



# **U.S. Constitution Day: The People v. Goldie Locks Lesson Plans**

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# **U.S. Constitution Day**

## **The People v. Goldie Locks Lesson Plan**

This lesson plan is designed for all students, though the discussion and debate format will probably yield the best results in middle or high school settings. The cornerstone to the lesson is the video enclosed with this plan. Ideally, you will want to spend a total of forty-five minutes to an hour on this lesson. Five to ten minutes should be spent to frontload the class before the video, ten minutes to watch the video, ten to fifteen minutes to have students complete a worksheet, and twenty to thirty minutes to enjoy a discussion. If such a chunk of time cannot be secured, feel free to streamline the lesson to simply include the video and use the appended questions to enjoy a discussion.

### **Prior to starting the lesson**

1. Familiarize yourself with the main facets of the 4th, 5th, 6th and 14th Amendments. The resources enclosed can provide a refresher, and also make for a useful handout for students who haven't yet learned about the Constitution and Bill of Rights.
2. Make copies of enclosed materials for the class to use after watching the video.
3. Decide how you will prime the class for the video and if you would like them to take notes or simply let the information soak in.

### **Prior to having the class watch the video**

1. Prime the class for the video. Here you have several options:
  - a) Discuss with the class the purpose of the Bill of Rights.  
Here is a quote from the Orange County Superior Court's Education Website (<http://education.occourts.org/brrightsofcitizens.asp>)  
"When the Constitution was ratified in 1789, many people were concerned that it did not protect certain freedoms. They thought that the Constitution should be changed or amended to protect these individual freedoms. On December 15, 1791, ten amendments were added to the Constitution. The first eight amendments set out or explain individual rights. The 9th and 10th amendments are general rules of interpretation of the relationship among the people, the State governments, and the Federal Government. These amendments guarantee certain freedoms and rights, so they are known as the Bill of Rights. Nearly two-thirds of the Bill of Rights is devoted to safeguarding the rights of individuals suspected or accused of a crime. These rights include due process of law, fair trial, and freedom of self-incrimination, cruel and unusual punishment and being held in jeopardy twice for the same crime"
  - b) Have the class respond to one of the following prompts (or something similar) in a short paragraph and discuss their findings. You may want to tweak the prompt to be more school applicable, but note that student rights while in the schoolhouse are different than while out in the community.
    - i. "Imagine that while you are shopping at the mall, a shopkeeper tells the police that they saw you shoplifting. What sorts of rights do you have (or do you think you should have) in order to receive justice?"
    - ii. "What is justice and what can (or should) be done to ensure that everyone receives it?"
    - iii. "Are all people treated equally by the police and court system? Defend your position."

2. Have the students jot down some notes regarding the following constitutional issues faced by Goldie Locks during her trial.
  - a) Right to a Fair Trial
  - b) Right to Counsel
  - c) Miranda Rights
  - d) Right to Remain Silent (not to testify)
  - e) Right to Confront and Cross-examine

**After watching the video**

1. Go over any notes produced and briefly discuss the constitutional issues listed above..
2. Hand out the enclosed worksheet (and background information if you like) to the class. Allot 10-15 minutes for completions.
3. With the remaining time, you have several options:
  - a) Discuss and correct the worksheet as a class (using the key and your own knowledge as a guide). This should take about 15 minutes.
  - b) Have the class simulate actual jury deliberations with you as the jury foreperson. This activity can be incredibly fun as it has a great tendency to split the class and spur debate. This activity should last at least twenty minutes. Find the document titled “**Jury Deliberation Activity**” and follow the steps.

**Reprintable Constitution Day Lesson Plans are available for download at <http://history.ocde.us>  
Click on Constitution Day**

## **Amendments**

### **Amendment IV – Search and Seizure**

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.

### **“Unreasonable” Searches and Seizure are Forbidden**

The Fourth Amendment generally creates a right to privacy. The privacy enjoyed extends beyond just the person to their residence and property. In order for a search to be constitutional, it must be reasonable.

### **What is Reasonable?**

There is no consistent definition or interpretation of “reasonable.” Thus, there is room for argument and debate. The key to deciding if a search is reasonable is through balancing the right to privacy against the needs of society. It is up to the prosecution to explain how the societal needs are more important than the individual’s right to privacy.

### **What if the Search and Seizure are Unreasonable?**

The exclusionary rule states that evidence gathered in an illegal search and seizure cannot be used in a criminal case. This rule helps assure that the police will be careful so they do not jeopardize the admissibility of the evidence sought. The rule is also very important because it holds the government to a high standard of integrity. People are more likely to trust the government and follow their rules if the government follows rules.

