

# Habeas corpus

[Law](#), [Constitution](#)



Just imagine one day you are driving to work and while you are driving you see red and blue light behind you. Well we all know what this means, the police is behind you so we do what everyone does pull over expecting he will just pass us. As you are slowing down you notice that the officer is slowing down with you. You are curious, you do not believe you were spend but are not sure maybe a tail light is out? The officer gets out his car walks up to your vehicle and tells you to step out of the vehicle, you oblige, he tells you to turn around and he cuffs you and puts you in the back of his police car. The officer then proceeds to search your vehicle looking for something. What would be going through your mind at that time would you be thinking where is my rights maybe you would think this is unlawful? After the search, you seen the officer clearly did not find what he is looking for so you are expecting to be release with an apology! But this does not happen instead he gets in the police car and takes you down town. I could just imagine what is going through your mind know “ What is that law that protects me from this. " You were not read your Miranda rights you did not give permission to search the vehicle and you were not told what you are being arrested for. Know we both know what you are thinking dollar signs because we both know this is not lawful. This is harassment and the Constitution protects all citizens against this type of punishment. We will be talking about the rights American have before being arrested or charged with a crime. In the writings we will discuss habeas corpus and how this law protects you against unlawful imprisonment. I will also give the back ground to habeas corpus from the American view and the English view. start this by given you the back ground to habeas corpus its English and American traditions. We also will discuss

how does this right effect other civil liberties Habeas corpus is located in the United States Constitution in article one, section nine. It says: “ The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it". The meaning of the right of habeas corpus in the U. S. Constitution and its relationship to the protection of other civil liberties means detainees can seek help from unlawful imprisonment. In todays practice men and women that are in prisoned have the right to file a petition with the federal courts for a writ of habeas corpus. This petition allows the federal government to review the prisoner charges and determine if it was lawful for the person to be detained. When they are reviewing they are looking at the facts of the case they are looking at it from strictly the law to determine if the individual rights were not obstructed. The Federal Courts hears the legal issues without giving any weight to how the lower court decided those issues.