

U.s supreme court interpretation of constitutional rights of the accused essay ex...

[Law](#), [Criminal Justice](#)



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Miranda Rights

The decision of the Supreme Court in *Miranda v. Arizona* that a confession obtained through interrogation while in custody, and at which time the suspect was not informed of his/her constitution to have a legal representative present would be inadmissible in the court of law. However, only the accused can proclaim their constitution protection in contesting the involuntarily obtained confession. These Miranda rights, as they are popularly known, are necessary in the course of justice as they guarantee the constitutionality of the Fifth Amendment, Sixth Amendment and Fourteen Amendment. Fifth Amendment deals with self incrimination, Sixth Amendment relates to right to legal counsel when one is charged formally and Fourteen Amendment deals with volunteering of confession by the

accused/suspect.

Miranda rights not only ensure due process of the law is followed but also guarantees justice to the suspects. As constitution is meant to protect the right of all citizens, and not to discriminate on any individual/group; Miranda rights are an illustration of safeguarding the rights of suspects/accused both in substantive and procedural law/justice. Supporting Miranda rights would ensure that evidence obtained, confessions, are not used as excuse by prosecutors and investigators not to conduct a full investigation of cases (Worrall, 2010).

Line Ups and Show Ups

Procedures in identification, line ups and show ups, are guided by the Fourteenth amendment clause on due process and Sixth amendment clause to right to legal representative. This means for them to be upheld constitutional in the court of law, they should not be leading or suggestive, and a legal counsel may be present during the process. A line up refers to a technique used in criminal investigation where the investigators set up several persons in a row in front of the witness. The witness is required to identify the person who committed the crime, if any. The persons in the set up can not see the witness. On the other hand, Show ups are conducted shortly after a commission of a crime. The police present a person who is suspected of committing the recent crime, to the witness for possible identification, either at the police station or at the scene of that crime (Worrall, 2010).

Line ups demands greater accuracy and memory reliance of the witness than

required to identify a suspect when presented as single individual (suspect). This technique is believed to lower if not eliminate the possibility of false/mistaken identification. On the other hand, Show up is conducted to a witness with the ability to make convincing identification of the perpetrator of the crime; otherwise it would not be used during trial.

Right to Counsel

The right to counsel is a meaningful right in a criminal adversarial system. This right ensures justice is served to the accused. The counsel assists the accused in identifying his rights and proclaiming them. The counsel also ensures that the procedural and substantive law has been applied as per the laws; constitution, statutes, common law, natural justice etc. The defense counsel also assists the court in selecting the members of the jury. When the accused is to be tried by a jury, the impartiality of the jury members becomes crucial to the process. The counsel can dismiss jury members, on legal grounds, who display incompetence or impartiality; prejudicial against the accused.

The right to counsel is a constitutional right provided under Sixth amendment of the US Constitution. This right allows the defendant to have legal representative once criminal proceedings have been initiated. On the contrary, the right does not apply before one has been arrested or charged formally. Like other rights, the right to counsel can be waived by the accused. Waiver of this right would allow the accused to represent oneself in the proceedings. This waiver cannot be used as an excuse by the accused to apply for a retrial based on prejudice by lack of (proper) legal representation.

However, in extra ordinary circumstances, the court may appoint a standby counsel.

Effective Legal Counsel Assistance

The Sixth amendment that establishes right to legal counsel has been interpreted by the Supreme Court to mean the right to effective legal counsel. An ineffective counsel is where the legal representative makes fundamental errors, omissions or tactical acts, which are prejudicial to the accused case. Using tactics at trial that are unsuccessful would not suffice to be considered ineffective legal counsel; this is so because the tactics to be applied are within the discretion of the counsel. Also arguing an issue or failure to argue the issue would also not be considered as ineffectiveness by the counsel. In addition, failure of proclaiming a constitution right/defense which is later extinguished or invalidated would not amount to ineffectiveness by the counsel (National Paralegal College, n. d).

The interpretation of effective legal counsel is not too restrictive but it sets proper legal and practical limits. Arguments such as, the counsel is effective only when the accused case is successful have been rejected by the courts.

