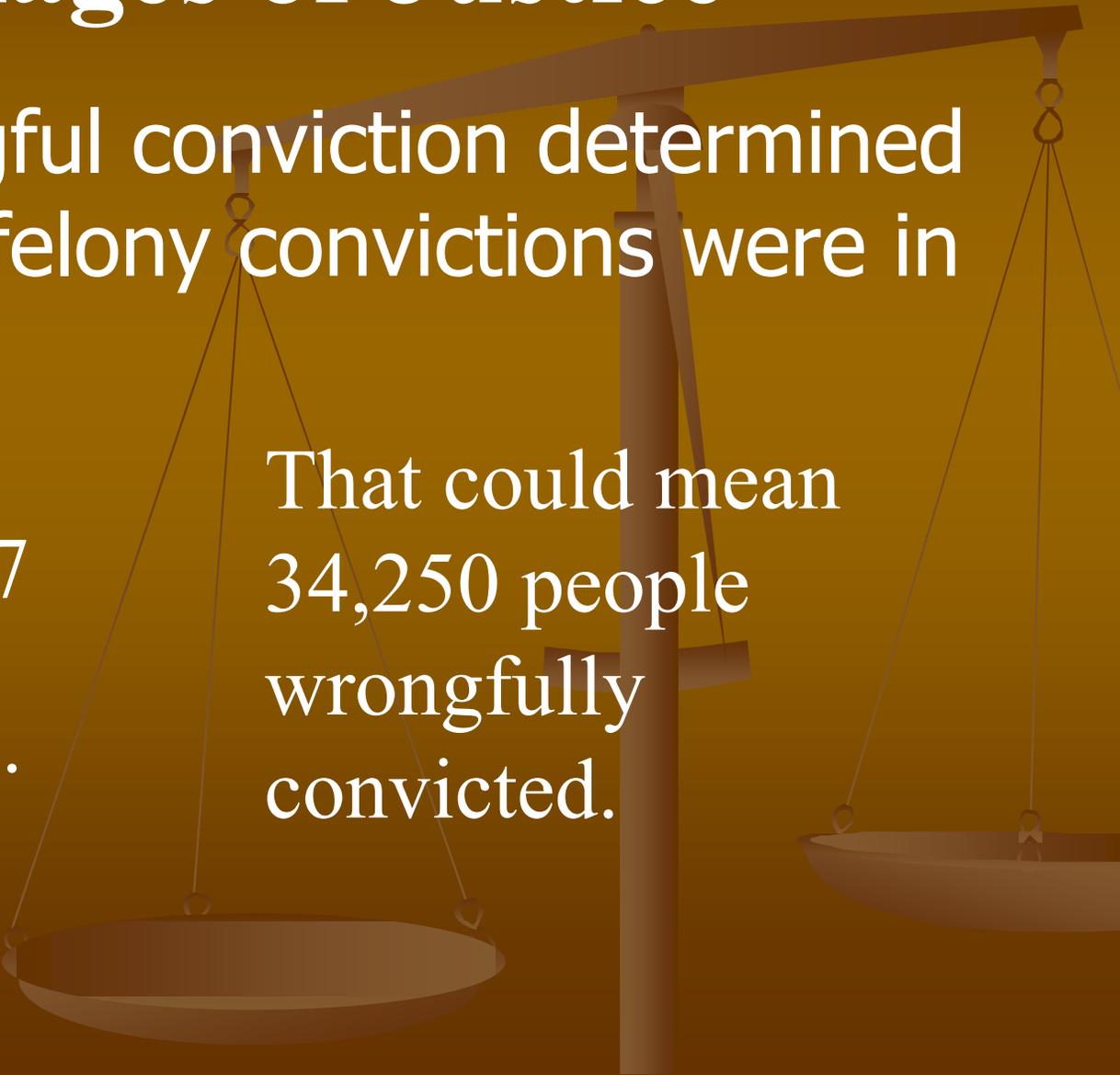
Protecting the Accused from Miscarriages of Justice



The legal system of the U.S. is unique in the world in the number of procedural rights that it provides people suspected or accused of crimes.

However, people continue to be victims of miscarriages of justice.

Protecting the Accused from Miscarriages of Justice



A study of wrongful conviction determined that 0.5% of all felony convictions were in error.

Consider that approximately 13.7 million people are arrested in the U.S. each year.

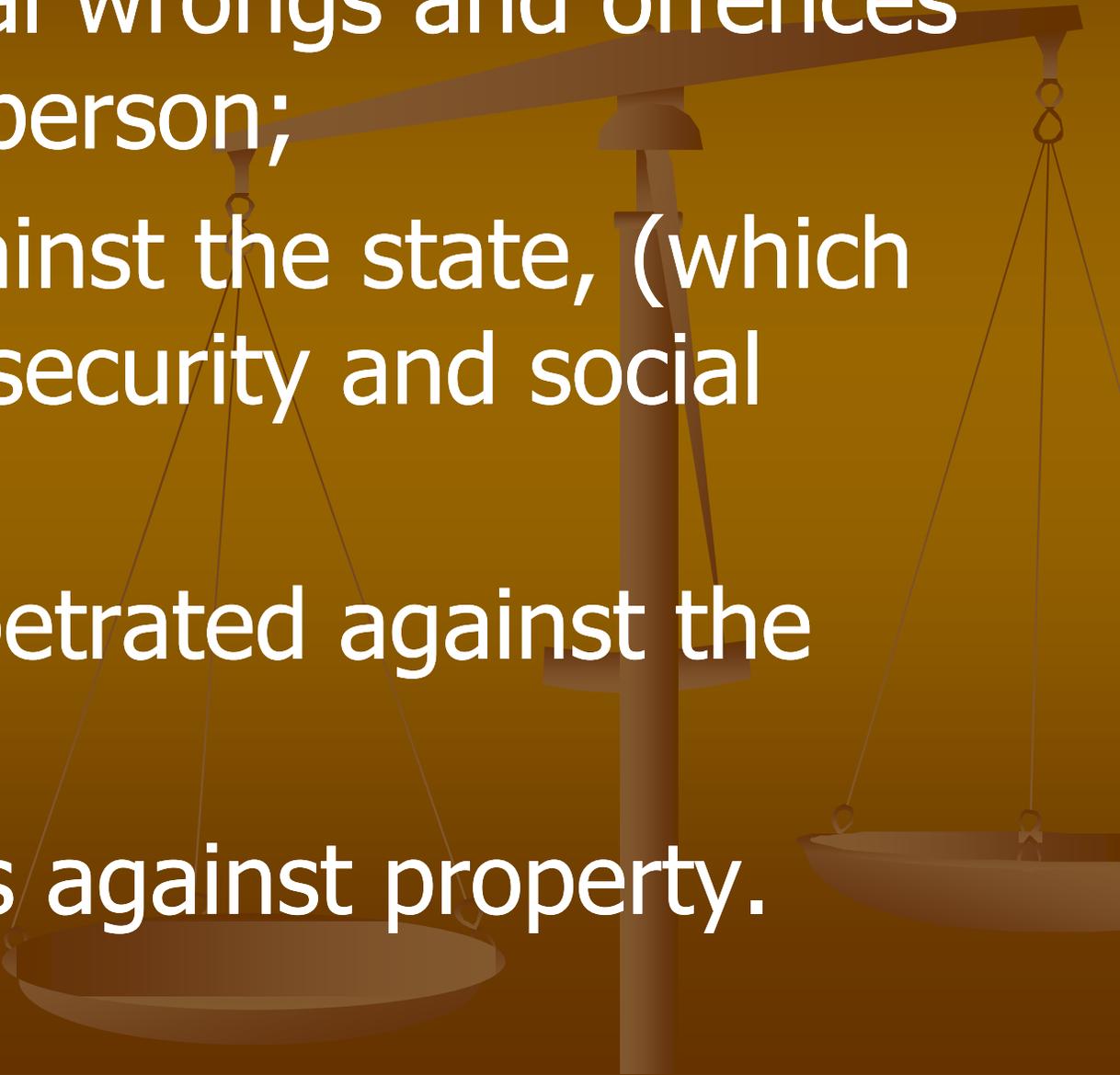
That could mean 34,250 people wrongfully convicted.

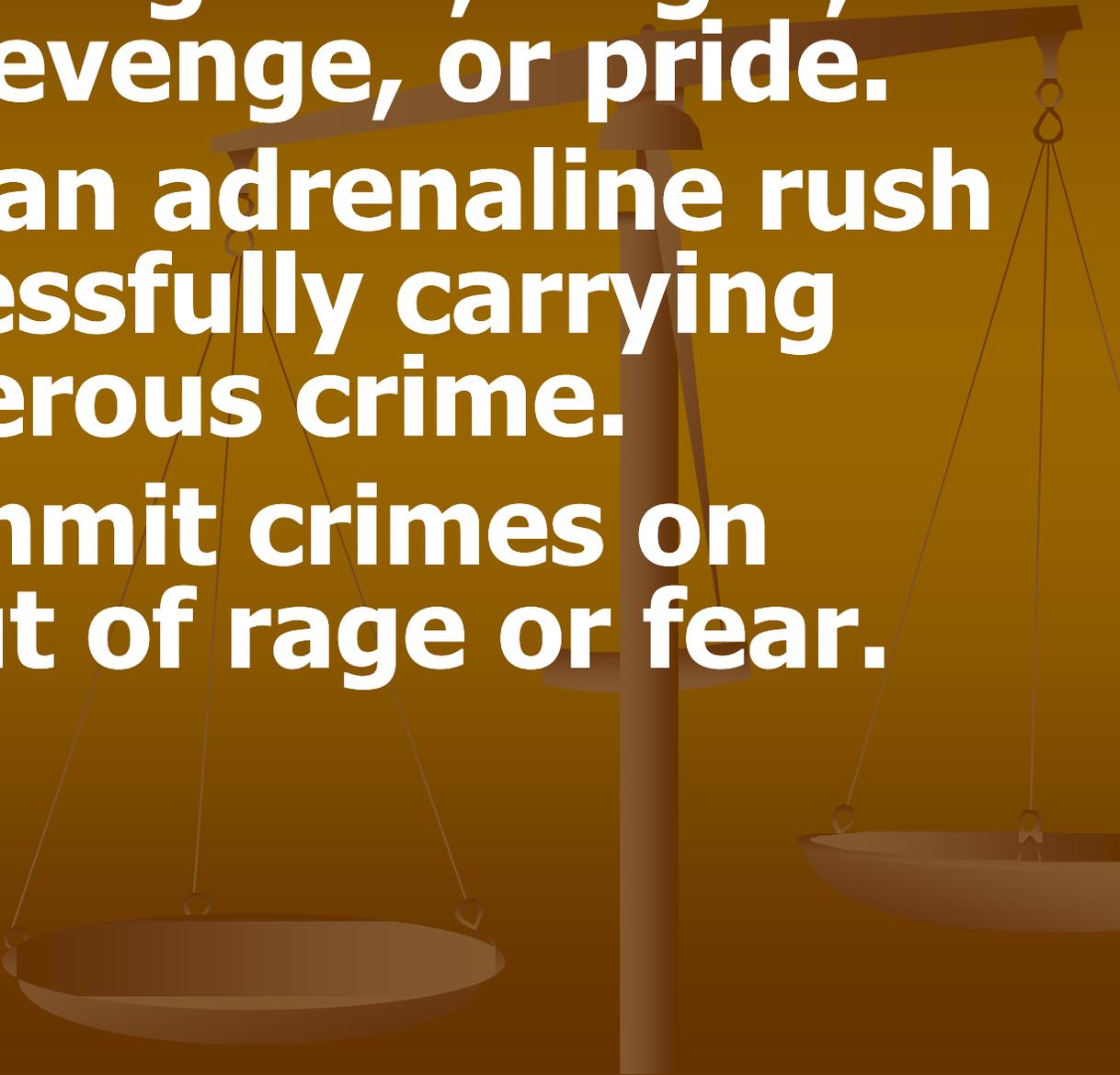
Protecting the Accused from Miscarriages of Justice