### **What about Warrants?**

Warrants allow the police to arrest and/or search a person or place. They can only be issued by a judge or magistrate. Those seeking a warrant must make a detailed, sworn statement why the warrant should be issued. The judge or magistrate must be convinced that there is “probable cause” that a crime has taken place. Beyond that, the warrant must be specific enough to only allow for a narrow search for items or people described in the detailed statement of those seeking the warrant.

### **Is a Warrant always needed?**

No, there are many exceptions that allow for warrantless searches. The most common exception is when a person consents to a search when asked by the police. Another common exception occurs when a crime is ongoing and dangerous to the community. In those situations, the police are allowed to search while in hot pursuit of a suspect. A third exception is when the search is happening after a lawful arrest (usually a pat-down or inventory of the suspect). The last common exception is when the evidence seized is sitting out in plain view and obvious (not requiring any search to find).

### **Amendment V – Due Process and Criminal Trial Rights**

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 offence to be twice 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.

### **1. The Right to a Grand Jury Indictment**

A grand jury helps sort out the law breakers from law abiders. Grand juries are required in federal criminal cases, but not state criminal cases. Prosecutors present the evidence secretly and the grand jury decides whether a formal charge should, or should not, be made. Grand juries have the power to compel people to testify (issue subpoenas), and can ask for additional investigation and evidence.

### **2. The Right against Double Jeopardy**

Being tried twice for the same criminal act is fundamentally unfair. This prohibition encourages the police and prosecution to be careful and thorough when investigating and trying a case. The person is not protected from future prosecution if they commit the same crime again at a later date.

### **3. The Right against Self-Incrimination**

This right allows the accused to remain silent when a truthful answer might be used to prove a crime against them. This means that a criminal defendant does not have to testify in their own trial. A prosecutor cannot comment on a defendant not testifying and jurors are not permitted to consider whether or not the defendant testified. Another example of this right is the Miranda rule. The Miranda rule requires that a person in custody may not be questioned before they are told the following: that they have the right to remain silent and anything that they say may be used against them in a court of law; that they have the right to a lawyer during questioning; and, that they will be provided a lawyer if they cannot afford one personally.

### **4. The Right to Due Process**

The due process clause requires the government to follow all rules of procedure before they can take a person's life, liberty or property. These rules include the rights contained in other Amendments of the Bill of Rights. If the rules are not followed, the accused cannot have their life, liberty or property taken away.

## **Amendment VI – Rights of the Accused**

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; 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.

### **1. Right to a Speedy and Public Trial**

The right to a speedy trial helps prevent indefinite imprisonment prior to trial, and it helps ensure that evidence (physical and eyewitness) remains fresh. The federal government and most states have laws which define "speedy" with regards to criminal trial process. A public trial assures that the general public can observe (personally or via representatives such as the media) and make sure justice is being served.

### **2. Right to an Impartial Jury**

An impartial jury must be representative of the community and unbiased. This means that juries should be demographically similar to the area being served. That said, it does not require that the jury include members similar to the accused. It does, however, prevent discrimination during jury selection. Unbiased jurors are found during jury selection.

### **3. Right to Notice of Charges**

This is important because it allows the defendant and their counsel to prepare a defense. It also allows the prosecution to focus on the specific requirements needed to prove the charges facing the accused. Notice generally takes the form of a formal complaint recited by a judge to the accused at the arraignment in a courtroom.

### **4. Right to Confront Witnesses and Compel Process**

Since witness testimony is as important as physical evidence in the eyes of the court, both sides must have an equal chance to call and question witnesses. Cross-examination helps the accused defend themselves by clarifying or debunking prosecution witnesses. Compulsory process requires that even if someone does not want to testify for the defendant, they may be required to if they are relevant to the case.

### **5. Right to Counsel**

Due to the numerous procedural and evidentiary rules, lawyers are often necessary to allow the accused to properly defend themselves. Without this right, only one side would be guaranteed trained and certified counsel. This right guarantees the accused will be on the same footing as the State. A defendant may subpoena witnesses and physical evidence to the trial for their defense.