The Supreme Court has set standards that would suffice ineffective legal assistance which are; there has to be shown that the acts or omissions by the counsel were fundamentally defective, and that the fundamental error (prejudicial to the accused) affected the outcome of the case significantly (National Paralegal College, n. d).

Right to Trial by a Jury

The accused has a constitution to a trial by an impartial jury, which is granted under the Sixth Amendment and the due process component under the Fifth Amendment. However, the Supreme Court has held that these rights are only applicable to criminal proceedings with sentencing that exceed six months. The composition of a jury varies with jurisdictions. This right, just as other rights, can be waived by the accused in which case the trial will be by a bench trial, Judge(s). Under the Federal Rules of Procedure Rule 23, the accused can waive ones right to trial by jury in writing, the government gives its consent and the court allows the waiver (Legal Information Institute, n. d).

The right to waiver a constitution right is a practice of promoting natural justice. This ensures that the accused is given the discretion to pursue a legal procedural option that seems fair and just. However, this option cannot be used to defeat justice to the other parties, and for that the procedure is laid down. The defendant has to show cause why they wishes to waive their right to a trial by a jury. As discussed above, parties: accused, prosecution/government and the court, have to agree to the waiver before it is granted.

Entrapment

The right to claim entrapment defense is not strictly a constitutional right. However, this right is protected by the Supreme Court as a common law defense. This defense can be claimed at pre trial stage or during the trial proceedings. Entrapment is where the government imposes to a person's

mind the disposition to commit a crime and further induces the person to commit the crime for the reason of the Government to prosecute; this was the holding in *Jacobson v. United States*. For a defense of entrapment to succeed, the defendant has to show that the government induced one to commit that crime, and that the defendant was not predisposed to engage in crime this was held in *Mathews v. United States* by the Supreme Court (Criminal Resource Manual, n. d).

Examples of entrapment include where an undercover government agent offers to sell or buy drugs to a person, and the agent insists and convinces the defendant, where normally the defendant would not have been involved in such a trade. Another example is where an undercover agent offers prostitution services to a person. The (undercover agent) 'prostitute' repeatedly insists on the offer even giving discounts and promising rare treatment, and finally the person accepts. This would be considered as entrapment.

Plea Bargaining

Plea bargaining is an agreement between the accused and the prosecutor, where the accused pleads guilty to a lesser charge in exchange for a lesser punishment. However, the agreement has to be allowed by the court before it is valid. Plea bargaining is controversial with supporters and opponent arguing of it necessity.

Proponents of plea bargaining argue that it fast disposition of cases therefore saving on both time and other resources. This agreement also gives the victim or their families' quick closure, where they agree with the plea

bargain conditions. The Supreme Court in its support of Plea bargaining has set the conditions of a plea bargain agreement. The agreement must not be too lenient; otherwise the courts shall reject it, and the accused be represented by an effective counsel. Opponents to plea bargaining argue that it gives the accused an opportunity to get off easy, it can be used to coerce the defendant, and it forces the accused to give up constitutional rights: the right to a jury trial, right to confront witnesses, and the right against self incrimination. However, the Supreme Court has disallowed these arguments and held that plea bargaining is constitutional. The courts treat plea bargaining agreements as a contract between the defendant and the prosecutor.

Prosecutors Obligations to a Plea Bargain

A plea bargain involves four parties: the accused, the prosecutor, the court, and the victims. Each party is bound by certain obligations before and after the plea bargain deal. This part shall discuss the prosecutor's obligations on a plea bargain agreement.

Before the plea bargain is accepted by the courts, the prosecutor is obliged to inform the accused of exculpatory evidence in his/her possession. Ensure that the accused is legally represented by an effective counsel, and the prosecutor must not coerce the accused but may offer various inducements. In certain jurisdictions, the prosecutor has to involve both the accused and the judges while determining the conditions of the agreement. However, in most cases the prosecutors' recommendations do not bind the court.

A prosecutor is bound by the agreement once the court accepts the plea

bargain. When a prosecutor defaults on the agreement, the accused is allowed to seek remedy from the courts. In such a case the courts may compel the prosecutor to apply the agreement, allow the accused to withdraw their guilty plea, or any other remedies that is deems just. Where the accused renege on the plea bargaining deal the prosecutor is no longer bound to honor the agreement.

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