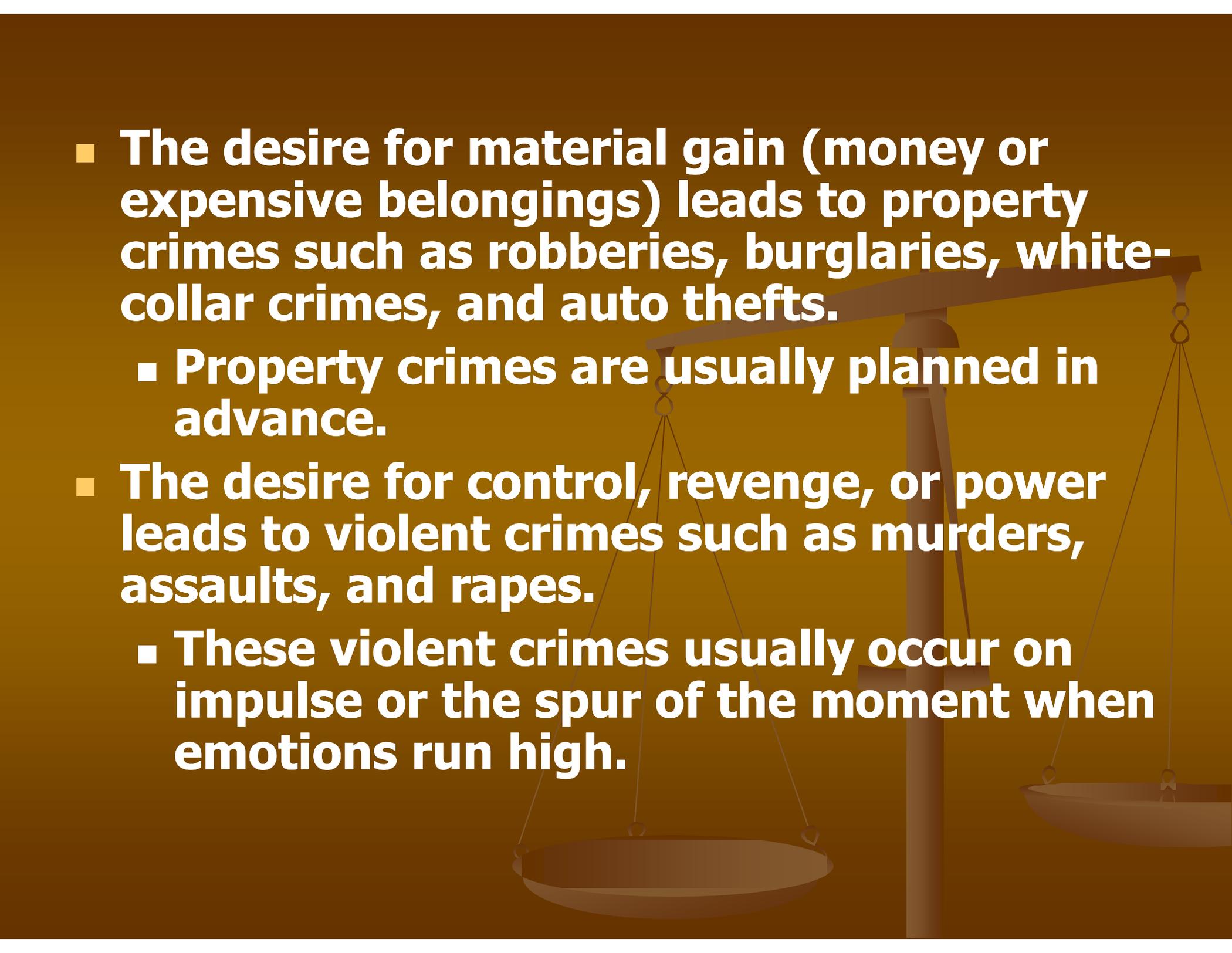
The most important factors contributing to wrongful convictions are:

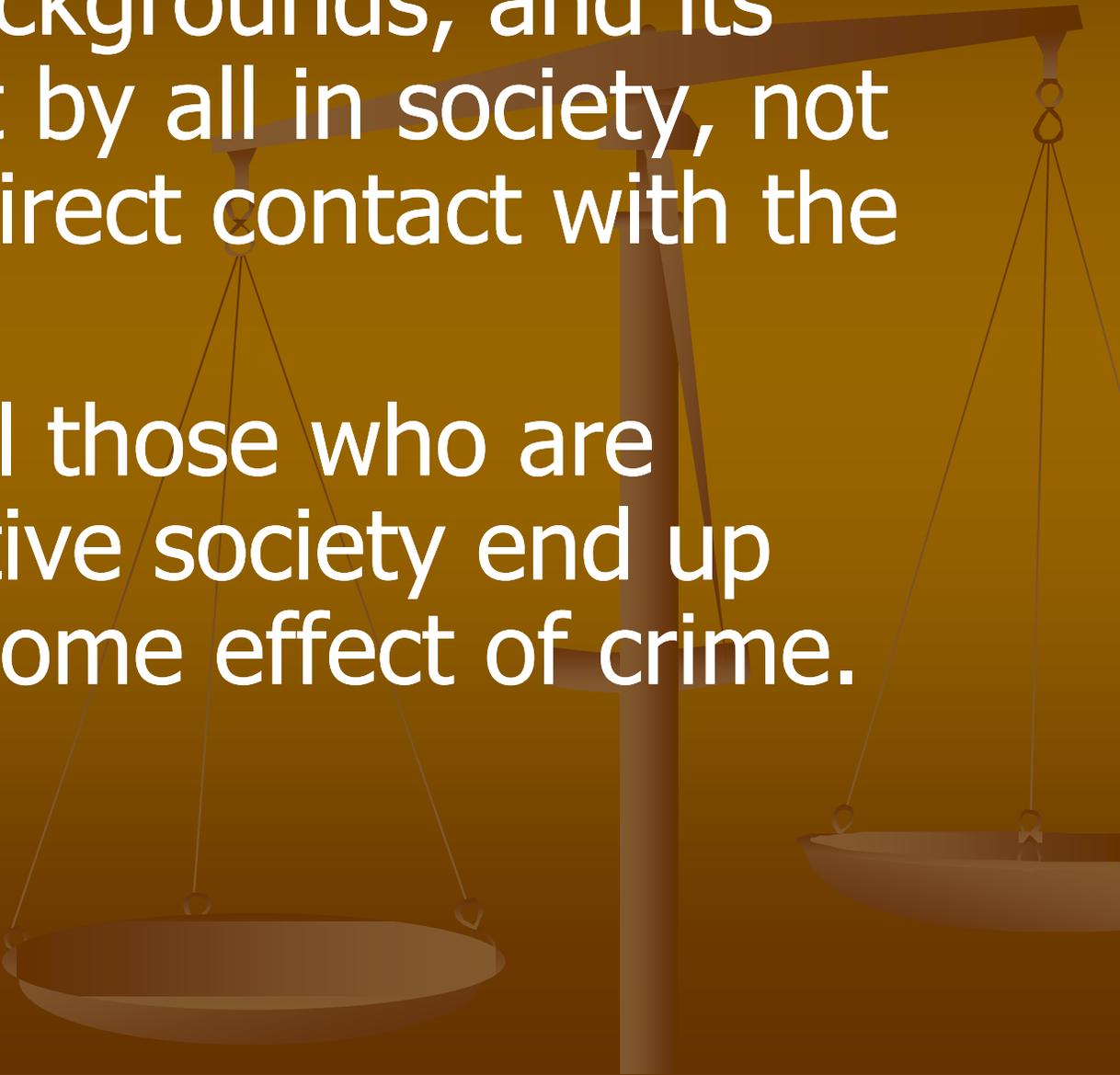
1. Eyewitness misidentification
2. Police errors
3. Prosecutorial errors
4. Guilty pleas made by innocent defendants who are offered plea bargains or are mentally incompetent



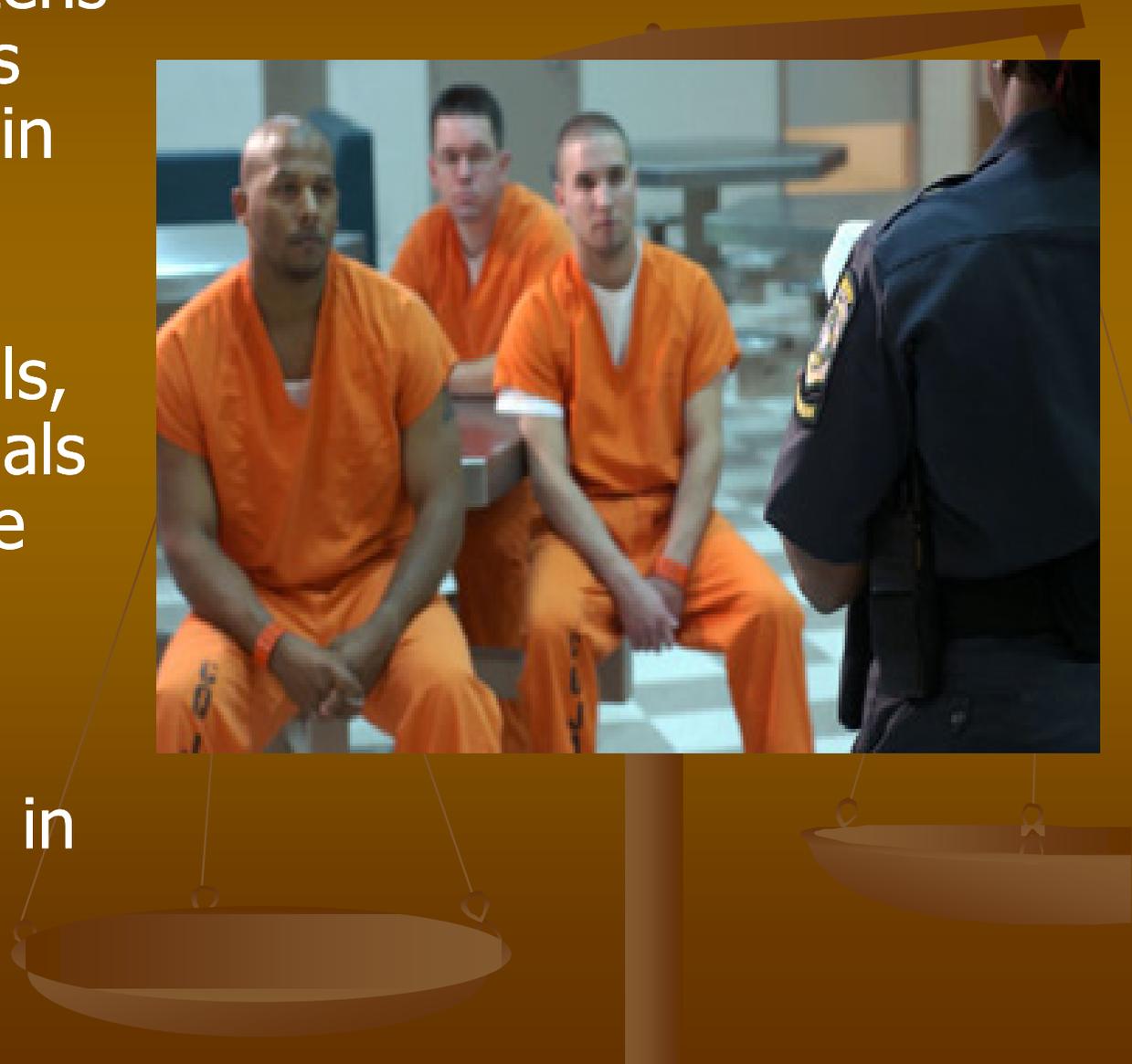
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- Crimes include:
 - serious moral wrongs and offences against the person;
 - offenses against the state, (which affect state security and social order);
 - wrongs perpetrated against the community;
 - and offenses against property.