## **Amendment XIV – Extending the Bill of Rights and Due Process Rights**

*Passed by Congress June 13, 1866. Ratified July 9, 1868.*

**Note: All other sections of the 14th Amendment are unimportant in consideration of criminal rights.**

### **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; 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.*

### **Section 5.**

*The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.*

### **1. The Right to Enjoy the Privileges and Immunities of Citizenship**

This Amendment forces the States to honor the Bill of Rights. Thus, each citizen is assured that the States will not take away the privileges and immunities guaranteed by the Bill of Rights. If a State law violates one of those rights, it can be found unconstitutional in the U.S. Supreme Court.

### **2. The Right to Due Process**

A similar due process clause that exists in the 5th Amendment is present in the 14th Amendment. In the 14th Amendment, the right to due process is now extended to those involved in state crimes. The due process clause requires the government to follow all rules of procedure before they can take a person's life, liberty or property. These rules include the rights contained in the Bill of Rights and also any rules adopted by the specific state. If the rules are not followed, the accused cannot have their life, liberty or property taken away by the state. Since most criminal cases involve violations of state law, this is the due process right that is utilized the most.

## Jury Deliberation Activity

The jury deliberation activity allows the class an opportunity to discuss the various constitutional issues brought up in the video. Note that the best outcomes of this activity will come from good debate. Thus, healthy disagreement is a good thing since it will assure that both sides of the issues will be discussed. There are six questions that will be asked, polled and discussed.

- Did Goldie Locks get a **Fair Trial**?
- Did Goldie Locks get **Counsel** at the right time?
- Was the **Search** of Goldie Locks and **Seizure** of the cell phone constitutional?
- Was Goldie Locks properly **Mirandized**?
- Was Goldie Locks able to **Confront** the Prosecution **Witnesses**?

There is only one crime present in the video that will be discussed and voted on.

- **Burglary of the Bear's Home (taking the cell phone). Burglary is the unlawful entry of the home of another with the specific intent to commit a theft therein.**

### 1. Select a jury foreperson.

- a. The jury foreperson will be in charge of the activity and will guide discussion and bring up views that have not yet been expressed by the jury.
- b. The teacher would be the ideal jury foreperson.
- c. In advanced classes, the roll of jury foreperson could go to a student
- d. Give the jury foreperson the enclosed "Jury Deliberation Activity – Quick Reference Guide."

### 2. Select a jury record-keeper.

- a. The record-keeper will keep a tally of all of the jury polling and guilty/not guilty votes.

### 3. Have the jury foreperson and jury record-keeper sit next to each other in front of the class.

### 4. Have the jury foreperson read the following to the rest of the class (the jury):

- a. *"We are the jury that will determine the guilt or innocence of Goldie Locks. In order to come up with a decision, we will discuss the important constitutional issues that came up during the investigation and trial. If any part of the constitution is violated, it might require us to exclude evidence. The less evidence we are able to use, the less likely it is that we will have enough to find Goldie guilty. Let's Begin!"*

**5. Discuss the first issue facing the court - Did Goldie Locks get a Fair Trial?**

- a. Poll the jury by having them put their heads down and raise their hands depending on how they feel about the question. Have the jury record-keeper keep track of the “yes” votes and “no” votes.
- b. If the class is unanimous, have various students defend their position, then move on to the next issue.
  - i. Have the jury foreperson use the Quick Reference Guide to bring up any points on the opposing side.
- c. If the class is split –
  - i. Have those in the minority defend their position.
  - ii. Have those in the majority defend their position.
  - iii. Have the jury revote publicly
    1. If the class is now unanimous, have those who changed their minds explain their decision, then move on to the next issue.
    2. If the class is still split –
      - a. Have those in the minority explain what it would take for them to change their mind.
      - b. Allow those in the majority the chance to change the mind of those in the minority.
      - c. Have the jury revote publicly.
        - i. If the class is now unanimous, have those who changed their minds explain their decision, then move on to the next issue.
        - ii. If the class is still split record the final tally and move on to the next issue.

**6. Continue step five (5) for the other issues listed above.**

**7. After finishing discussion of the issues, the jury foreperson recaps the final vote tallies and key points for each issue.**

**8. Now it is time to put the discussion and debate to practical, legal use. Have the jury foreperson read the following:**

*“Obviously, there is consensus on some issues and division on others. As a jury, we must now reconcile all of the evidence before us and come up with a verdict. Goldie is guilty of the misdemeanor trespass since she was in the home of another without permission. But was she also guilty of the more serious crime of burglary? She had the Bear’s cell phone on her person, but does that mean she had stolen it? Beyond that, was the search even constitutional? A defendant in a criminal case is presumed innocent. This presumption requires that the prosecution prove the defendant guilty beyond a reasonable doubt. In order to return a verdict of guilty or not guilty, all jurors must agree to it. Anything less than a unanimous verdict is a hung jury.”*

- a. Have the jury vote publicly and defend their positions. It is likely that the vote will not be unanimous.

