

# Sample argumentative essay on anderson should not go to jail

[Sociology](#), [Racism](#)



Cornealious Anderson was convicted of the crime of armed robbery in 2000 and sentenced to thirteen years in prison. However, instead of being taken to prison from the courtroom, he was allowed to leave and told that he will receive instructions on when and where to report to prison. He never received his instructions on where to report to prison and thus he remained a free man for the next thirteen years. During this time, Cornealious Anderson turned his life around; he started three businesses, married, and had children. Anderson was neither in hiding nor on the run during that time. No one for the state or the correctional facility contacted Anderson until July of 2012 when the SWAT team showed up at Anderson's home to arrest him and take him to prison to begin serving his sentence. In this paper, I will argue that Anderson should not be forced to serve his thirteen year prison sentence because it is a violation of his due process rights as guaranteed by the sixth and fourteenth amendments of the United States Constitution. Although the Sixth Amendment to the United States Constitution does not guarantee a right to a speedy incarceration, it does guarantee the right to a speedy trial. The amendment states that in criminal prosecutions, the accused has the right to a speedy and public trial. This amendment gives citizens the right to a speedy trial so that criminal acts which they are accused of committing cannot be hung over their heads indefinitely without a trial and judicial resolution. At Anderson's trial he was ordered to spend the next thirteen years of his life in prison. However, he was never told where to report. Because Anderson was not on the run or in hiding, the courts should interpret the imprisonment of Anderson beyond the thirteen years after he committed the crime and went to trial as a violation of the intent of the Sixth

Amendment.

Under the Sixth Amendment, there are factors to consider to determine whether a defendant's right to a speedy trial has been violated. One of these factors is the length of the delay. If the length of the delay is more than a year and the defendant has not waived his right to a speedy trial, his right to a speedy trial is presumptively violated according to court interpretation. The remedy in this instance is that the indictment be dismissed with prejudice so that the prosecution cannot refile according to the same facts. It is my contention that the same remedy should be applied to Anderson in this instance. As he has not committed another crime in the last thirteen years, a thirteen year delay in telling him where to report to prison is an undue delay for which prejudice should attach.

The other factors by which whether a defendant's right to a speedy trial is determined are the reason for the delay and the extent of the prejudice the delay caused. The reason for the delay in telling Anderson where to report to prison is a clerical error. This is not something over which Anderson had any control and is the state's mistake. The penalty for this error before trial would be that the indictment would be dismissed. Furthermore, the thirteen year delay causes extreme prejudice to Anderson as he would be released from incarceration at approximately the time when he is now beginning to serve his sentence. Furthermore, he is the father of three, man, and a responsible citizen. Anderson is not the same man he was thirteen years ago when the crime was committed.

I do not believe that Anderson should be forced to serve his prison sentence. Anderson was not in hiding or on the run. In fact, it was a state error that

allowed him to remain free for thirteen years. During this time, Anderson changed his life into one of a model citizen. It is my belief that the Sixth Amendment right to a speedy trial that applies to the states under the due process clause of the Fourteenth Amendment should be interpreted in this instance to bar undue delays in incarceration.