

Wong sun v. united states and nardone v. united states

Law



Wong Sun v. United s & Nardone v. United s Wong Sun v. United s case brief

Fact: Wong Sun petitioned a court ruling arguing that the prosecutor admitted to the court inadmissible evidence.

Issue: A high court found Wong Sun guilty of drug trafficking following the presentation of evidence obtained from the first petitioner, a Mr. Hom Way. Apparently, the police had carried out surveillance on Mr. Way thus finding him with heroin. In a series of statements issued by both Mr. Wong and a second petitioner, Mr. James Wah Toy, the prosecutors convinced the court of Wong Sun's guilt of drug trafficking.

Holding: The court of appeal ruled that the evidence were in deed admissible thus making Wong Sun's arrest and prosecution illegal.

Reasoning: The process of collecting evidence and witness statements must follow a particular structure, one that upholds the basic human rights. The fifth amendment for example under the grand jury clause requires the states to try felonies only after indictment by grand juries. As such, the process requires effective collection of evidence and witness accounts (Friedman, 1993). In the case, the prosecutor use evidence and witness statements he collected illegally by forcing the second petitioner to make the statements in his bedroom. Additionally, the sixth amendment of the American constitution incorporated the value of human rights in judicial processes by explaining that under notice of accusation, an indictment must claim all the features of the crime. The significance of the case was that it set precedence by refusing the use of illegally acquired evidence. The use of fruits of the poisonous tree, which refers to illegally acquired evidence as was in the case above, contributes to breaches on the rights of the people (Helmholz, 1997).

Nardone v. United States

<https://assignbuster.com/wong-sun-v-united-states-nardone-v-united-states/>

Fact: Nardone petitioned the American government for violating his basic human rights by presenting inadmissible evidence against him in a court case.

Issue: Law enforcers tapped Nardone's phones thereby listening to his private conversations from where the prosecutor obtained the evidence he presented against him in court.

Holding: The court ruled that the evidence were in deed inadmissible owing to the clandestine nature of their collection. The plaintiff proved that the wiretapping was both unlawful and breached on his basic human rights.

Reasoning: Privacy is a fundamental feature of personal freedom. The American bill of rights safeguards the basic rights and freedoms of the citizenry. The Fifth Amendment for example provides effective ways that ensure that people do not incriminate themselves. Such rights as the Miranda rights are vital in making sure that a suspect considers his words with the view to protecting himself (American Bar Association, 2001). The provision of the Fifth Amendment thus makes the wiretapping on the plaintiff's phone unlawful. The process did not only breach the plaintiff's privacy but also made hi incriminate himself. According to the Fifth Amendment, incriminating of oneself refers to any process that makes one expose himself or herself to a charge. Just as was the case in Wong Sun v. United States, this case presented a similar opportunity in which the prosecutor used fruits of the poisonous tree to prove the guilt of a defendant. The court of appeal overturned the ruling by eliminating the illegally acquired evidence. The case was significant since it presented an opportunity for the court to determine the future of a case since the prosecutor presented illegally acquired evidence. The jury eliminated the

<https://assignbuster.com/wong-sun-v-united-states-nardone-v-united-states/>

evidence a feature that influenced the outcome of the entire ruling (Feerick, 1992).

References

American Bar Association. (2001). The right against self-incrimination in civil litigation. Chicago, Ill: Section of Antitrust Law, ABA.

Feerick, J. D. (1992). The Twenty-fifth Amendment: Its complete history and applications. New York: Fordham University Press.

Friedman, P. (1993). Inadmissible evidence. New York: Ivy Books.

Helmholz, R. H. (1997). The privilege against self-incrimination: Its origins and development. Chicago [u. a.: Univ. of Chicago Press.