**9. Debrief the class by discussing the purpose of jury trials and pondering whether justice was served. Some possible comments or extra lines of discussion:**

- a. Before the jury trial, accused parties were sometimes tried by ordeal. Think of the trial by water in which accused witches were tried. After being thrown into water, if they floated, God had rejected them and they were guilty of the crime if they drowned, then God had accepted them as innocent. The concept of earthly justice did not come about until the jury trial was instituted by King Henry II in the 12th Century. He believed that for every wrong there should be a remedy and the jury was the source to find it. Juries began having independent fact-finding powers and were final determiners of the verdict. Who could be on a jury evolved over time, and traditions and rules vary from county to county, state to state and country to country.
- b. There are two ideas of justice: distributive and retributive. In a criminal court, retributive justice is usually the one that matters most, though the distribution of criminal rights provides the backdrop. If our only concern with retribution, then criminals would be very easy to prosecute. As we saw, Goldie has many defenses despite the fact that she is obviously committing some sort of wrong. Is it fair to society if Goldie gets let off the hook simply because the police ignored the Constitution while they investigated the case? On the other hand, is it fair to Goldie if she gets put in jail despite the fact that the police ignored her rights?
- c. What are the goals of punishment? To simply provide a predictable response to someone's bad actions? To deter the person from doing it again? To deter others who might make the same mistake? To reward the people who do not commit crimes by punishing those that do? All of these are true.
- d. Since criminal law sees the accused on one side and "the people" on the other, if someone is convicted and they are actually innocent, then we as a society have imprisoned someone unjustly. We might not like it when someone who seems guilty goes free, but the guilt that society has felt when an imprisoned person has been found later to be innocent is massive. Which would make you feel worse? Which situation is worse? The bottom line in the United States is that through all of our founding documents – The Declaration of Independence, the Constitution, the Bill of Rights – and all subsequent statutory law and case law, we have settled on the following: **it is better for the principles we stand for to let ten guilty people go free than to imprison one innocent person.**

## Jury Deliberation Quick Reference Sheet

-Did Goldie Locks get a **Fair Trial**?

- **YES**
  - The jury reflects the community in which the crime occurred.
  - Her attorney had a chance to help pick the jury.
  - The judge and jury do not seem to be biased towards either side.
- **NO**
  - The news coverage has been biased and we don't know if the jury has seen those reports.

-Did Goldie Locks get **Counsel** at the right time?

- **YES**
  - She had an attorney during the trial, despite the fact that she couldn't afford it.
- **NO**
  - She was questioned before she was informed of her right to an attorney.

-Was the **Search** of Goldie Locks and **Seizure** of the cell phone constitutional?

- **YES**
  - She was arrested while trespassing, any search of her person is allowed as a search incident to a lawful arrest.
- **NO**

-Was Goldie Locks properly **Mirandized**?

- **YES**
  - The police had all information they needed; they were not seeking incriminating statements from Goldie.
- **NO**
  - Goldie was in custody, therefore, the law states that she must be read her rights before questioning continues.

-Was Goldie Locks able to **Confront and Cross-Examine** the Prosecution **Witnesses**?

- **YES**
  - Goldie, the defendant, was present at all times in the courtroom during the examination of the witnesses.
  - By cross examining the Girl Ranger leader (through her lawyer), she is using this right.
- **NO**

## The People v. Goldie Locks Worksheet KEY

Instructions: After watching the video The People v. Goldie Locks, complete the following worksheet. You may use your prior knowledge, the text and comments of the 4th, 5th, 6th and 14th Amendments, and the summaries of important case law.

### Search and Seizure

1. The 4th Amendment outlines the requirements of a lawful search and seizure.
2. Since the police did not get a warrant before searching Goldie, is there any way that her possession of the Bear's cell phone can be used as evidence of a crime? Why or Why not?  
Yes. The search of Goldie takes place after she is found inside the Bears' house. She is discovered and arrested for trespassing. The search that follows is incident to a lawful arrest. Such a search does not require a warrant.
3. Now imagine that Goldie had left the Bears' house and gone back to her own residence. In what situations could the police search her or her property?  
Since Goldie would be back inside her own residence, she would have an expectation of privacy. Since there does not appear to be any immediate danger to the community, the police would need a warrant explaining what they were looking for. The Bears would probably have filed a police report explaining what was missing, and the police could get a warrant to search for the cell phone. However, if the police went to Goldie's house and asked to come in and look around, and she consents, then they would be able to search without a warrant.

