

The Bill of Rights

First Amendment

◆ Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

First Amendment

◆ The Fighting Words Doctrine

- ◆ <http://tinyurl.com/yto9nu>
- ◆ <http://tinyurl.com/49sek6>
- ◆ <http://tinyurl.com/4sd8ws>

Fourth Amendment

- ◆ The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Purposes of the 4th Amendment

- ◆ Protect against unreasonable searches
- ◆ Protect against unreasonable seizures
- ◆ Establish a need for reasonableness
- ◆ Establish a standard for issuance of warrants
 - ◆ Probable Cause

Probable Cause

- ◆ That quantum of evidence that would lead a reasonable officer to believe that a crime has been or is being committed and that a certain person is responsible for that crime.

Probable Cause

- ◆ That quantum of evidence that would lead a reasonable officer to believe certain evidence of a crime is located at a particular location.

Probable Cause

- ◆ Evidence refers to information that is specific, articulate and reliable.

Purposes of the 4th Amendment

- ◆ Protect against unreasonable searches
- ◆ Protect against unreasonable seizures
- ◆ Establish a need for reasonableness
- ◆ Establish a standard for issuance of warrants
 - ◆ Probable Cause
 - ◆ Oath or Affirmation

4th Amend. Violation Sanctions

- ◆ “Honest” Mistakes
 - ◆ Suppression of Evidence Likely
 - ◆ Departmental Liability
- ◆ Bad Faith Mistakes
 - ◆ Suppression of Evidence Assured
 - ◆ Individual and Departmental Liability
 - ◆ Criminal Penalties

Good Faith

- ◆ Mentioned 693 times in WI Statutes, but not defined there
- ◆ The observance of honorable intent in business relations and the avoidance of any attempts to deceive in assuming and performing duties
- ◆ The mental and moral state of being honest, even if wrong

Fifth Amendment

- ◆ No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice

Fifth Amendment

- ◆ put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Purposes of the 5th Amendment

- ◆ Sets requirement for indictment
- ◆ Prohibits *double jeopardy*
- ◆ Prohibits self-incrimination
- ◆ Establish due process
- ◆ Limits commandeering

5th Amend. Violation Sanctions

- ◆ Civil Liability
- ◆ Exclusion of Evidence
- ◆ Mistrial
- ◆ Dismissal of Charges

Sixth Amendment

- ◆ In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation;

Sixth Amendment

- ◆ to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Purposes of the 6th Amendment

- ◆ Establishes a right to a speedy trial
- ◆ Establishes a right to a public trial with jury
- ◆ Establishes normal location of trial
- ◆ Establishes a right to be notified of charges
- ◆ Establishes a right to confront accusers and call witnesses in defense
- ◆ Establishes a right to counsel

6th Amend. Violation Sanctions

- ◆ Possible Civil Penalties
- ◆ Mistrial
- ◆ Dismissal of Charges

Eighth Amendment

◆ Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Purposes of the 8th Amendment

- ◆ Establishes limits on pre-conviction detention
- ◆ Establishes limits on fines
- ◆ Establishes limits on punishment

8th Amend. Violation Sanctions

- ◆ Civil Penalties
- ◆ Mistrial
- ◆ Dismissal of Charges

Fourteenth Amendment

◆ Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;

Fourteenth Amendment

◆ nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Purposes of the 14th Amendment

- ◆ Establishes limits on States rights to create certain laws
- ◆ Extends *Due Process* to State crimes
- ◆ Establishes *Equal Protection*

The Exclusionary Rule

- ◆ If evidence is obtained improperly, it cannot be introduced as evidence against the accused.
- ◆ <http://library.thinkquest.org/2760/exclude.htm>

The Fruit of the Poisonous Tree


