

Course Learning Outcomes for Unit I

Upon completion of this unit, students should be able to:

1. Discuss the role of the Bill of Rights as it relates to criminal procedures.
 - 1.1 Define habeas corpus.
 - 1.2 Explain the history behind needing probable cause.
 - 1.3 Explain the Bill of Rights.

Course/Unit Learning Outcomes	Learning Activity
1.1	Chapter 1 Unit I Assessment
1.2	Unit Lesson Chapter 1 Video: <i>Magna Carta</i> Unit I Assessment
1.3	Unit Lesson Video: <i>Bill of Rights</i> Chapter 1 Unit I Assessment

Required Unit Resources

Chapter 1: History and Development of the Law of Criminal Evidence

In order to access the following resources, click the links below.

BBC. (2014). [Magna Carta \(Segment 22 of 24\) \[Video file\]](https://libraryresources.columbiasouthern.edu/login?auth=CAS&url=https://fod.infobase.com/PortalPlayer/aylists.aspx?wID=273866&xtid=60492&luid=283590). Retrieved from
<https://libraryresources.columbiasouthern.edu/login?auth=CAS&url=https://fod.infobase.com/PortalPlayer/aylists.aspx?wID=273866&xtid=60492&luid=283590>

The transcript for this video can be found by clicking on “Transcript” in the gray bar at the top of the video in the Films on Demand database.

Cerebellum Corporation. (2018). [Bill of Rights \(Segment 1 of 25\) \[Video file\]](https://libraryresources.columbiasouthern.edu/login?auth=CAS&url=https://fod.infobase.com/PortalPlayer/aylists.aspx?wID=273866&xtid=154876&luid=514421). Retrieved from
<https://libraryresources.columbiasouthern.edu/login?auth=CAS&url=https://fod.infobase.com/PortalPlayer/aylists.aspx?wID=273866&xtid=154876&luid=514421>

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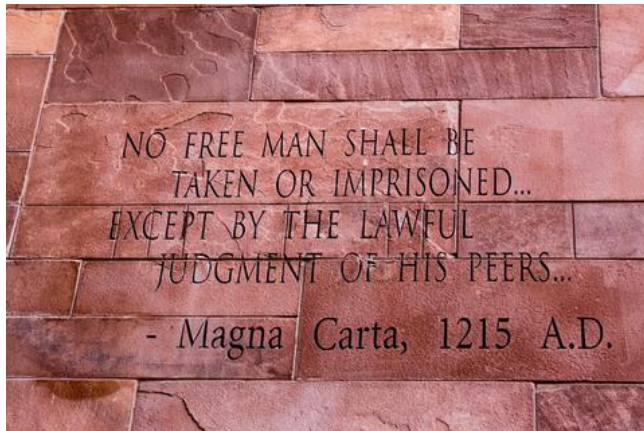
Unit Lesson

History of Guilt or Innocence

Historically, the determination of an individual's guilt or innocence in a criminal trial has its roots in the society's rules and protection of individual rights. This is primarily rooted in judge-made law that originated in England prior to 1776 (Garner & Anderson, 2016). The new American colonies adapted much of their common law practices from the British. Initially, Christianity played a role in determining guilt or innocence. The assumption was that God would let the innocent prevail (Garner & Anderson, 2016). This was eventually

replaced by the oath and oath helpers, and it was determined that presentment juries would be comprised of local residents. Beginning in the 1400s, the grand jury and trial (petit) jury appeared. Once the trial jury became established as the body that would determine the facts of the case, it became necessary to establish rules of evidence that would determine what the jury could or could not consider (Garner & Anderson, 2016). The English Magna Carta became a landmark legal document for both the United States and England. Subsequently, English kings imposed limitations of rights and power of the people. This commitment to balance influenced those who drafted the Declaration of Independence.

Magna Carta and Habeas Corpus



The Magna Carta set a standard for needing probable cause if someone was to be arrested or imprisoned. (Pyon, n.d.)