- 
- **Reasons for committing a crime include greed, anger, jealousy, revenge, or pride.**
 - **Others get an adrenaline rush when successfully carrying out a dangerous crime.**
 - **Others commit crimes on impulse, out of rage or fear.**

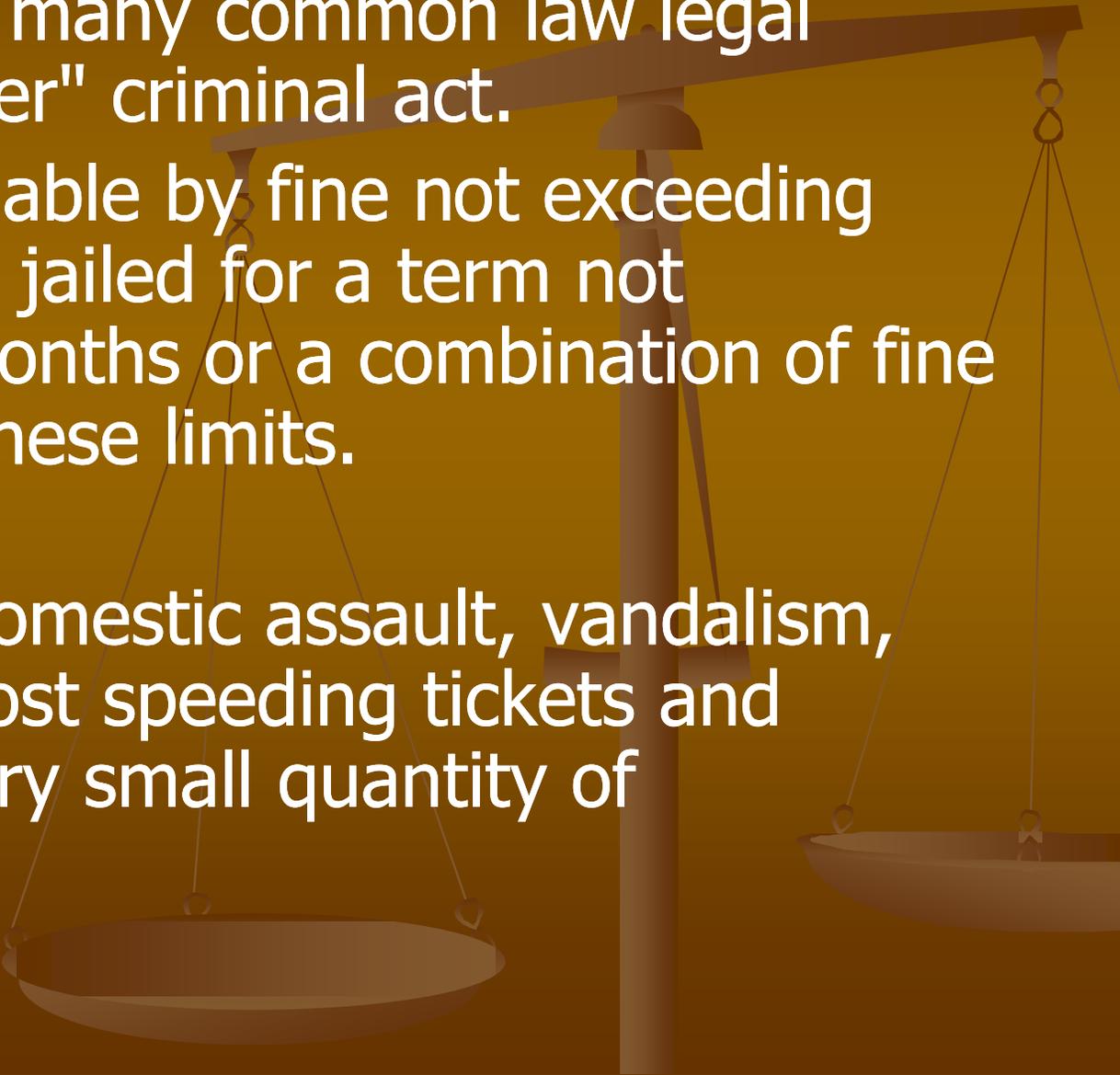
- 
- **The desire for material gain (money or expensive belongings) leads to property crimes such as robberies, burglaries, white-collar crimes, and auto thefts.**
 - **Property crimes are usually planned in advance.**
 - **The desire for control, revenge, or power leads to violent crimes such as murders, assaults, and rapes.**
 - **These violent crimes usually occur on impulse or the spur of the moment when emotions run high.**

- 
- Crime is committed by people of all origins and backgrounds, and its effects are felt by all in society, not just those in direct contact with the crime.
 - In the end, all those who are involved in active society end up experiencing some effect of crime.

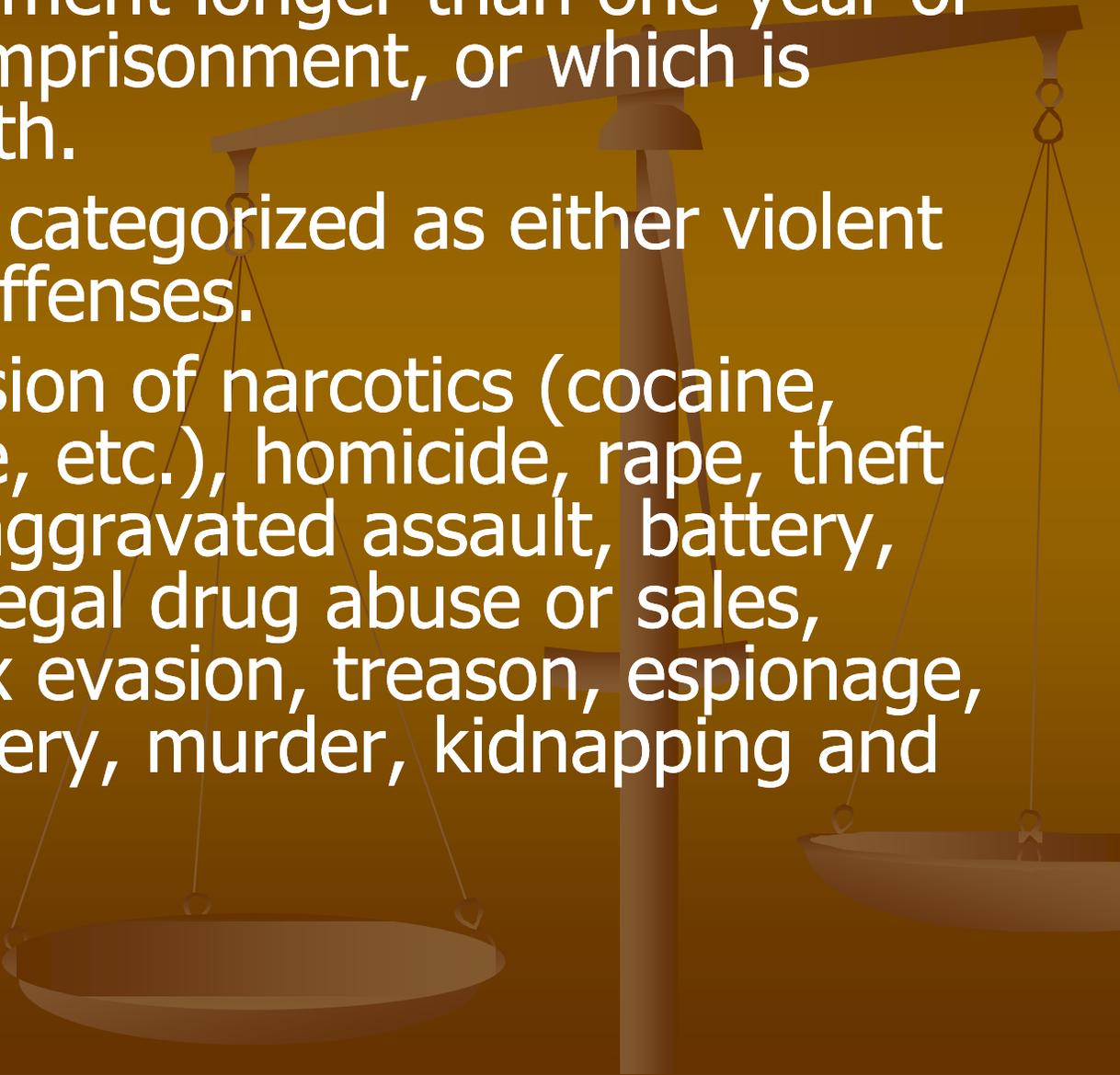
- Besides the obvious unrest that is experienced by citizens of a society that has crime, it is also felt in the pockets of tax payers universally.
- New prisons and jails, programs for criminals and money for more police protection all come directly and indirectly out of the pocket of taxpayers in America.



Types of Crimes

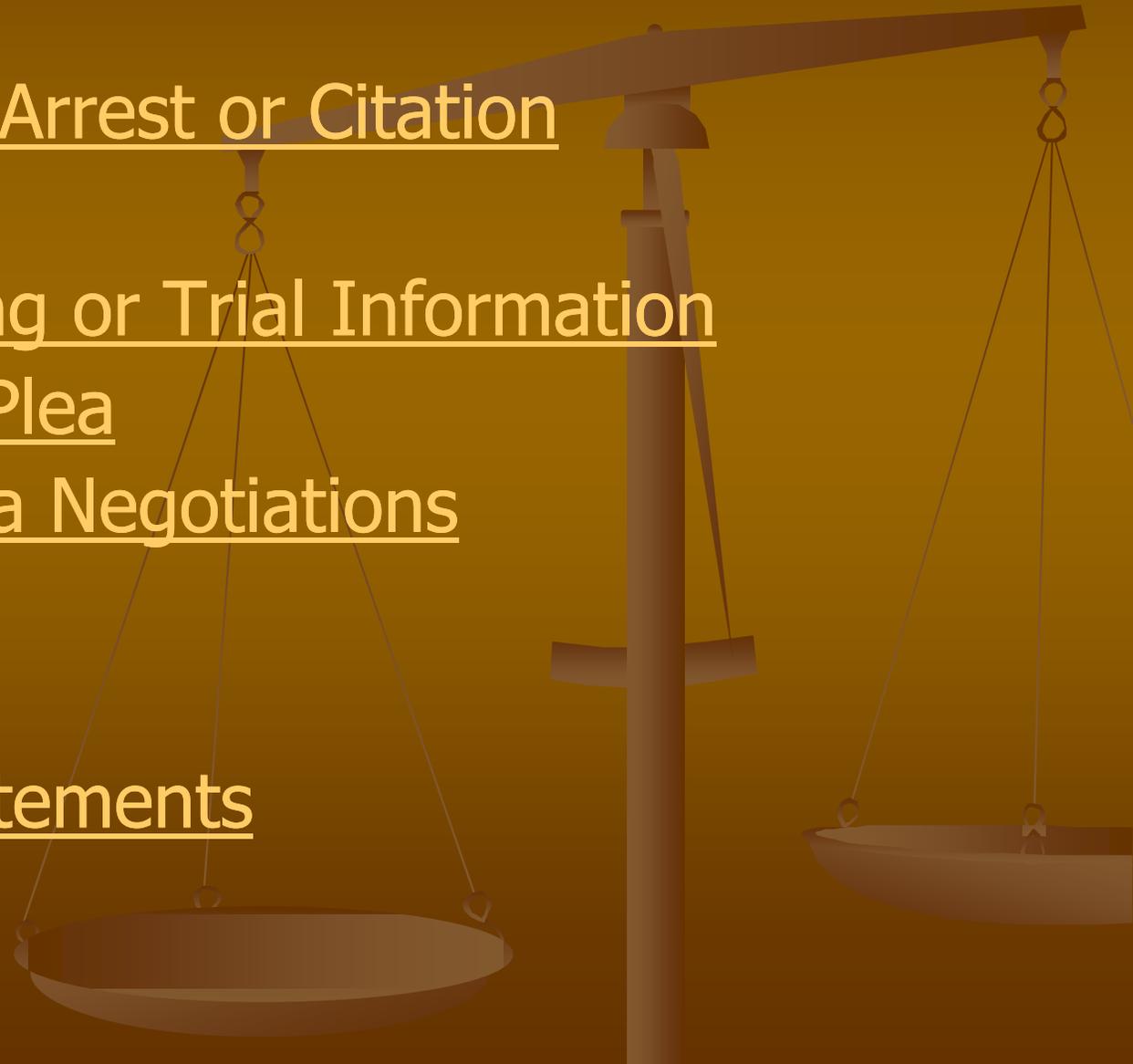


- A misdemeanor in many common law legal systems, is a "lesser" criminal act.
 - Offenses punishable by fine not exceeding \$2,500 or being jailed for a term not exceeding 12 months or a combination of fine and jail within these limits.
- Examples:
assault, battery, domestic assault, vandalism, parking tickets, most speeding tickets and possession of a very small quantity of marijuana.

- 
- A felony is a severe crime, in the US usually punishable upon conviction by a large fine or by a term of imprisonment longer than one year or by both fine and imprisonment, or which is punishable by death.
 - Felonies can be categorized as either violent or non-violent offenses.
 - Examples: possession of narcotics (cocaine, methamphetamine, etc.), homicide, rape, theft over 500 dollars, aggravated assault, battery, arson, burglary, illegal drug abuse or sales, embezzlement, tax evasion, treason, espionage, racketeering, robbery, murder, kidnapping and fraud.

