

# Protection from self incrimination

Law



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Protection from Self Incrimination Self-Incrimination is the in which an individual confesses to carrying out certain actions that are against the law. The United States government has protected its citizens for a long time from self-incrimination, and this is through the Fifth Amendment. The amendment states that a person should not act as standing witness against him/herself. Going through a case relating to this amendment offers insight on the topic and sets a ground for further analysis and understanding of the topic. One of the renowned cases in the Texas judicial system is that between Genovevo Salinas and the state of Texas. In this case, the defendant, Mr. Salinas was accused of having played a role in a murder that had taken place close to the position of his car. Upon questioning, the defendant answered all the questions, went further, and even submitted his gun to show that he was innocent. However, the defendant went mute when asked about some shell casing found at the scene of the crime. Moreover, the casings matched his shotgun. The defendant at that point completely ignored the questions and did not answer. Because of this attitude, the prosecutor went further and told the jury that the reason for Salinas' silence was the fact that he felt guilty for the actions he had taken and that the silence was a sign of admission to having carried out the crime.

The prosecutor had a strong case when he stated that the defendant was guilty not only because he did not comment on the questions posed to him regarding the casings but also because of the obvious fact that his gun was involved. The judge did not argue against the strong case brought by the prosecutor and this was mostly because the evidence for the case was present (Hightower). However, the judgment delayed due to the lack of motive for the action. However, upon reviewing the available information, <https://assignbuster.com/protection-from-self-incrimination/>

the judge found the defendant guilty and sentenced him to 22 years in prison.

Upon critical review of the case and the evidence provided, I would have offered a ruling similar to that made by the judge, in this case. The reason for the judgment is the fact that the defendant went mute and did not communicate anything regarding the questions asked. The constitution states that upon an individual pleading the Fifth Amendment they ought to receive fair treatment until substantial proof is presented (Choo 89).

However, this was not the case in this particular case. Rather than pleading this right, the individual went silent and did not answer anything. This was a sign of great ignorance, and consequently the individual did not receive any fair treatment in the case.

Understanding the working of the constitution is vital for people to receive quality treatment from the legal system. Reviewing this case allows one to understand that the actions of Salinas were the cause of his imprisonment. Rather than keeping quiet in the courtroom, Salinas would have pleaded the fifth for better consideration.

#### Works Cited

Choo, Andrew. *The Privilege against Self-Incrimination and Criminal Justice*. London: Oxford University Press, 2014. Print.

Hightower, Eddy. “ US Supreme Court whittles down right to protection against self-incrimination” *World Socialists*. 19 June 2013. Web 6 March 2015.