Even after one has stood trial, has received a conviction, and has been placed on death row, for example, the writ of habeas corpus provided an opportunity for a legal challenge. It was the earliest legal procedure by which illegal or improper jailing or detention could be challenged in a court of law. If a person is being held without just cause and legal authority, the judge presiding at the habeas corpus hearing must order his or her release. In federal courts, the writ can be used to review criminal convictions from state courts but only to determine if the convictions violated the U.S. Constitution or federal laws. Both the Magna Carta and habeas corpus helped establish the principle that there were limitations on government power and that individuals had rights. For more information about the Magna Carta, watch the [video Magna Carta](#).

Bill of Rights

Rules of evidence can be thought of as the gates through which information passes to the judge and jury in a courtroom. A brief understanding of the history of these rules can help explain the rules today. These rules help protect the rights of the accused as well as the public interest in seeing that justice is done.

The U.S. Supreme Court established the Bill of Rights as the first 10 amendments to the U.S. Constitution. At that time, states and their court systems had no obligation to adopt similar laws. The high court developed the doctrine of *selective incorporation* (Garner & Anderson, 2016). This entailed incorporating selective parts of an amendment rather than the whole amendment. Essentially, by using the *due process clause* of the Fourteenth Amendment, the Supreme Court incorporated the rights in the first 10 amendments. To learn more, watch the [video Bill of Rights](#). A video transcript is located in the Required Unit Resources section of this unit.

While some individual rights in criminal prosecutions are identified in the U.S. Constitution (e.g., the two-witness testimony requirement for conviction of treason in Article III, Section 3), most individual rights are found in the first 10 amendments (Garner & Anderson, 2016). Most of the Bill of Rights also apply to state governments. However, the right to review charges by a grand jury has not been applied to the states (incorporation). Also, the right to an indictment and grand jury review has not been applied against the states.

The American System of Justice

The American system of justice (both civil and criminal) is an adversary system. The two sides do not cooperate but actively challenge each other. The trial judge is the umpire or referee and enforces the rules of evidence and procedure. Each side attempts to present evidence that is favorable to its position and critical of the opponent's position. Each side uses the rules of evidence to attempt to prevent the opponent from getting its evidence admitted. If evidence is admitted, the jury or judge can consider it. If it is not admitted, the judge or jury is not allowed to learn of it. The American criminal justice system is also accusatorial. The government must prove guilt but may not coerce the defendant to confess or provide incriminating evidence.

This further enforces the adversary system; each side challenges the admissibility of evidence offered by the other side. They object to their opponent's evidence primarily based on three requirements for admissibility—relevance, reliability, and competence. Nonrelevant evidence is not admissible, even though relevant evidence can be excluded in some instances. Reliable evidence is evidence that is reasonably thought to be valid or true (Garner & Anderson, 2016). Despite the adversarial system, under certain circumstances, the *Brady Rule* applies. This entails disclosure of evidence that may prove the innocence of a defendant. Violation of due process can occur if the government loses or misplaces evidence to the case. Further, if the government uses false or perjured testimony, this can result in civil or criminal liability for those involved. Such action will also require that the defendant get a new trial.

References

- Cerebellum Corporation. (2018). *Bill of Rights* (Segment 1 of 25) [Video file]. Retrieved from <https://libraryresources.columbiasouthern.edu/login?auth=CAS&url=https://fod.infobase.com/PortalPlayerlists.aspx?wID=273866&xtid=154876&luid=514421>
- Gardner, T. J., & Anderson, T. M. (2016). *Criminal evidence: Principles and cases* (9th ed.). Boston, MA: Cengage Learning.
- Pyon, U. (n.d.). *ID 102560499* [Photograph]. Retrieved from <https://www.dreamstime.com/article-magna-carta-text-article-magna-carta-text-old-brick-wall-image102560499>

Learning Activities (Nongraded)

Nongraded Learning Activities are provided to aid students in their course of study. You do not have to submit them. If you have questions, contact your instructor for further guidance and information.

Review the key terms located in Chapter 1 on page 20 of your textbook.