Government Name Per Unit 5: Chapter 16

Lesson 1:

1. Interrogations of suspects in custody often result in confessions that may be used in court. The Fifth Amendment, however, protects the accused from self-incrimination, and the Sixth Amendment grants the accused the right to an attorney. Read the examples and decide if you think the convictions should be upheld or overturned. If overturned, cite the appropriate Supreme Court decision.

Case A: Danny is arrested and charged with murder. Officers refuse his request to speak with an attorney. During interrogation, Danny confesses to committing murder. He later appeals on the basis that his Sixth Amendment rights were violated.

Case B: Ernesto is arrested and charged with kidnapping. He is not informed of his Fifth and Sixth Amendment rights prior to interrogation. Ernesto’s subsequent confession is the sole basis for his later conviction. He later appealed, claiming that his interrogation was unconstitutional.

Case C: Shirley is charged with breaking and entering. Officers inform her of her right to remain silent and right to an attorney. She consents to an interrogation without an attorney and admits to committing the crime. After her conviction, she appeals that her confession should not have been allowed as evidence because of the Sixth Amendment.

1. Can police search and seize in the following?
2. Lawful searches can be conducted when the police officer’s safety is at risk.
3. The police may frisk someone who is behaving suspiciously, using only a “pat down,” not a thorough search, to find out if the person is carrying a concealed weapon.
4. A person can be lawfully arrested to make sure the person doesn’t have any evidence that they might attempt to destroy.
5. The police can enter a building during an emergency or when chasing a criminal suspect.
6. The police can search a vehicle if they suspect it contains contraband.
7. When a person has given permission to search his or her belongings.
8. Police may seize an item that can be seen in plain view from a place that an officer has a right to be, such as a sidewalk or street.
9. Government officials may search individuals’ belongings at international airports without any specific reason.
10. What are some arguments for and against the exclusionary rule?

Lesson 2:

1. What is presumption of innocence?
2. What is burden of proof? What standard must the government meet?
3. How does the criminal justice process ensure that juries are impartial?
4. What are is a criticism of public defenders?
5. What are arguments for and against trying juveniles as adults?

Lesson 3:

1. The following are examples of types of punishment (purpose of sentence). List the type.
2. Help the person become a better person –
3. Prevent the person from committing the same crime again –
4. Get back at the person for the harm he/she caused –
5. Prevent the person from endangering children –
6. Help injured parties recover from crime –
7. For the following examples, list the purpose of the sentence (from question 1).
8. Cary spray painted graffiti on several buildings downtown. The judge sentenced her to repaint the buildings that she vandalized.
9. Robert was ticketed for driving 26 miles-per-hour over the speed limit. Since this was his first speeding violation, he can avoid a fine by attending an 8 hour traffic safety class.
10. Tyler broke into a jewelry store after hours. During the robbery attempt, he killed a security guard. The judge sentenced him to 30 years in prison.
11. What evidence is there of discriminatory sentencing?
12. What is an argument for three-strike laws? Against?
13. What is consider “cruel and unusual punishment”? What is not?