

Free essay on exceptions in law

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



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The right against double jeopardy found in the 5th amendment protects an individual against repeated attempts to convict them unfairly. It prevents the state or federal authorities from bringing an individual to trial in more than one instance after they have been acquitted. However, in some instances, a second trial for the same offense does not necessarily violate the 5th Amendment.

Examples

When a man is accused of murdering his wife but is found not guilty, he is cleared of the charges. However, if he goes ahead and writes a book and records the activities that took place (that prove he actually murdered his wife), he has initiated a new trial and may not plead the double jeopardy. Despite his clearance, a second trial is inevitable. The same events will be used in convicting the accused person but in a new trial.

In another instance, if during trial, members of the jury admit that they cannot reach a verdict on the case thereby causing the judge to declare a mistrial, the accused person's right against double jeopardy is not violated. They can be tried again.

A person may commit a crime that violates laws of both the state and the federal government. In this case, the courts determine that the two sovereign powers are involved in the case and should be allowed to try the defendant separately. The defendant has no right to plead double jeopardy.

Entrapment

Police officers are entitled to entrapment as a defense if they originated the criminal idea and induced the accused person to commit a crime. However, if the officer merely created the opportunity for the suspect and they were already willing to engage in the activity, the defense is not available for him. Moreover, the officer is prohibited to employ tactics such as fraud and chicanery to induce a suspect to committing a crime.

Right to a speedy trial

The right to a speedy trial protects the defendant's vital items necessary for their release. Most is the availability of the witnesses and the memories, with time delay, witness may disappear, relocate or die or their memories fade. Evidence could also be destroyed with time, and the defendant will have no chance of proving their innocence. The right, like all others, however, has its limitations. First, before a formal accusation filed, the prosecution is not under obligation to speed up a trial. Secondly, post-trial criminal proceedings such as parole and probation do not guarantee the defendant the right to a speedy trial.

Reference

Holder, Angela R, and John T. R. Holder. The Meaning of the Constitution. Hauppauge, NY: Barron's Educational Series, 1997. Print.

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