Steps in Criminal Justice Process:

- Crime Occurs
- Investigation and Arrest or Citation
- Initial Appearance
- Preliminary Hearing or Trial Information
- Arraignment and Plea
- Discovery and Plea Negotiations
- Trial
- Sentencing
- Victim Impact Statements



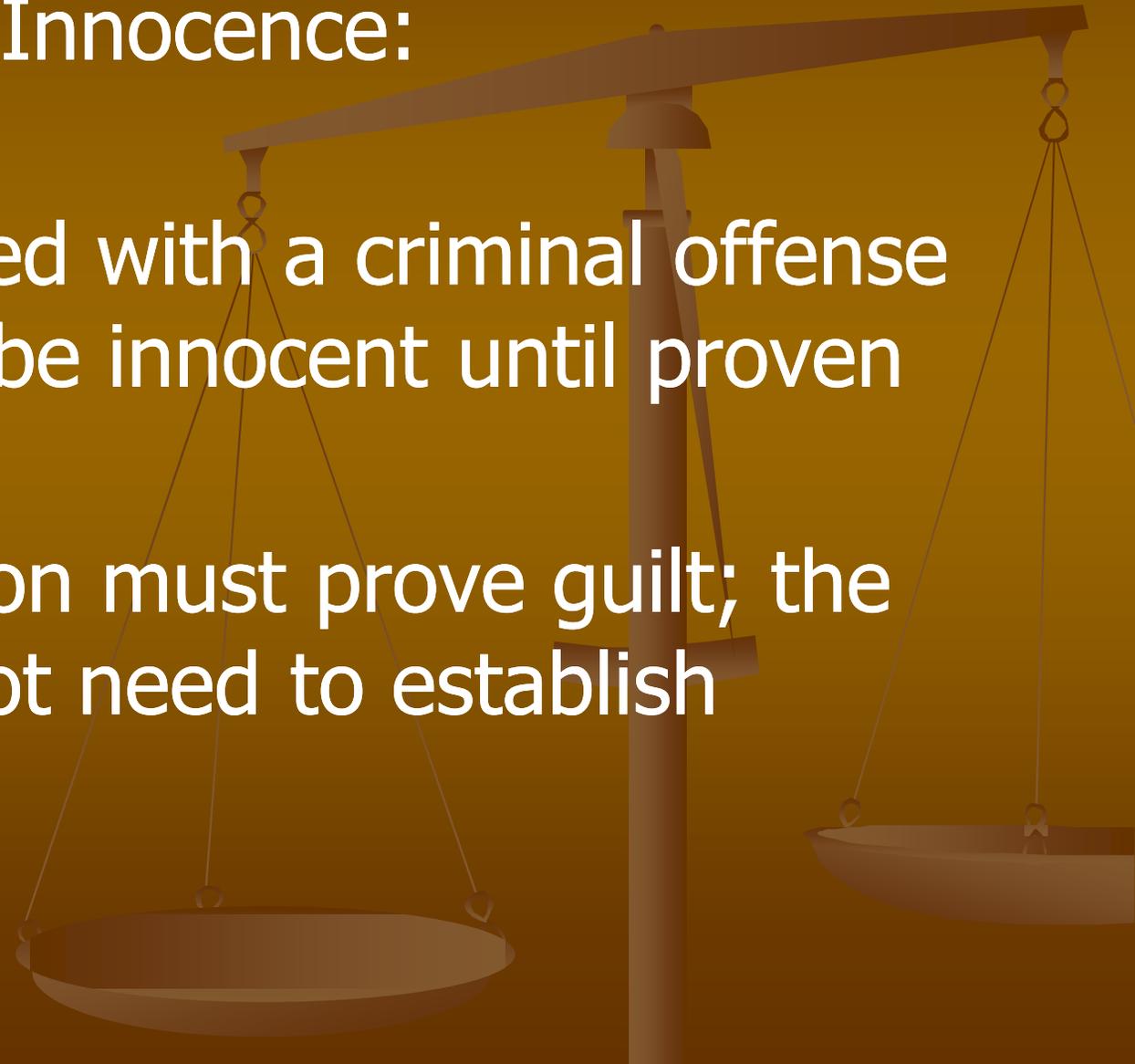
The steps in a criminal trial

- **Booking**
- **Arraignment**
- **Bail or Detention**
- **Preliminary Hearing**
- **Jury selection.**
- **Opening statements**
- **Calling witnesses**
- **Exclusion of witnesses from the courtroom**
- **Examination of witnesses**
- **Sentencing**
- **Fine, Probation, Jail**
- **Appeal**



Basic Element of Criminal Law

- Presumption of Innocence:
 - Anyone charged with a criminal offense is presumed to be innocent until proven guilty.
 - The prosecution must prove guilt; the defense does not need to establish innocence.