### Self-Incrimination

4. The 5th Amendment says that an accused person has the right against self-incrimination.
5. The case of Miranda v. Arizona created the requirement that the police inform a person in custody about their rights before they are questioned.
6. Goldie confessed to the crimes. Why does the judge rule her confession inadmissible?  
Miranda v. Arizona requires that a person in custody be informed of their rights. Since Goldie is under pressure and surrounded by police officers asking her questions, she is definitely "in custody." Her confession is not allowed because a person in custody MUST be informed of their rights before being questioned.

### Rights of the Accused

7. The 6th Amendment describes many rights of the accused, such as the right to an attorney and the right to a fair trial.
8. Goldie was appointed Mr. S.A. Knight as her defense attorney. The case of Gideon v. Wainwright allows even the poorest of criminal defendants the right to an attorney appointed by the court.
9. Why is the right to confront witnesses so important in the case of The People v. Goldie Locks?  
Because the Girl Ranger Troop Leader testimony is important in determining if Goldie is lying about being a Girl Ranger and getting lost. Without the ability to confront the witness and cross-examine her, it would have seemed that Goldie wasn't a Girl Ranger. Under cross-examination, the Troop Leader had to admit that there were other troops out there that could have had Goldie as a member.
10. What factors would make it difficult to find an impartial jury for Goldie?  
The news coverage of the arrest would probably make most viewers immediately think Goldie was guilty. The news showed her in handcuffs and speculated about the crime. With rumors flying around about Goldie being drunk, or on drugs, an unbiased juror would have to be someone who hadn't heard those reports, or hadn't come up with an opinion one way or another. A prospective juror may have been a victim of a burglary and may not be able to be fair and impartial. Some people have an assumption that if you're arrested, you must be guilty.

## The People v. Goldie Locks Worksheet (for secondary students)

**Instructions:** After watching the video The People v. Goldie Locks, complete the following worksheet. You may use your prior knowledge, the text and comments of the 4th, 5th, 6th and 14th Amendments, and the summaries of important case law.

### Search and Seizure

1. The \_\_\_\_ Amendment outlines the requirements of a lawful search and seizure.
2. Since the police did not get a warrant before searching Goldie, is there any way that her possession of the Bear's cell phone can be used as evidence of a crime? Why or Why not?

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3. Now imagine that Goldie had left the Bears' house and gone back to her own residence. In what situations could the police search her or her property?

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### Self-incrimination

4. The \_\_\_\_ Amendment says that an accused person has the right against self-incrimination.
5. The case of \_\_\_\_\_ v. \_\_\_\_\_ created the requirement that the police inform a person in custody about their rights before they are questioned.
6. Goldie confessed to the crimes. Why does the judge rule her confession inadmissible?

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7. The \_\_\_\_ Amendment describes many rights of the accused, such as the right to an attorney and the right to a fair trial.

8. Goldie was appointed Mr. S.A. Knight as her defense attorney. The case of \_\_\_\_\_ v. \_\_\_\_\_ allows even the poorest of criminal defendants the right to an attorney appointed by the court.

9. Why is the right to confront witnesses so important in the case of The People v. Goldie Locks?

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10. What factors would make it difficult to find an impartial jury for Goldie?

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**Important Case Law (<http://education.occourts.org/brimportantcases.asp>)**

**4th Amendment**

New Jersey v. T.L.O., 469 U.S. 325 (1985): a school official caught T.L.O. smoking in a school bathroom. She was taken to the principal's office, where the assistant vice-principal demanded to see her purse. He found a pack of cigarette rolling papers, marijuana, a pipe, empty plastic bags, a bunch of one-dollar bills, and a list of students who owed T.L.O. money. The Supreme Court ruled that school officials don't need a warrant before searching a student on campus if they have a justifiable reason that is related to the search.

Hayes v. Florida, 470 U.S. 811 (1985): the police found a burglar-rapist's fingerprints and shoeprints in the victim's apartment. The detectives interviewed 35 men fitting the description, and Hayes became the prime suspect. The police visited Hayes' home to get his fingerprints even though they had no probable cause or a warrant. When Hayes didn't want to go to the police station for fingerprinting, an officer threatened to arrest him, so Hayes agreed to go. The Supreme Court ruled that the police may not force a person from his home or elsewhere without probable cause or a warrant.

