

A clear and concise
statement of the
constitutional issue
involved

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Dylan v. of Colorado: Constitutional Issue Involved Dylan v. of Colorado:

Constitutional Issue Involved

“ Justice delayed is justice denied” and that is what exactly offered to Robert Dylan, the appellant of the case. A close analysis of the case shows that a clear and concise constitutional issue is involved in the case Dylan v. State Colorado. It is evident that the Trial Court and the Colorado Supreme Court had erred in finding that the admission of the confession at trial was proper and that confession was obtained by legal means. In the interrogations of the officials, it was so unreasonable that Dylan was deprived of his 5th and 14th Amendment rights. Following are some of the arguments why he still, though late has the right to demand justice at the U. S. Supreme Court.

Violation of Fifth Amendment rights

The Fifth Amendment to the Constitution of the United States refers that no person accused of crime may be compelled to bear witness against himself or herself as held in ‘ State of New York, petitioner v. John SUGGS, respondent’ (2011). The Supreme Court of America has held that this rule is applicable not only on trials but also on police interrogations. Furthermore if the police officials want to question a suspect, he must be given the Miranda Rights. Here, Dylan was in the same situation of being in the police custody when he was questioned by the police officer Smith, and should have been given the Miranda Rights. Therefore, the very purpose of the Miranda Rights was violated while questioning Dylan. Again, the provisions of the 5th Amendment protect the appellant against the compelled self-incrimination and provides him with the right to a grand jury, where Dylan had been forced for self-incrimination. It has been stated in Bram v. United States (1897) that

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the determination of the confession to be competent is done by applying the portion of Fifth Amendment, which states that “ no person shall be compelled in any criminal case to be a witness against himself” (Bram v. United States, 1897).

Violation of Fourteenth Amendment Rights

Fourth Amendment of the Constitution of United States, Citizenship Rights, Section (1), ratified in 1868, refers “ No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws” (The Constitution of the United States). The provision of this Fourth Amendment had been violated while questioning Dylan. The evidence was obtained from him by illegal means and by violation of the Federal Constitution rights. The police officer Smith had entered the bedroom and had closed the doors before questioning, which was sufficient in violating his right. The officer took possession of Dylan’s driver’s license too, violating the provision against his freedom. The Constitution states that the confession must be voluntarily made after the accused is made aware of his /her rights and not by provoking him to speak by taking hold of his possessions.

Denial of the Provisions of Miranda Rights

On June 13, 1966, the U. S. Supreme Court established the Miranda rights. The provisions of the right privileges the convict to undergo interrogation wishing to be silent and not speak to police for the protection against his self-incrimination. The convict has every right to ask for the Miranda rights

before speaking to the police officer. It has been held in the U. S. Supreme Court in ' Miranda v. Alabama (1966)', that before the arrest or an interrogation, a person suspected of the crime must be told that he/she has " the right to remain silent, the right legal counsel, and the right to be told that anything he/she says can be used in court against" (Miranda v. Alabama, 1966) him/her. It is clear that this privilege has been deprived of Dylan while carrying out the interrogation. Thus, the above mentioned statements are clear evidences apparent to rule that the convictions of the Trial Court and Colorado Supreme Court were constitutional failures. They erred in finding that the admission of the confession at the trial was proper. Besides, the respondents are not in a position to constitutionally state that the confession was obtained by legal means. So Robert Dylan should be granted justice at the sole privileges of the constitutional rights and privileges of the United States of America.

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