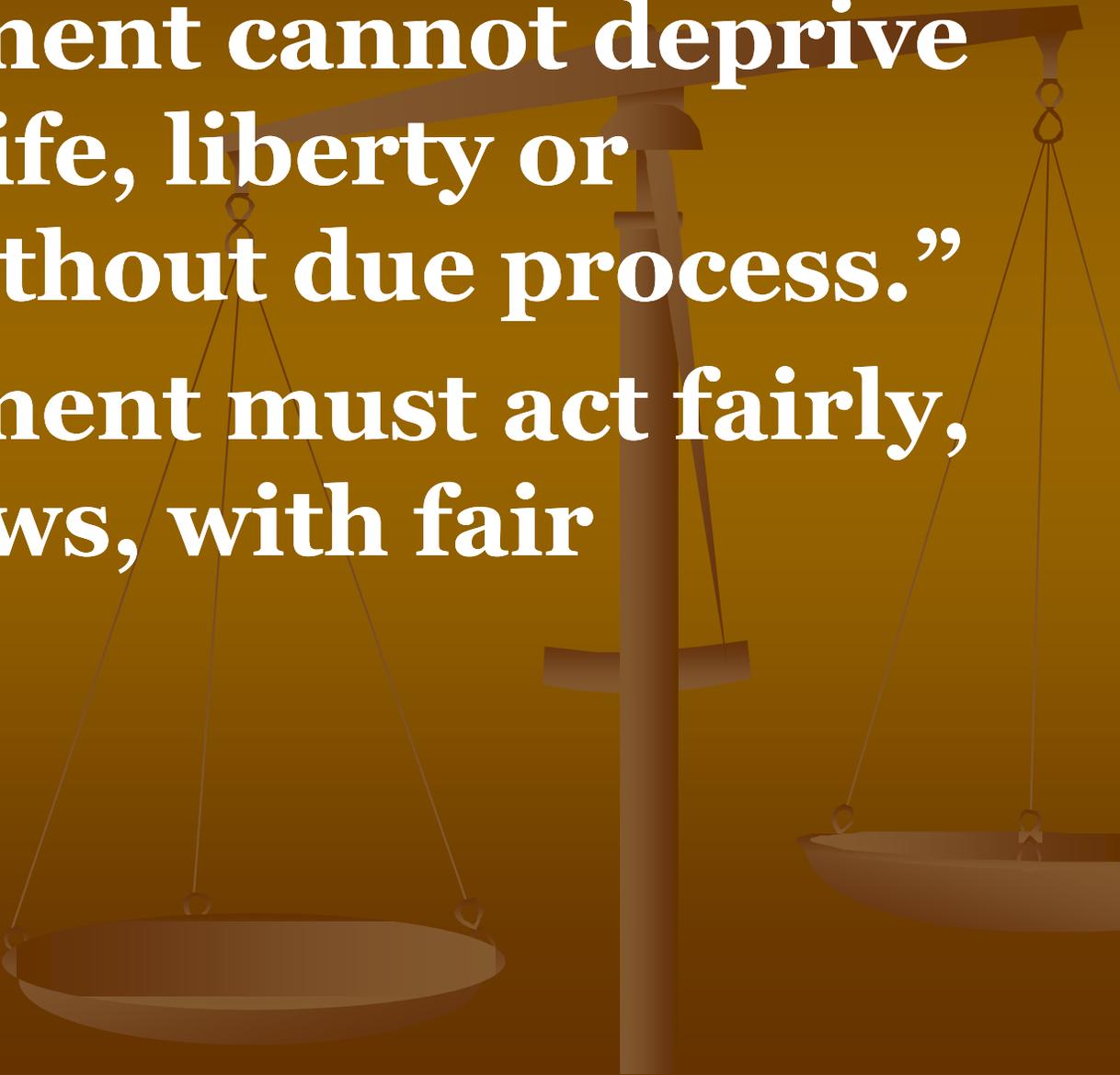


Civil Liberties: Protecting Individual Rights

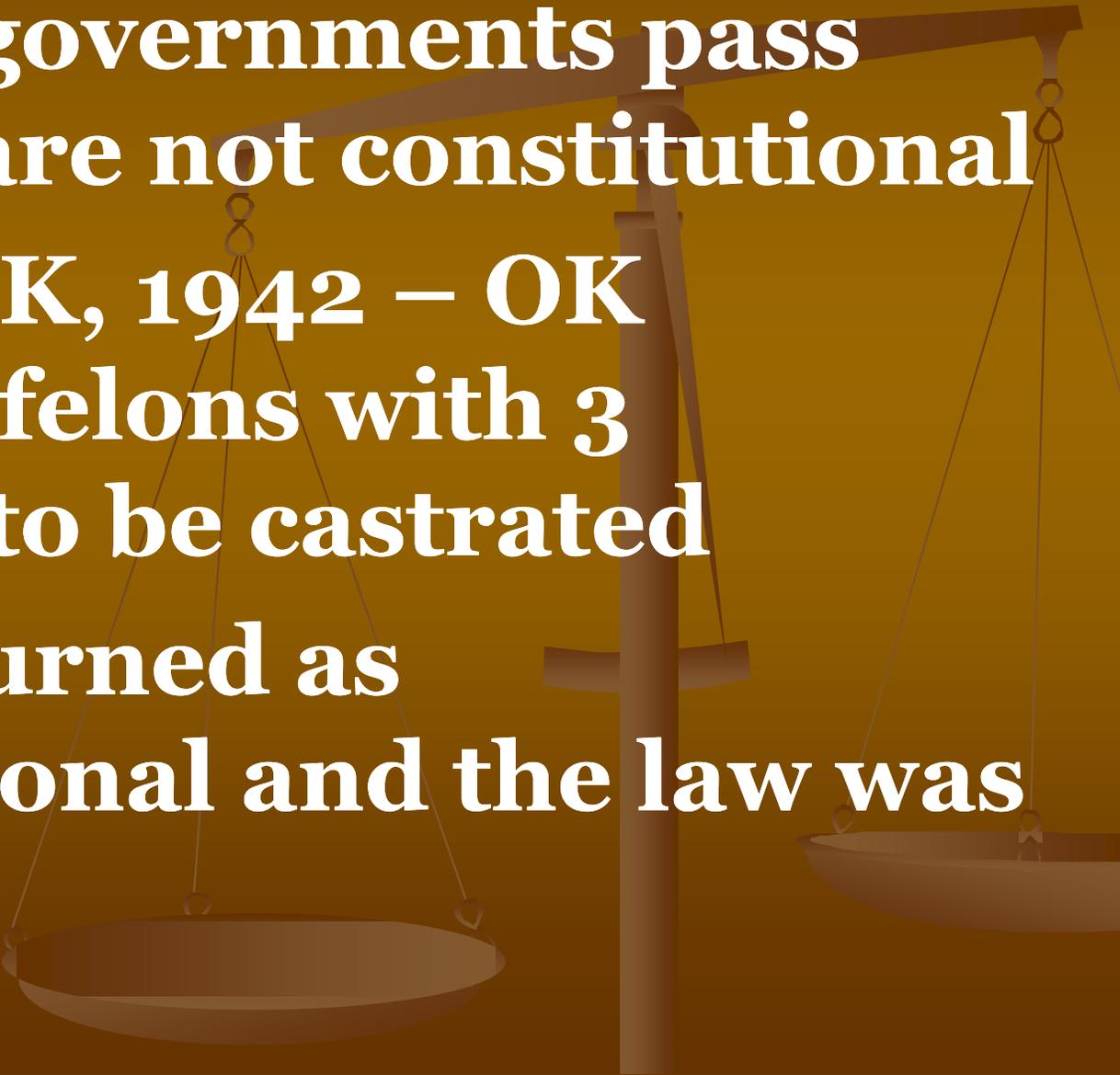
Due Process of Law



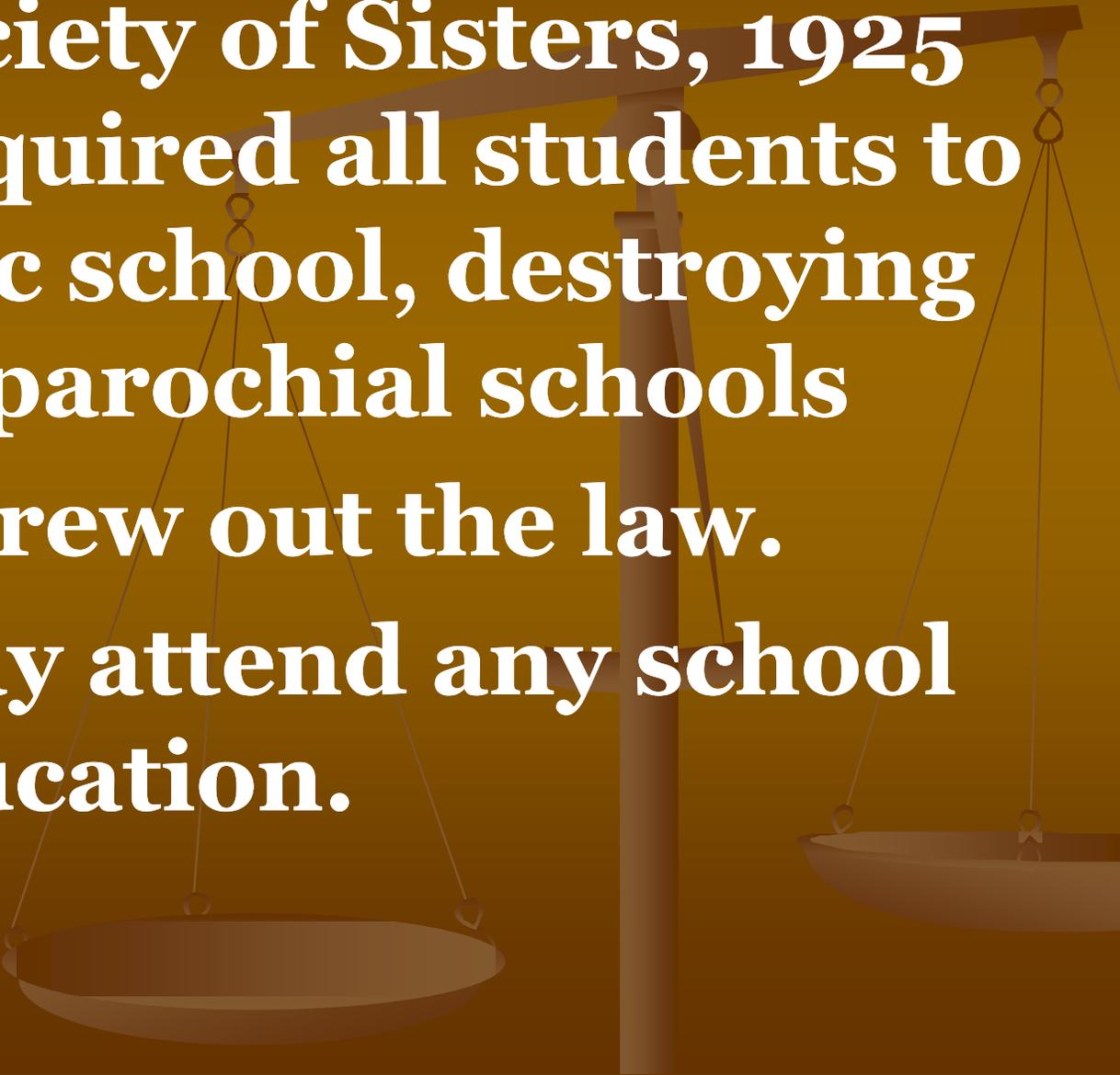
Due Process

- **The government cannot deprive anyone of “life, liberty or property, without due process.”**
 - **The government must act fairly, using fair laws, with fair procedures.**
- 

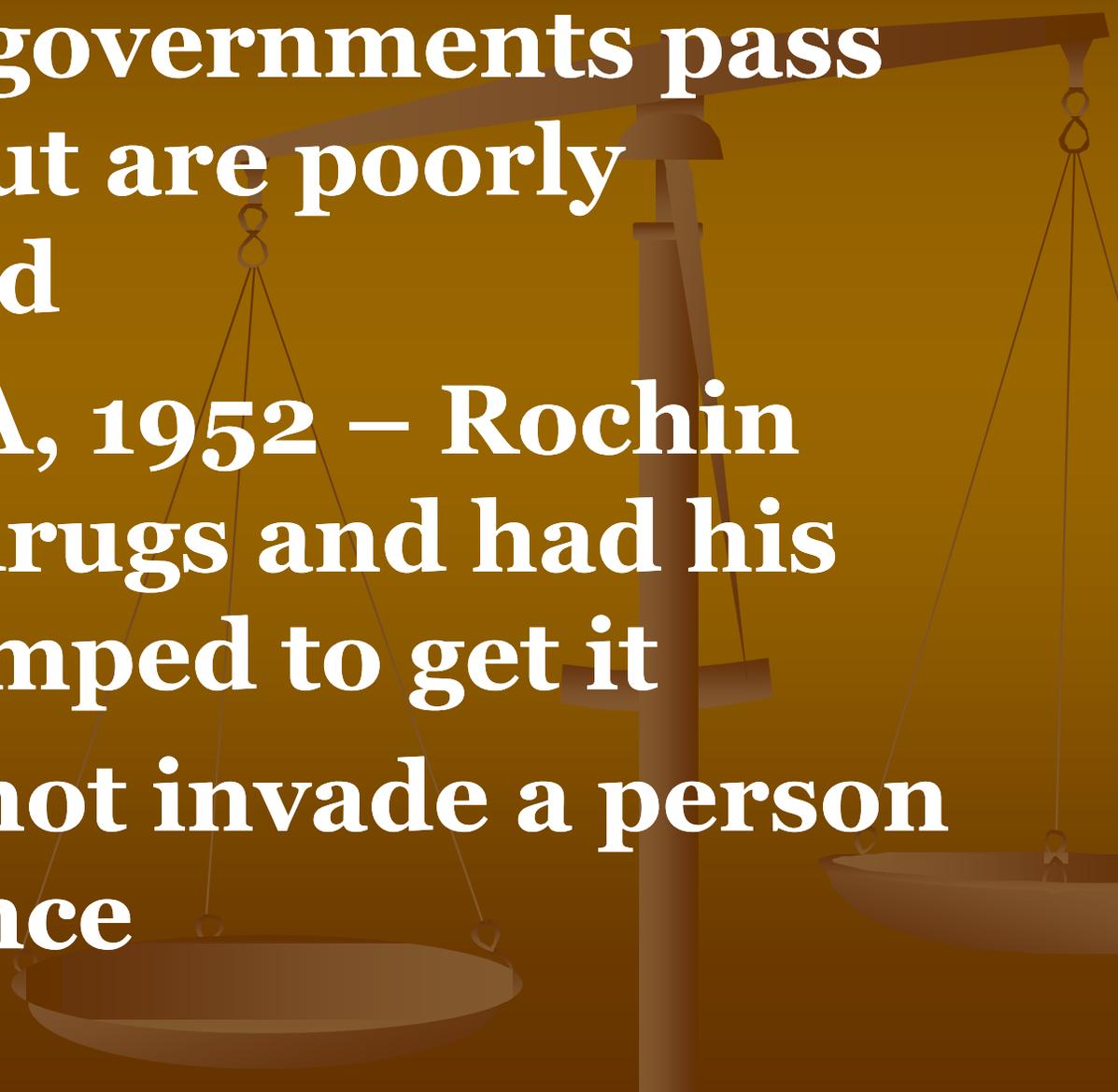
Substantive Due Process

- Sometimes governments pass laws which are not constitutional
 - *Skinner v. OK*, 1942 – OK required all felons with 3 convictions to be castrated
 - It was overturned as unconstitutional and the law was thrown out
- 

Substantive Due Process

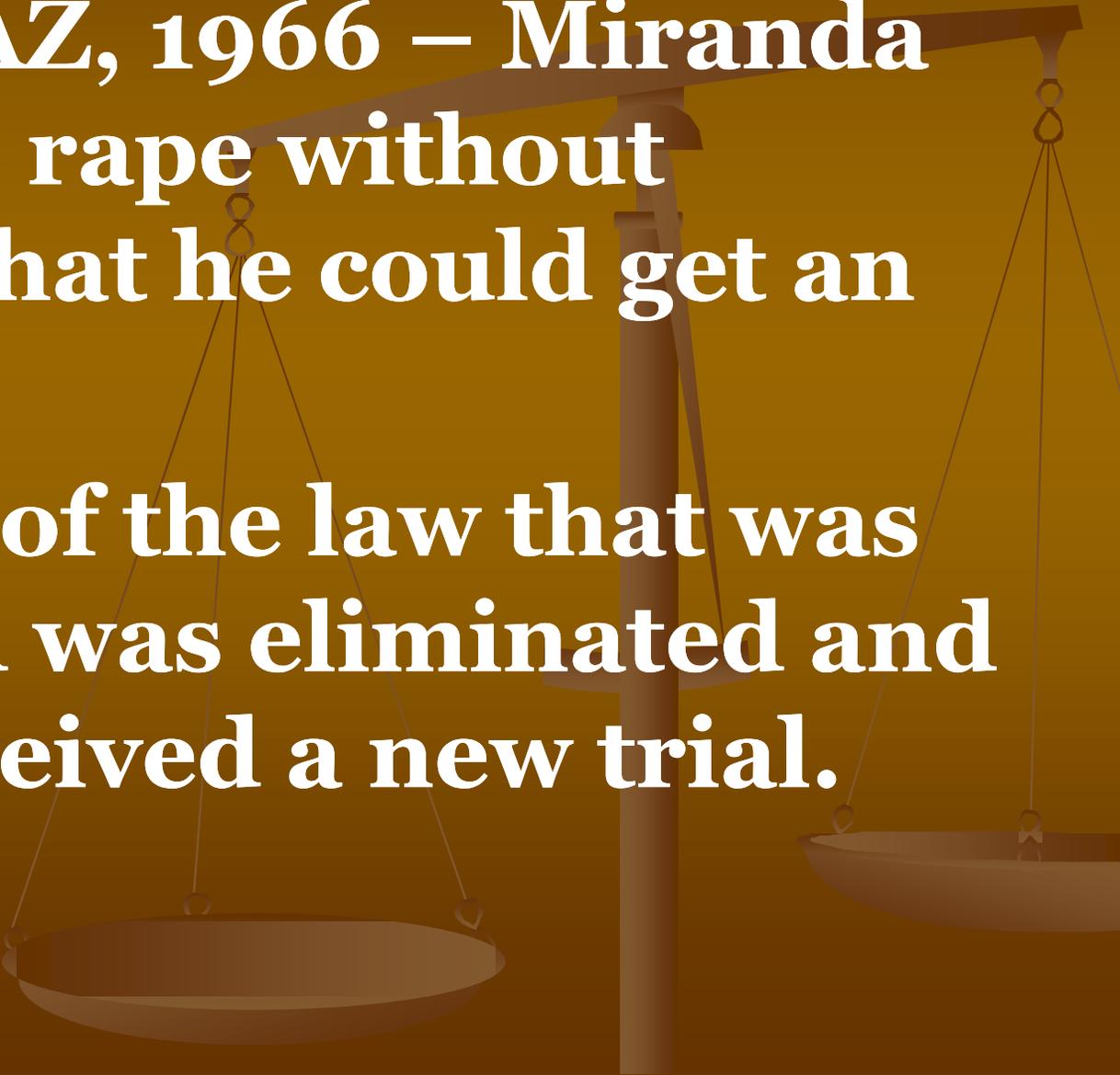
- **Pierce v. Society of Sisters, 1925**
– the law required all students to attend public school, destroying private and parochial schools
 - **The court threw out the law.**
 - **Students may attend any school for their education.**
- 

Procedural Due Process



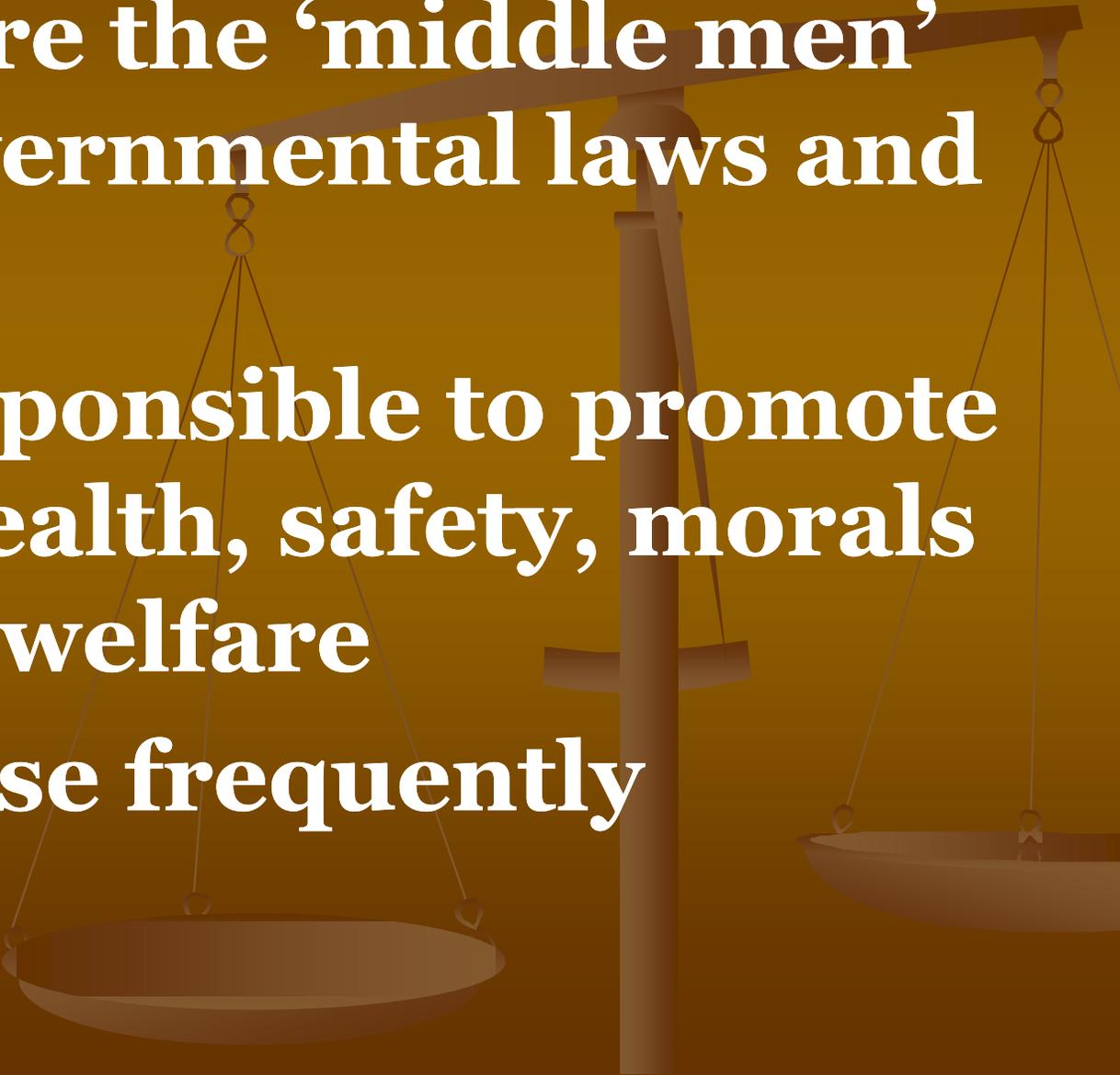
- Sometimes governments pass good laws but are poorly implemented
- *Rochin v. CA*, 1952 – Rochin swallowed drugs and had his stomach pumped to get it
- Police may not invade a person to get evidence

