## Amongst adduced in the us courts (grevling 671).

Countries, United States



Amongst the legitimate goals of the government is to punish those who go against the rights of others by committing forceful or violent acts, such as robbery, theft, trespass, burglary, or rape. Nonetheless, the matter does not often end there, as proper inquiries must be made in time to ensure that people are convicted only of crimes done. In the US, the right of the accused entails the right to due process, fair trial, and privacy.

The following is a discussion on the exclusionary rule, double jeopardy, and Miranda rights conceptsa. Exclusionary RuleMiranda Rule is the 5th Amendment rule that precludes pieces of evidence that are collected or evaluated in violation of the defendant's lawful rights from being adduced in the US courts (Grevling 671). The rule was, nonetheless, disallowed in Boyd v. the United States; in which pieces of evidence adduced despite the defense that they impinged on the rights of the accused. I would agree with the views of the jury for many reasons.

Firstly, allowing the accused to deny the police access to the relevant documents that add value to the case will be an injustice to the company that lost the commodities. Besides, a strict interpretation of the rule might result in people misusing the provision. Wrongdoers could easily apply for an objection against investigators intruding in their private documents knowing very well that what will be found in there will tilt the case against them. That is, many guilty people can be let off the hoof on exclusionary procedural terms. Besides, in collecting pieces of evidence, even the tiniest of evidence can determine if a case proceeds or not.

If such were to be the case, justice would have failed. Nonetheless, there must have been very good reasons for including the clause in the 5th Amendment. It is true that exclusionary rule promotes a fair and just try something that cannot be disputed.

That is, when viewed from a different perspective, it can help protect the rights of the accused, especially if they were accused falsely. No one would like to have his/her private affairs intruded, especially when one knows that he/she is being charged incorrectly. Overall, the use of exclusionary clause should be moderated, and its admission allowed only when omitting, otherwise it would be committing an injustice against the accused person.

b. Double Jeopardy The clause entails four distinct prohibitions: subsequent prosecution following conviction, subsequent prosecution after acquittal, multiple punishments under the same indictment, and subsequent trial after certain mistrials (Amar 1807). Despite genuine reasons behind the enactment of the rule, it has faced significant huddles as shown in the United States v. Perez (1824): in which the judges refused to admit the double jeopardy procedural defense (Thought Co 1).

Concerning the case, I concur with the views expressed by the bench in dismissing the double jeopardy rule on the case. My motives are driven by several reasons. Firstly, a strict adherence to the law would give a leeway for injustices, as many times mistakes are made, or corrupt judges let criminals off the hook. Without proper retrials, potentially dangerous wrongdoers will be given to the society to cause more chaos and havoc. Allowing such an act

to go unpunished in the face of glaring evidence will lower the respect and trust that people have in the judicial systems.

Nonetheless, the case might be argued the other way round that it prevents corruption from being continued by the rich and powerful. Critics of the rule might say that wealthy individuals who can handle the expenses that come with judicial processes can frustrate innocent the rights of innocent people by dragging them from courts to courts. In my view, there ought to be an all rounded approach the matter and a case-by-case determination of whether the double jeopardy rule or defense is legitimate or whether it is not. c.

The Miranda The clause is a right to silence warning given by law enforcers in the US to lawbreakers who are in police custody before being interrogated to preserve the acceptability of their statement against them in criminal prosecutions (Kassin & Norwick 211).

The case was applied in California v. Stewart where the California Supreme Court struck down the case against an accused robber after the police officers in charge failed to inform the client of his rights before interrogation. Apparently, the decision by the jury was essential to protect the rights of the accused, which would bar possible manipulation. Informing the accused persons of the reasons behind their arrest is critical to effecting justice, as not everyone arrested know his/her rights. Also, the Miranda rights level the playing field by ensuring that a lawyer can represent every accused person despite their level of wealth or lack of it. Nevertheless, the use of the right mentioned above can be misleading as those people who affirm that they know their rights when in fact they do not can legally waive such rights from

accruing to them in future. Consequently, elaborating such rights to the accused people will be a good move.

Overall, it is advisable to revisit some of the rights given to the accused enshrined in the 5th Amendment. Particularly, the exclusionary and double jeopardy provisions need reevaluation to ensure that they keep pace with developments on the ground. Even so, relevant clauses, such as the Miranda, should be allowed to exist as their contributions to the development of justice are substantial and relevant to the practical world.