

Wolff v mcdonnell

Law



**ASSIGN
BUSTER**

The criminal justice system realizes that inmates do have some rights, however it is also recognized that those inmates do have less rights than free citizens. Taking away some rights of the inmates is a valid punishment and by restricting these rights it helps in maintaining security in prisons. The title of the case that I chose was Wolff v. McDonnell. This case was very important because it uniformed certain rights and freedoms within correctional facilities.

Although inmates received some procedural safe-guards to protect them against the notorious abuses of disciplinary meetings, they did not receive all the due- process rights of a criminal trial” (Clemens, 2002). Nor did the Court question the right of correctional officials to revoke the good time of inmates. In this case, “ Robert O. McDonnell, a prisoner, had filed a class-action suit against the state of Nebraska, claiming that its disciplinary procedures, especially those pertaining to the loss of good time were unconstitutional” (Clemens, 2002).

McDonnell also complained, along with other inmates, about the limitations on their access to the law library, legal services, and visitation with the inmate legal assistant and that the regulations regarding prisoners' mail violated the attorney-client privilege” (Keenan, 2005). This case was argued on Argued April 22, 1974 and a decision was made on decided June 26, 1974. The state court ruled that the defendant had not received the minimum requirements for disciplinary proceedings.

He petitioned the U. S. Supreme Court to restore the good time he had lost and to assess damages against corrections officials. The Supreme Court

ruled that the state of Nebraska had appropriately enacted laws in regards to the admitting and withdrawing good time. On the other hand, the process used to revoke good time was found to be in violation of the due- process rights granted in the Fourteenth Amendment.

The Court clarified that prisoners facing disciplinary charges are entitled to 24 hours' notice before a hearing, a written statement of the reason for the disciplinary hearing, the right to call witnesses, present evidence, and the right to a written statement explaining the evidence used in reaching a disposition. However, the Court also held that prisoners do not have the right to confront and cross-examine witnesses or to have the assistance of counsel.

The Court concluded that prisoners are entitled to an impartial tribunal, but held that a committee of prison officials was sufficiently impartial" (Justia caselaw). In regards to that the regulations regarding prisoners' mail the decision was that the" State may constitutionally require that mail from an attorney to a prisoner be identified as such, and that his name and address appear on the communication; and as a protection against contraband that the authorities may open such mail in the inmate's presence.

A lawyer desiring to correspond with a prisoner may also be required first to identify himself and his client to the prison officials to ensure that letters marked " privileged" are actually from members of the bar"(Justia caselaw). According to the free legal dictionary, dissenting opinion is defined as an opinion in a legal case written by one or more judges expressing

disagreement with the majority opinion. In the case brief I found that Justice Marshall and Justice Brennan had dissenting opinions in regards to this case.

In a statement they wrote, " I join Part VIII of the Court's opinion, holding that the Complex may not prohibit inmates from assisting one another in the preparation of legal documents unless it provides adequate alternative legal assistance for the preparation of civil rights actions as well as petitions for habeas corpus relief. I also agree with the result reached in Part VII of the opinion of the Court, upholding the inspection of mail from attorneys for contraband by opening letters in the presence of the inmate.

While I have previously expressed my view that the First Amendment rights of prisoners prohibit the reading of inmate mail, and while I believe that inmates' rights to counsel and to access to the courts are also implicated here, I do not see how any of these constitutional rights are infringed to any significant extent by the mere inspection of mail in the presence of the inmate. My disagreement with the majority is over its disposition of the primary issue presented by this case, the extent of the procedural protections required by the Due Process Clause of the Fourteenth Amendment in prison disciplinary proceedings.

I have previously stated my view that a prisoner does not shed his basic constitutional rights at the prison gate, and I fully support the Court's holding that the interest of inmates in freedom from imposition of serious discipline is a liberty entitled to due process protection. But, in my view, the content which the Court gives to this due process protection leaves these noble holdings as little more than empty promises"(Justa caselaw).

References

<http://legal-dictionary.thefreedictionary.com/dissenting>

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