

TEXT SUMMARY

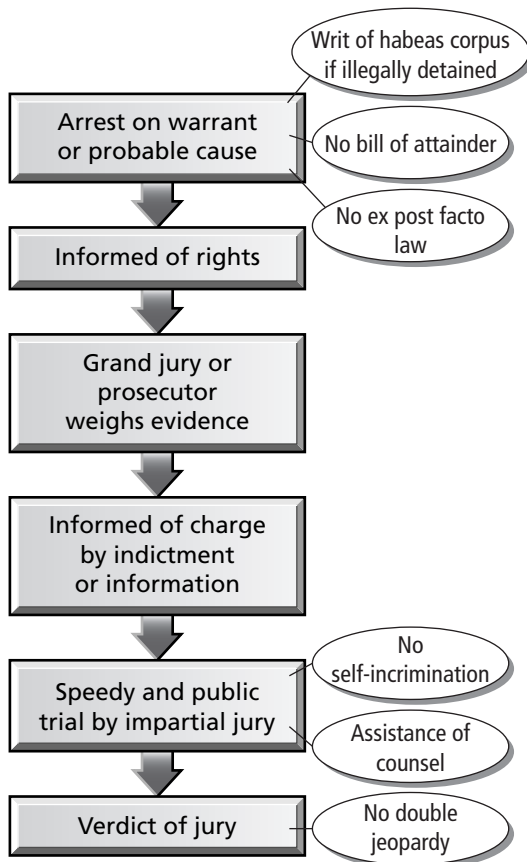
The Constitution offers several guarantees for persons accused of crimes. For one, it grants the right to seek a **writ of habeas corpus**—a court order commanding an officer imprisoning someone to explain why the prisoner should not be released. It also prohibits the passage of a **bill of**

attainder, which punishes a person without a trial. Also, Congress and the States may not pass an **ex post facto law**, which makes an act a crime and then punishes someone for committing the act before the law's passage.

THE BIG IDEA

The American judicial system presumes that any person accused of a crime is innocent until proven guilty, and the Constitution upholds the rights of the accused.

GRAPHIC SUMMARY: Constitutional Protections for Persons Accused of Crimes



A **grand jury** decides if someone can be accused of a serious crime. The prosecutor presents the grand jury with an **indictment**, or a formal complaint against the accused. The grand jury decides whether there is enough evidence for a trial; if not, the charges are dropped. In most States today a prosecutor brings charges in an information—a document in which he or she swears there is enough evidence for a trial.

An accused person may not be exposed to **double jeopardy**, that is, be tried for the same crime more than once. The person has the right to a speedy and public trial by jury with the assistance of counsel (a lawyer). If a defendant waives this right, a **bench trial** is held, meaning a judge alone hears the case.

The 5th Amendment protects a person from self-incrimination, or being a witness against himself or herself. The **Miranda Rule** requires police to read a list of rights to a person they arrest and make sure the person understands these rights.

The Constitution ensures that a person accused of a crime is presumed innocent until proven guilty.

REVIEW QUESTIONS

1. What is the effect of a writ of habeas corpus?
2. **Diagram Skills** What are two protections given by a speedy and public trial by jury?