

TOPIC 3.8: DUE PROCESS - THE RIGHTS OF CRIMINAL DEFENDANTS

LISTEN TO THE MORE PERFECT PODCAST:

SEASON 3 THE MOST PERFECT ALBUM: EPISODE 2

Begin at 4:43 and stop at 17:43. You will hear the story of a man accused of a crime. Take note of the amendments below and reflect on whether the rights promised in these amendments were protected or not. Underline/highlight the part of the amendment referred to in the story. If the rights were not protected, describe why or how the amendment was violated. If the rights were protected, describe how the amendment did successfully protect his rights. Pause as you respond because the story moves quickly!



The Most Perfect Album: Episode 2

Sep 25, 2018
The second episode of More Perfect's new season tackles the Fourth through Eighth Amendments and how they intersect — or fail to — with law enforcement and the criminal justice system.

AMENDMENT: Underline/Highlight the right that is referred to in the story.	ANSWER: Were the rights in the amendment protected or not? Why? How?
FOURTH: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.	
FIFTH: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.	

SIXTH:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SEVENTH: (similar to sixth but for CIVIL cases)

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

EIGHTH:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

After listening to the podcast, what is your opinion about the “due process” of persons accused of crimes in our country? Do you think the Bill of Rights works well to protect everyone / anyone accused of crimes...or not? Why does it work or why doesn't it work? What can be done to improve the system?