Procedural Due Process

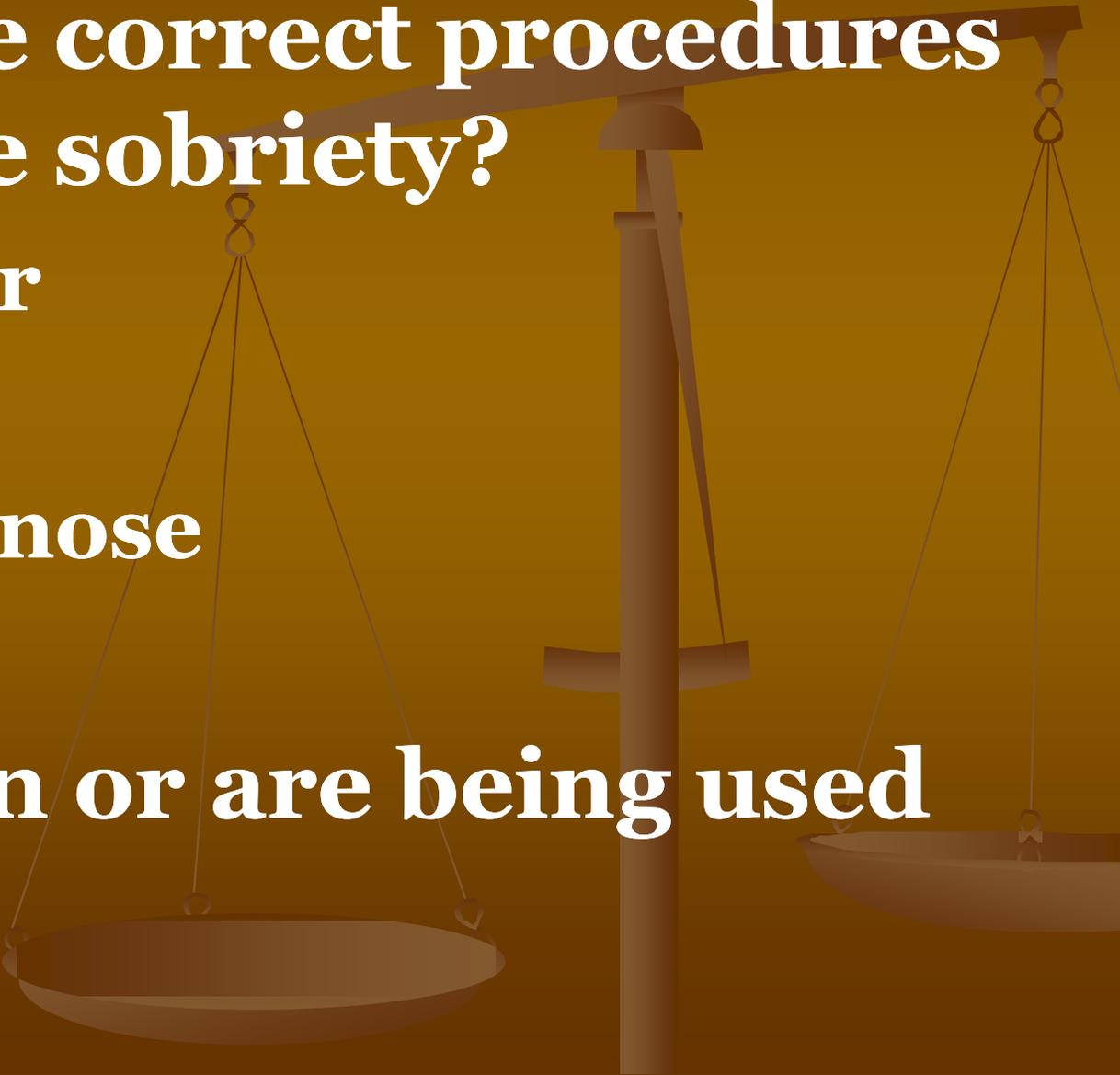


- **Miranda v. AZ, 1966 – Miranda confessed to rape without knowledge that he could get an attorney.**
- **The portion of the law that was not followed was eliminated and Miranda received a new trial.**

Police Power

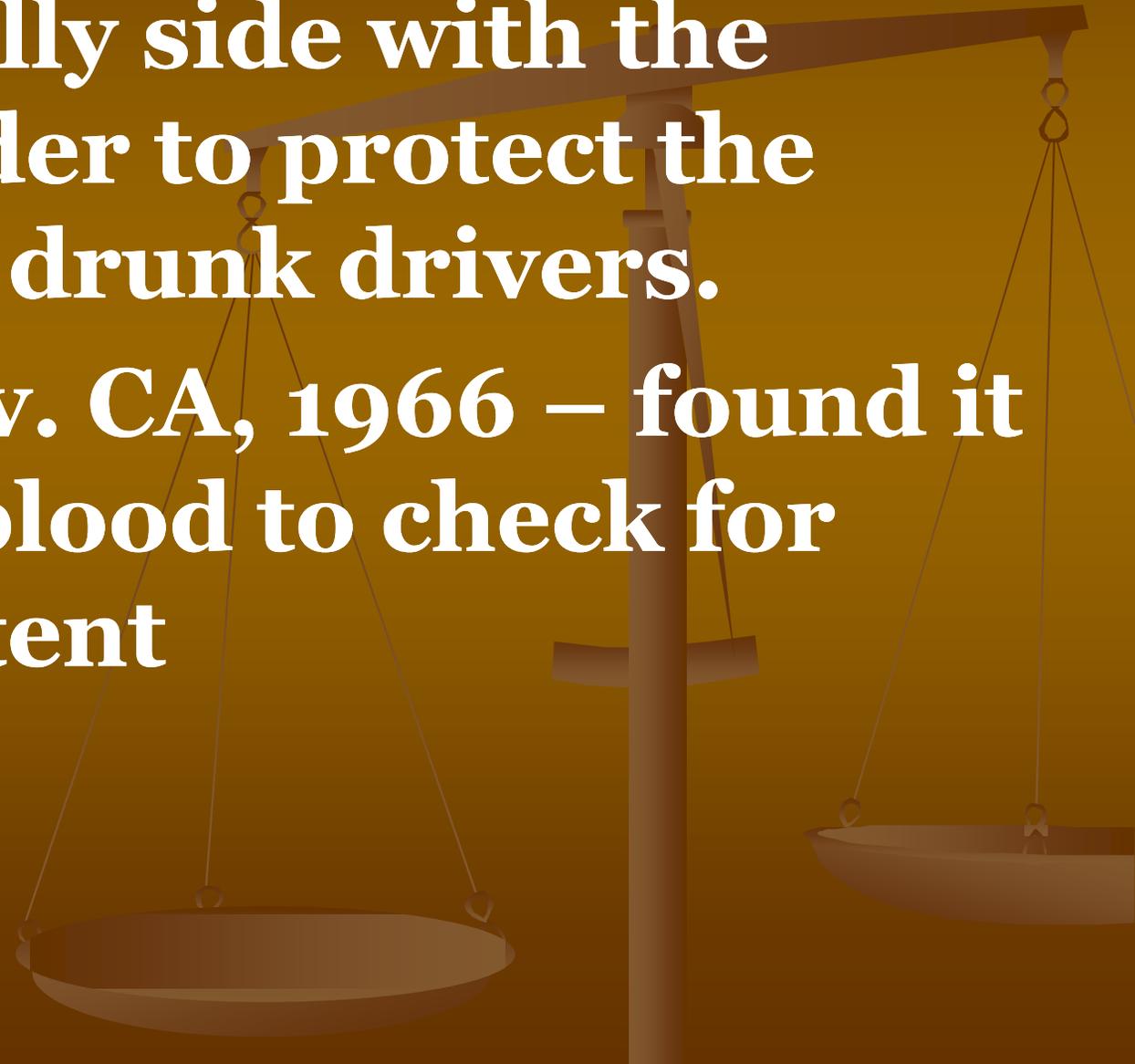
- The police are the ‘middle men’ between governmental laws and the public.
 - They are responsible to promote the public health, safety, morals and general welfare
 - Conflicts arise frequently
- 

Testing for Drunkenness

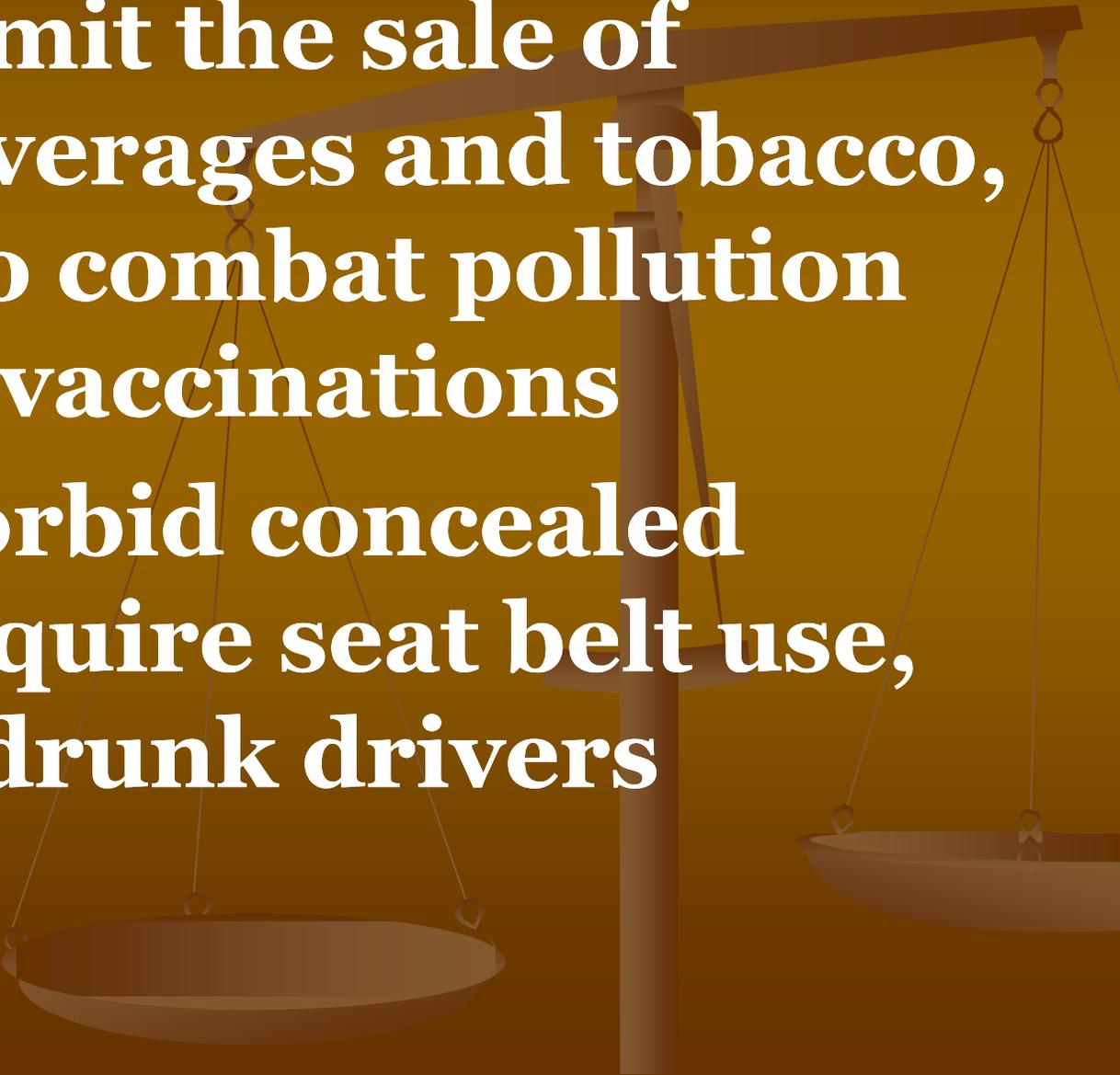
- **What are the correct procedures to determine sobriety?**
 - **Breathalyzer**
 - **Walk a line**
 - **Touch your nose**
 - **Blood test**
 - **All have been or are being used**
- 

