



U.S. Constitutional Protections for the Accused

Name: _____

Please read the following amendments to the U.S. Constitution. Then, explain them in your own words.

Fourth Amendment: Search and Seizure

Key Terms

Reasonable search: When society's need for the search is greater than an individual's right to privacy.

Warrant: Issued by a judge or magistrate, a warrant allows the police to search a person or place and/or make an arrest. If a crime is ongoing and dangerous, police can search and arrest without a warrant.

Probable cause: The likelihood that a crime has taken place.

Explain what this amendment means in your own words:

Fifth Amendment: Due Process and Criminal Trial Rights

Key Terms

Grand jury: Used in federal criminal cases to review evidence and decide whether formal charges (i.e., indictment) should be filed.

Double jeopardy: Being tried twice for the same crime. Prohibiting double jeopardy encourages police and the prosecution to be thorough when investigating and trying a case.

Self-incrimination: The accused has the right to remain silent when a truthful answer might be used to prove a crime against him or her. The accused does not have to testify at his or her own trial and Miranda rights (the rights to remain silent and have counsel present during police questioning) must be recited to the accused upon arrest.

Due process of law: The government has to follow all of the rules of procedure before it can take away someone's life, liberty or property.

Explain what this amendment means in your own words:

Sixth Amendment: Rights of the Accused

Key Terms

Speedy and public trial: Ensures that the accused is not imprisoned indefinitely awaiting trial and that the public may observe the trial to ensure that justice is served.

Impartial jury: A group of unbiased citizens who are representative of the community.

Notification of charges: Allows the prosecution and defense attorneys to focus on the requirements to prove their case. This procedure relates to the privilege of the writ of habeas corpus in Article 1, Section 9 of the U.S. Constitution, which says a person cannot be jailed if no charges are brought against him.

Right to counsel: The accused is guaranteed access to trained counsel. This puts the accused on equal footing with the government making the charges.

Explain what this amendment means in your own words: