

# Criminal procedure ( 1 )

Law



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Harris Kamran Law Case Studies 24 October Due process of law According to the U. S. constitution, the term due process of law can be defined as the nature of the law and the reason for its implementation (Mount, 2010). That is to say, the due process has two parts: the procedural, and the substantive part (Mount, 2010). In the procedural part, the nature of the law is observed, and whether it is fair and impartial (Mount, 2010). The substantive part deals with the actual implementation of the law, and it can modify any mistakes in the procedural process (Mount, 2010). In general, then, due process affords a person with the right to a notice before trial, a right to an impartial trial and an impartial jury, a right to be heard in defense, and the taking of property and taxes, with prior notice, only for public purposes (Mount, 2010).

In the case of *Brown v. Mississippi*, the fourteenth amendment due process rights were the basis for the court's ruling in favor of the defendants (Justia, 2011). It was then established that testimony or evidence procured solely by means of violence and torture by the police cannot be considered valid, and is in violation of the due process rights of the fourteenth amendment (Justia, 2011).

In *Powell v. Alabama*, the right to a counsel was discussed in relation to the accused, and it was established that the accused has the right to a counsel with sufficient time for advice and preparation, in accordance with the sixth amendment, which is in especial respect to the Federal courts, and the rights laid down in the fourteenth amendment (Justia, 2011).

## References

Justia. (2011). *Brown v. Mississippi* - 297 U. S. 278 (1936). Retrieved from <http://supreme.justia.com/cases/federal/us/297/278/case.html>

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Mount, S. (2010, January 24). Constitutional topic: Due process. Retrieved from

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