

6th amendment and the courts

Law



Abstract

In writing this paper the author will attempt to explain the 4th, 5th, 6th, and 8th amendments of the United States Constitution and how they apply to criminal defendants. The author will explain how the 6th amendments specific rights apply to the court system in this nation. This paper will also look at how this amendment is implemented within the criminal justice system in this country to see if it is working as intended. th Amendment and the courts The Bill of Rights provides certain rights to all individuals including rights for those accused of committing crimes. The 4th amendment gives people the right to be secure in their person, home, papers, and effects against unreasonable search and seizure, no warrants shall be issued without probable cause and must list the place to be searched and the person or property to be seized (Bill of rights, n. d.).

The 5th amendment protects a person from being tried in a court of law twice for the same crime (known as double jeopardy), or to be a witness against himself (self-incrimination), or to be deprived of life, liberty, or property without due process of the law (Bill of rights, n. d.). The 6th amendment gives the accused the right to a speedy trial, by an impartial jury, to be informed of the nature and cause of the accusation, to confront witnesses against him, to obtain witnesses on his behalf, and to have counsel for his defense (The sixth amendment, n. .). The 8th amendment forbids excessive bail, excessive fines being imposed, or cruel and unusual punishment from being inflicted upon the accused (Bill of rights, n. d.). The 6th amendment has affected the way the accused are processed from arrest through sentencing phases of the criminal justice system. “ The 6th <https://assignbuster.com/6th-amendment-and-the-courts/>

amendment focuses completely on the rights of a person accused of committing a crime" (The sixth amendment, n. d. . The 6th amendment gives the accused seven specific rights. These rights are the right to a speedy trial, the right to a public trial, the right to an impartial jury, the right to be informed of the nature and cause of the accusations, the right to confront witnesses against them, the right to present their own witnesses, and the right to counsel even if they cannot afford to hire their own counsel (The sixth amendment, n. d.).

The right to a speedy trial stops a person from sitting in jail indefinitely without being tried for the crime they are accused of committing. The right to a public trial allows the public to observe exactly what is happening, satisfies the public's desire to see justice done, and stops corruption from court officials. The right to an impartial jury reduces corruption in the trial proceedings, puts your fate in the hands of average citizens instead of one person the judge, and lets society have a say in what the punishment should be.

The right to be informed of the nature and cause of the accusation against you means that you are told the specific charges and allegations against you, when they supposedly occurred, and helps in stopping false charges from being filed against a person. The right to confront witnesses against you means that those witnesses must accuse you face to face in court, allows you to cross-examine them, ask questions of them, and examine their credibility.

The right to call your own witnesses allows the accused to defend one's self and helps guard against unfair and unjust accusations from being made. This

clause guarantees that you can call your own witnesses and that if they refuse to testify the court can subpoena them to court. The right to counsel guarantees that the accused has a lawyer to help defend and assist them throughout the criminal process. If a person cannot afford to hire counsel then the court must appoint counsel for them. The right to counsel may be the most important right guaranteed within the 6th amendment.

The right to counsel begins at the time of arrest and continues throughout the criminal proceedings even if the accused cannot afford to hire counsel themselves. I fully agree with the way the court system has implemented the rights of the 6th amendment in the criminal justice system. Without these rights the criminal justice system would not work as we know it. People accused of crimes would be unjustly and unfairly accused and tried for crimes they may have not committed and would have no way of defending themselves.

The people accused of these crimes would find themselves living in a very barbaric court system.

References

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