Testing for Drunkenness

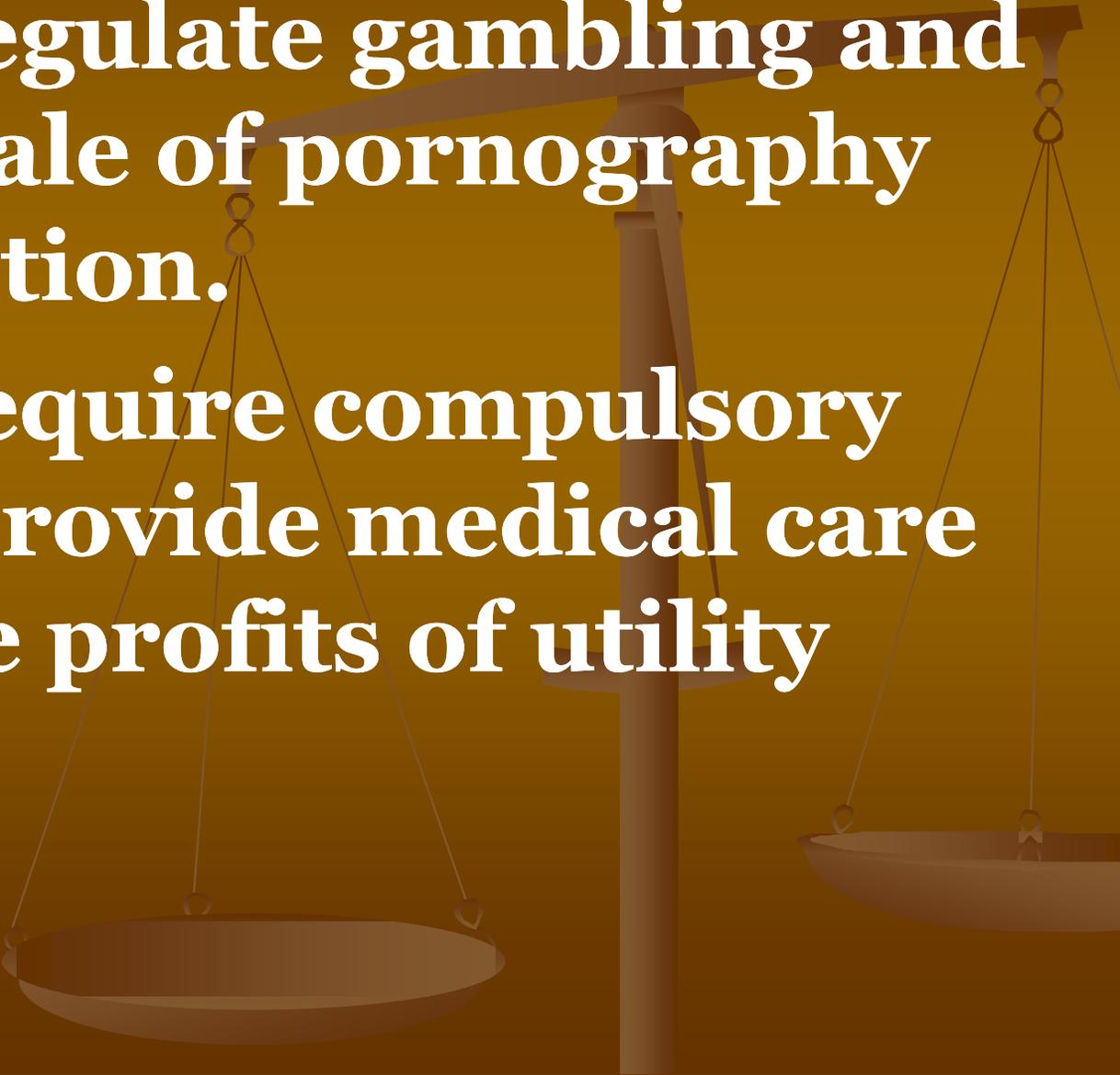
- **Courts usually side with the police in order to protect the public from drunk drivers.**
- **Schmerber v. CA, 1966 – found it ok to draw blood to check for alcohol content**



Other Laws

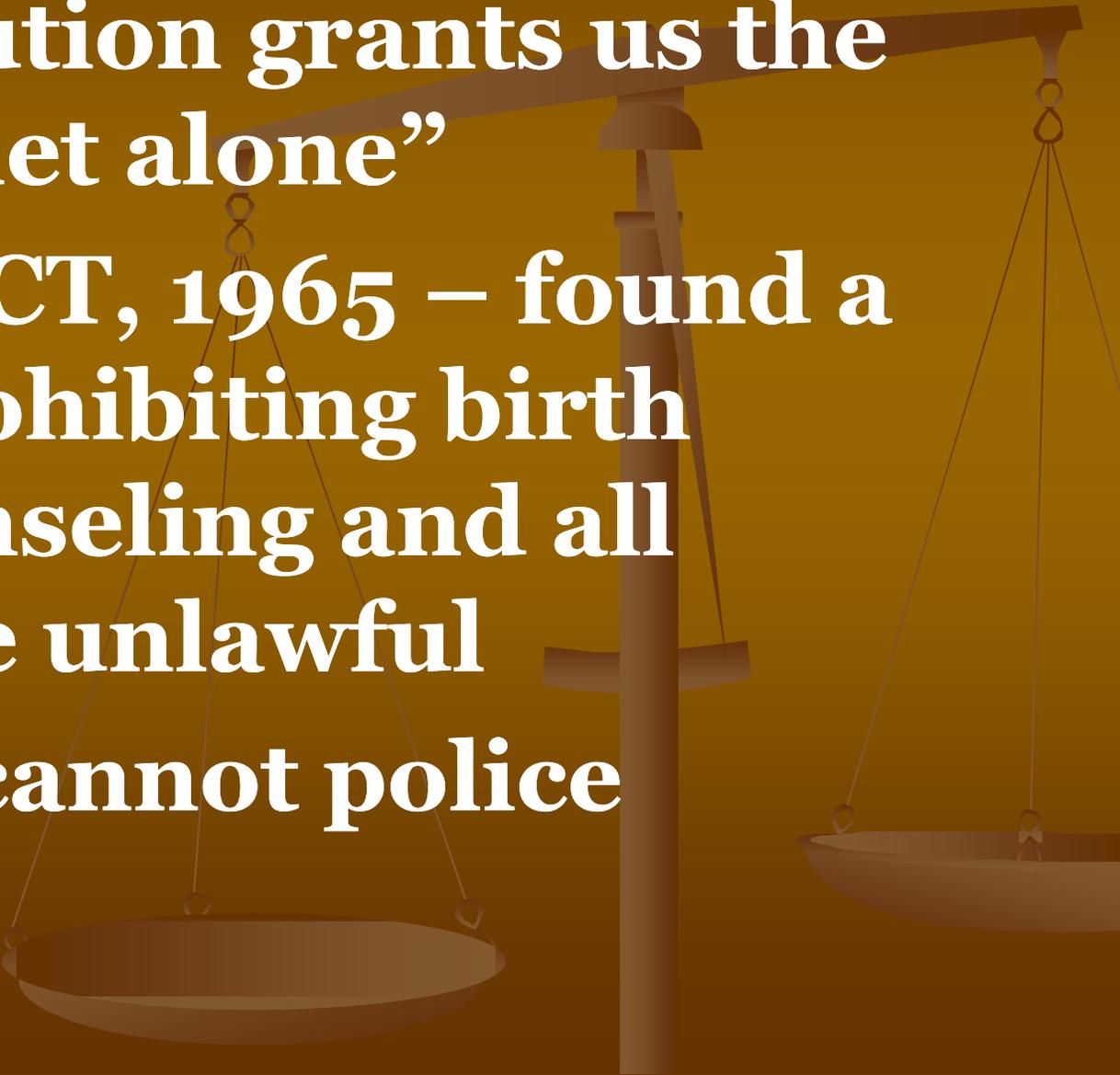
- **States can limit the sale of alcoholic beverages and tobacco, make laws to combat pollution and require vaccinations**
 - **States can forbid concealed weapons, require seat belt use, and punish drunk drivers**
- 

Other Laws



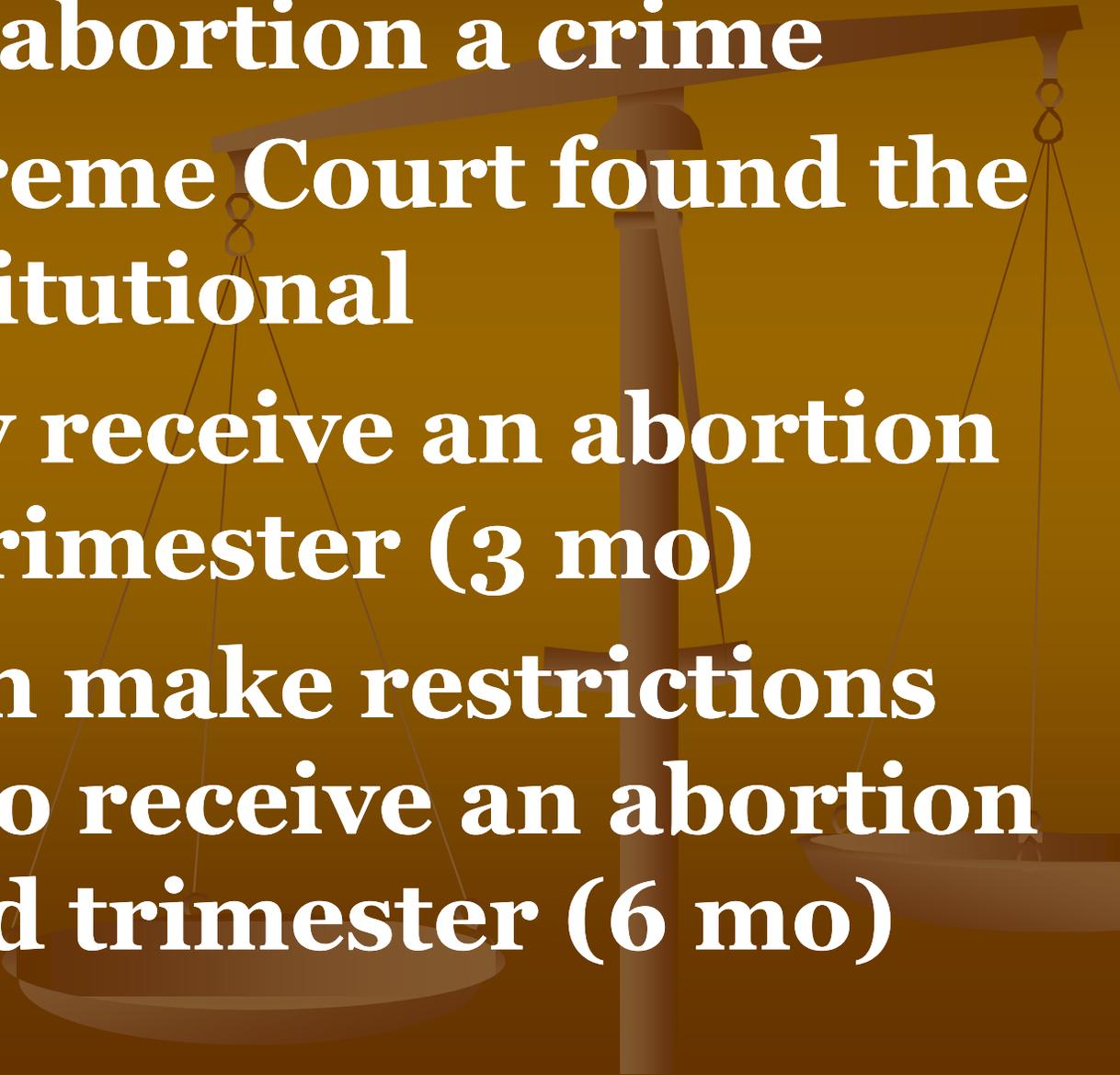
- **States can regulate gambling and outlaw the sale of pornography and prostitution.**
- **States can require compulsory education, provide medical care and limit the profits of utility companies.**