Washington v. Chrisman, 102 S.Ct. 812 (1982): a university police officer saw a student leave his dorm carrying a bottle of gin, and because he looked underage, the officer asked for his I.D. The student asked if he could go back to his room and get it, so the officer followed him and, while standing in the open doorway, he saw what looked like marijuana seeds and a pipe lying on the desk. The officer went inside, checked to see that he was right, and arrested both the student and his roommate. The Supreme Court ruled that as long as the student gives permission to the university officer to come along to the dorm room, the officer may seize the drugs and contraband in plain view and arrest the student.

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, 122 S.Ct. 2559 (2002): Earls was a member of the choir, the marching band, the Academic Team, and the National Honor Society. His school required all students who want to participate in any extracurricular activity to take a random urine drug test, which tested only for illegal drugs. But in practice, this policy has been applied only to competitive extracurricular activities, such as the ones in which Earls participated. Earls challenged the special need for testing students who participated in extracurricular activities, arguing that the policy doesn't address a proven problem or promises to bring any benefit to students or the school. The Supreme Court ruled that the school has the authority to require all students who participate in any extracurricular activities to take the drug test because the school district has an important interest in discouraging and preventing drug use.

**5th Amendment**

Miranda v. Arizona, 384 U.S. 436 (1966): the police arrested a suspect but didn't tell him he had a right to remain silent and see his lawyer before questioning him. The Supreme Court ruled that the police must tell the suspect that he has a right to be silent and to see his lawyer. If the police don't do that, nothing the suspect says during questioning will be admissible during trial.

Berkemer v. McCarty, 468 U.S. 420 (1984): if the police stops a driver for a routine traffic stop, they don't have to give him or the passengers their Miranda rights because these stops are brief, public, and there's not a lot of pressure, unlike in the interrogation room at the police station. But, the police must give Miranda rights when the traffic stop turns into an arrest.

New York v. Quarles, 467 U.S. 649 (1984): if the police believe that the public or their own safety is threatened, they don't have to give a suspect his Miranda rights before asking him if he has any weapons on him and securing the area.

Price v. Georgia, 398 U.S. 323 (1970): a person may not be prosecuted twice for the same crime.

Monge v. Calif., 524 U.S. 721 (1998): although a person may not be prosecuted twice for the same crime, a judge can give a tougher punishment for the later crime if the person had prior convictions (“Three Strikes Law”).

### **6th Amendment**

Duncan v. Louisiana, 391 U.S. 145 (1968): Duncan, a black teen, was convicted of battery without a jury trial for slapping a white teen, but it wasn’t actually clear if he slapped him or just touched his elbow. Duncan asked for a jury trial but was denied the request. He would be entitled to a jury trial for capital punishment or imprisonment with hard labor, but this was a misdemeanor, which is a lesser crime. Nonetheless, the Supreme Court ruled that in criminal cases, trial by jury is guaranteed because it protects against unsupported charges and against judges who automatically believe the police over the defendant.

Gideon v. Wainwright, 372 U.S. 335 (1963): Gideon was charged with breaking and entering. He was poor, so he asked the court to appoint an attorney for him at trial. The court refused because the law didn’t require lawyers for the poor except in capital offense cases. So Gideon defended himself without a lawyer and was convicted and sentenced to 5 years in jail. The Supreme Court ruled that the poor have the right to a lawyer because it’s necessary to a fair trial.

Escobedo v. Illinois, 378 U.S. 478 (1964): Escobedo was arrested for murder, and while being driven to the police station, he was told that he might as well confess because his accuser told the police everything. He asked to see his lawyer but was refused. When the lawyer came, he wasn’t allowed to see his client because the questioning wasn’t over yet. The police finally got a confession out of Escobedo. The Supreme Court ruled that the 6th Amendment guarantees the right to a lawyer after indictment. Although Escobedo wasn’t indicted yet, he had realistically been accused of a crime because the whole purpose of questioning was to get a confession. Therefore, Escobedo was entitled to a lawyer.

## Sources Referenced

<http://education.occourts.org/home.asp>

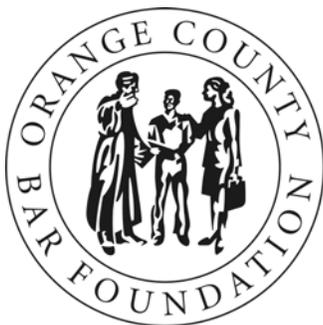
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