

# AMERICAN GOVERNMENT—Rights of the Criminally Accused

**DIRECTIONS:** Familiarize yourself with the protections granted in the Bill of Rights for the criminally accused. Given a major Supreme Court case on the issue, tell me which Constitutional Amendment was at stake. **SAVE THIS SHEET**, for it has several major court cases that you need to know!!

\_\_\_\_\_ 1. **MAPP vs OHIO (1961)**

Cleveland resident Dollree Mapp is served with a search warrant looking for evidence of bookmaking. Instead, the police find evidence of pornography. She is arrested on a public morals charge, and fined \$10. She appeals, claiming the search warrant did not cover the porn. The Supreme Court rules that she is correct, and her conviction is thus overturned. This creates the “exclusionary rule,” which states that illegally obtained evidence cannot be used at trial.

\_\_\_\_\_ 2. **MIRANDA vs. ARIZONA (1966)**

Ernesto Miranda is arrested on charges of rape and kidnapping. He is interrogated by Phoenix PD, upon which he confesses to the crimes. After his conviction, he appeals on the grounds that he was never told that he had access to an attorney. His conviction is overturned by the Supreme Court, and “The Miranda Rule” (by which police have to spell out rights to the recently arrested) is born. Postscript: Miranda is later murdered in a bar fight, and the PD reads his assailant...his Miranda rights. A little tale for those who love irony!!!

\_\_\_\_\_ 3. **UNITED STATES vs. LEON (1984)**

In this case, the Supreme Court creates a major exception to the Exclusionary Rule (see #1). The defense for Mr. Leon argued that because there was a technical error on the search warrant executed on his client (the judge used the wrong form), the search should be invalid. In ruling against Leon, the court created “The Good Faith Exception,” which states that a search can still be valid, despite a technically invalid search warrant, provided that the police believe “in good faith” that they are serving a valid warrant.

\_\_\_\_\_ 4. **FURMAN vs. GEORGIA (1969)**

In this case, the Supreme Court comes to the conclusion that state sanctioning of the death penalty violates the civil rights of the convicted. This leads to a (temporary) suspension of the death penalty, as for approximately seven years states are not allowed to execute their citizens.

\_\_\_\_\_ 5. **GIDEON vs. WAINWRIGHT (1963)**

In this case, a local judge denied Clarence Gideon a lawyer in a felony burglary case. Unable to afford his own, and forced to act in his own defense, Gideon is unable to counter the prosecution’s case. The Supreme Court overturns his conviction, on the grounds that individual states, and not just the federal government, must provide a lawyer for criminal defendants, even if they cannot afford one.

6. **BROWN vs. MISSISSIPPI (1936)**

For most of American history, law enforcement was allowed to use physical intimidation and brutality (sometimes called "The Third Degree") in order to extract confessions. In this case, the Supreme Court overturned a felony conviction on the ground that the confession what led to the conviction was coerced, because the defendant had been beaten.

7. **KATZ vs. UNITED STATES (1967)**

As technology advanced, the ways in which the law enforcement community could get information also advanced. The government essentially allowed secret surveillance of people as a legal search. In this case, for the first time, the Courts hold that police have to get a search warrant before they undergo electric surveillance ("wiretaps").

8. **GREGG vs. GEORGIA (1976)**

After a four year federal ban on capital punishment, this court case reinstated the death penalty. The court was originally concerned that the way the death penalty was awarded (on a discriminatory basis), and so they had said that the defendant's constitutional rights had been violated. The states revised their death penalty laws which made its distribution a great deal less arbitrary (up to that point, Southern states had almost exclusively reserved the penalty for black defendants).

9. **COKER vs. GEORGIA (1977)**

The Court ruled in this case that the death penalty could not be applied in the case of rape. Most states reserved the death penalty solely for murder cases, and even then, not in all murder cases. The court held that states using the death penalty for non-fatal crimes was too severe a sentence, given the nature of the crime. Again, part of the concern here was racially based as well (over 90% of death sentences for rape were given to black defendants).

10. **NEW YORK vs. QUARLES (1984)**

In this case, the court made a major exeception to the Miranda rule. The court holds in this case that a suspect can be interrogated with receiving his Miranda rights IF there are "overriding considerations of public safety." That is to say, if the information he will give in the interrogation will help save lives, then Miranda can be waived.