Rights of Privacy



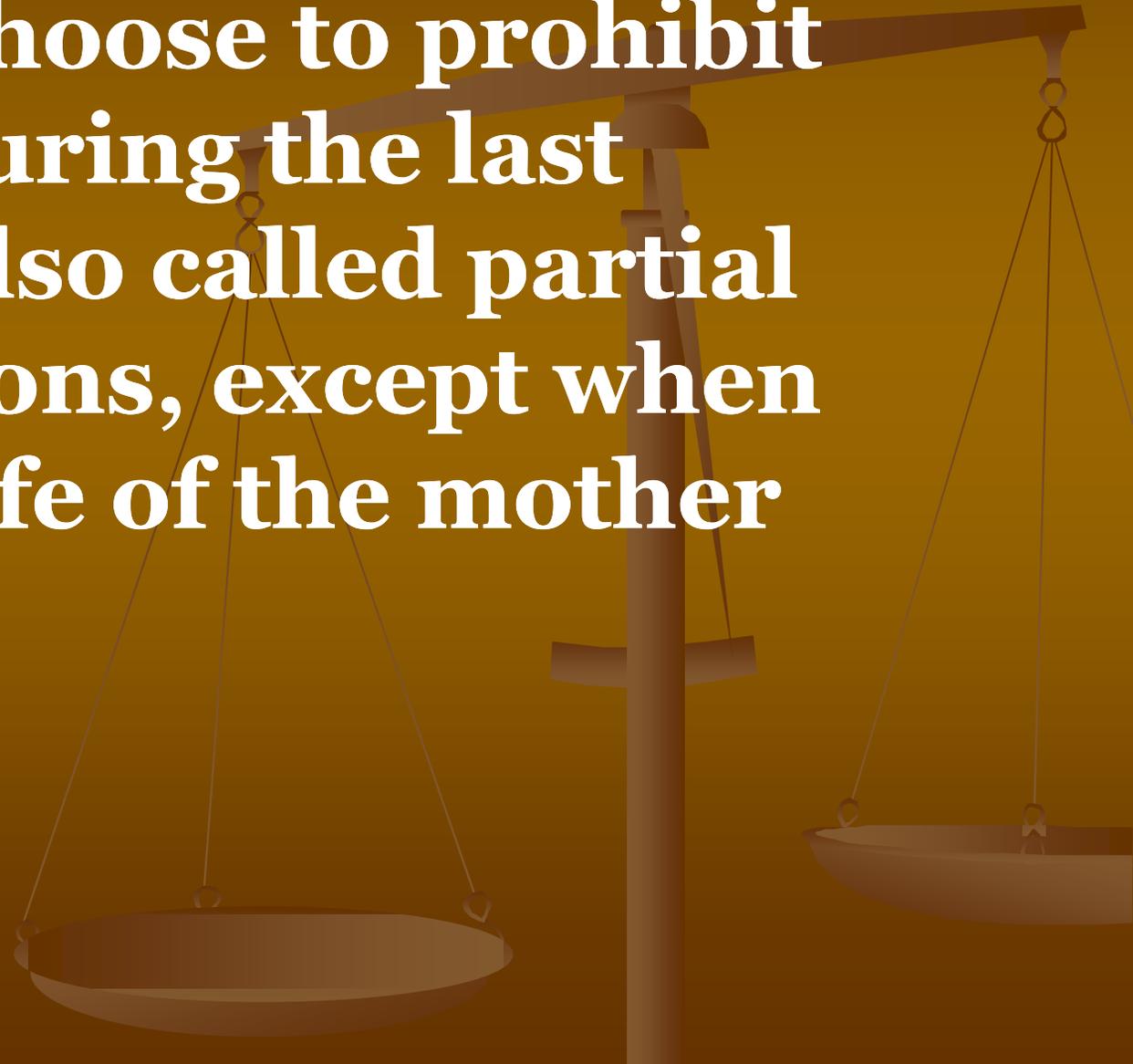
- **The Constitution grants us the “right to be let alone”**
- **Griswold v. CT, 1965 – found a state law prohibiting birth control counseling and all devices to be unlawful**
- **The Courts cannot police bedrooms**

Roe v. Wade, 1973

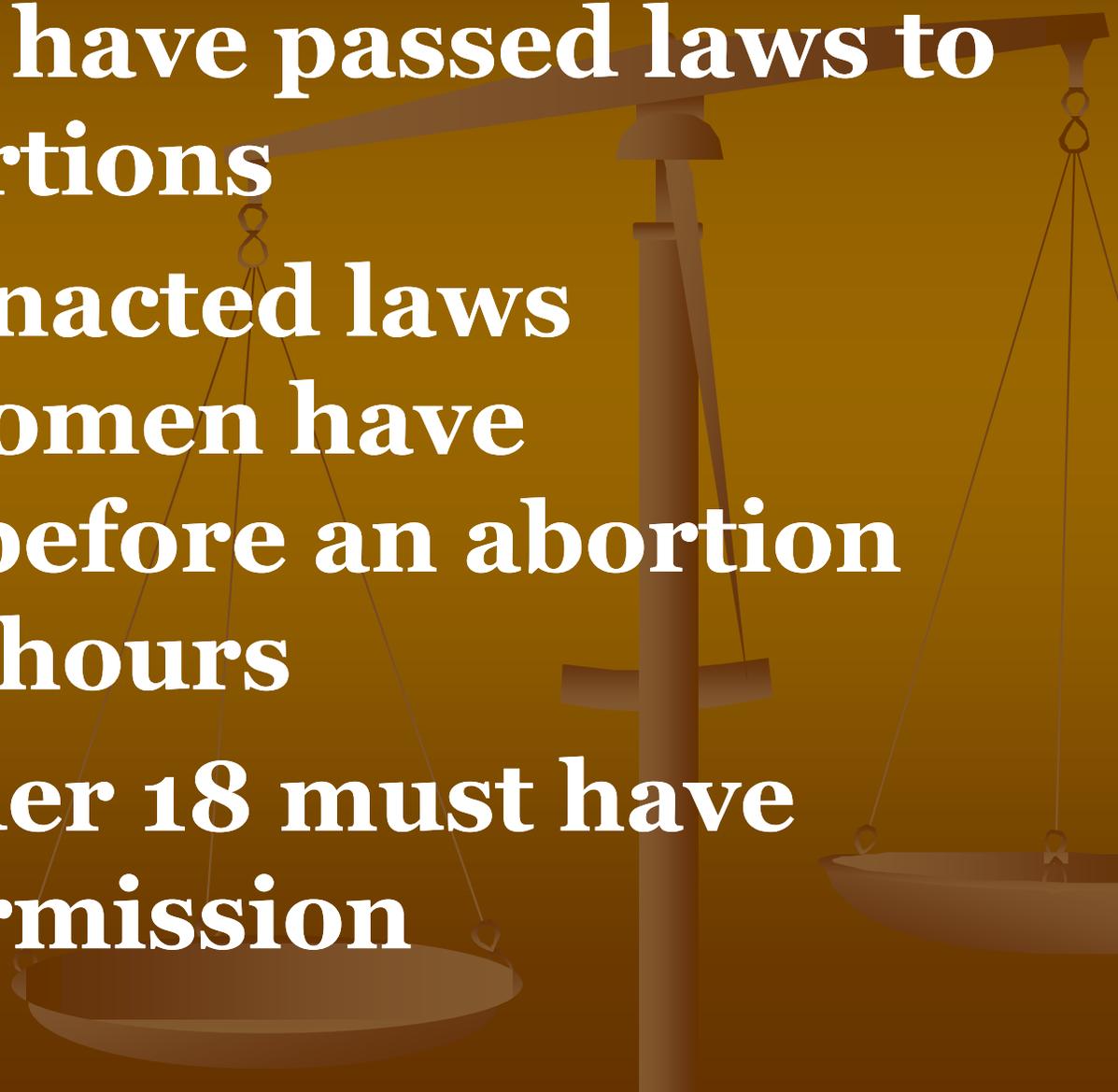
- Texas made abortion a crime
 - The US Supreme Court found the law unconstitutional
 - Woman may receive an abortion in the first trimester (3 mo)
 - The state can make restrictions for woman to receive an abortion in the second trimester (6 mo)
- 

Roe v. Wade, 1973

- States can choose to prohibit abortions during the last trimester, also called partial birth abortions, except when saving the life of the mother

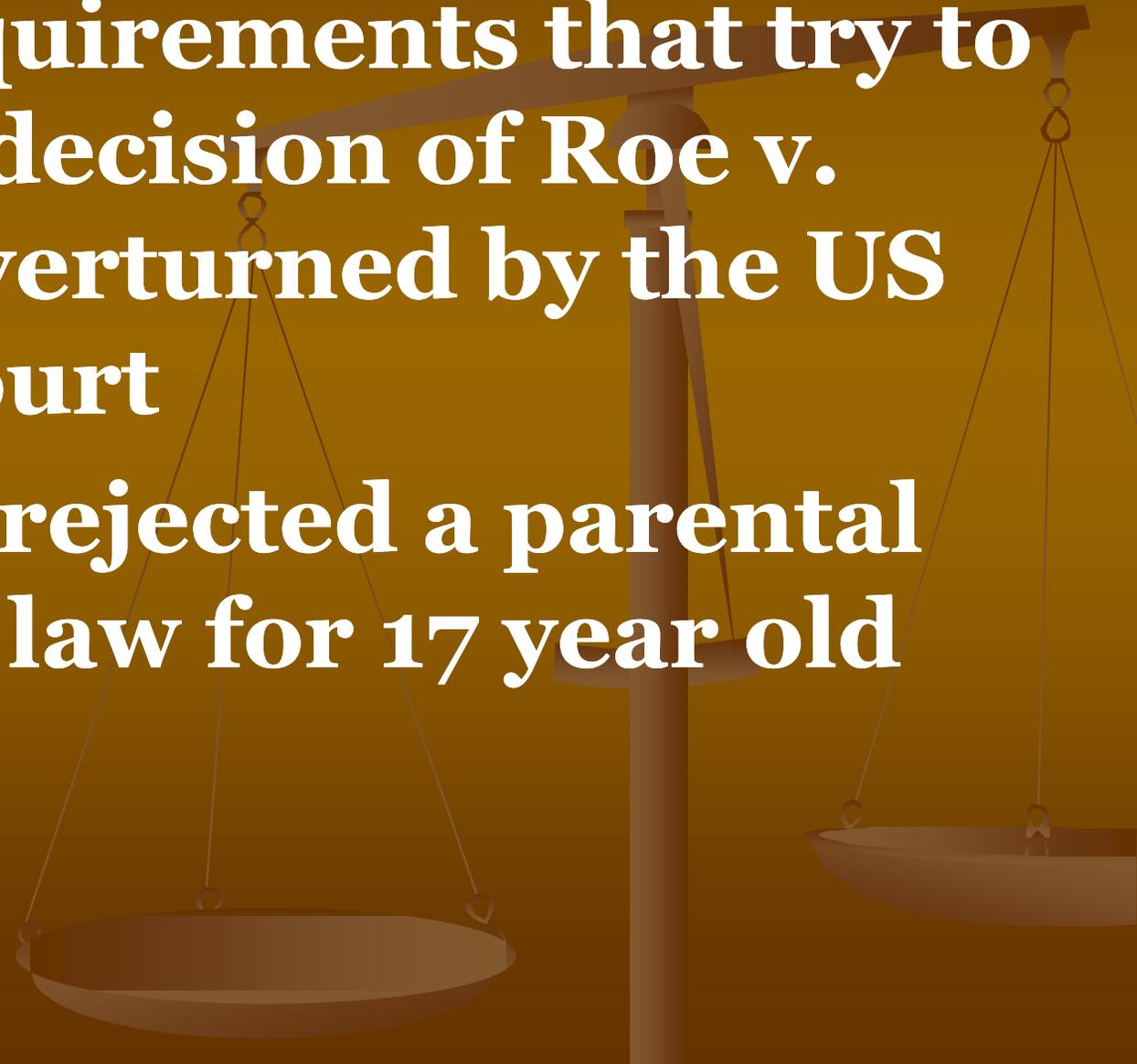


Complex Abortion Rulings

- **Some states have passed laws to restrict abortions**
 - **Most have enacted laws requiring women have counseling before an abortion and wait 24 hours**
 - **Women under 18 must have parental permission**
- 

Complex Abortion Rulings

- Harsher requirements that try to restrict the decision of *Roe v. Wade* are overturned by the US Supreme Court
- CA recently rejected a parental notification law for 17 year old girls



Complex Abortion Rulings

- **The US Supreme Court overturned a PA law requiring a woman to notify her husband of an abortion**

