Reaction Paper

Criminal Procedure

Name

Affiliation

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**Chapter: 12**

The chapter discusses the court proceedings, before the trail. The decision to charge is one of the most important aspects of court proceedings, before the trail. In criminal cases, the decision to charge depends on the evidence available, which can highlight the suspected status of the person (Capers, 2018). The prosecution tries to assure the fact that the available evidence is enough to convict the suspect, in addition to analyzing the status of physical evidence and the statements of the witnesses, as well as a defendant (Cole, Smith, & DeJong, 2018).

Identifying the probable cause of detaining suspects is another important part of the court proceedings before the trail. The probable cause of detaining the suspects means that the police officers get enough points of suspecting the past, present or future activities of any person and then impose detention on the person accordingly. In the criminal cases, it is essential that the police officers have a reasonable point or even evidence of suspecting an individual of committing some crime or having the intention of doing so. On the basis of it, they can impose detention on that suspect. On the other hand, the detentions which do not require the arrests of the suspect also does not require the probable cause to impose it (Cook, 1970).

Feedback on the cases of Rompilla v Beard and Bell v Wolfish is that the court has made the rightful decisions, in the light of the constitutional scrutiny. In the case of Rompilla v Beard, the issue highlighted was that counsel of Rompilla had not presented the case in a perfect manner, keeping in view the counterattacks of the other party, which resulted in the increased sentence of the defendant (*Rompilla v. Beard*, 545 U.S. 374). In the case of Bell v Wolfish, the court had passed the orders that some of the constitutional rights of the individuals were not applicable in the case of their status as suspects or after being placed in the detention centers. So, they have to comply with the new conditions and cannot claim their privacy (Bell v. Wolfish, 441 U.S. 520).

**Chapter: 13**

The chapter discusses the trail and conviction part of the court proceedings. Trial by jury is that type of law proceeding in which the criminal or the civil cases are not judged or resolved by the judges, but by the jury. The members of the jury reach the decision by analyzing the proceedings, as well as the claims and evidence provided by both sides (Hans, 2017).

The moral seriousness standard is that the right to a jury, provided by the sixth amendment to the criminal suspects, is also applicable to the cases of morally serious misdemeanors. Although crimes are not quite serious; however the right to a jury is extended to the misdemeanors, as well (Herzog, & Einat, 2016).

In the previous times, the twelve jury members were associated with Twelve Apostles of Jesus, which became common practice over time. However, the condition of the twelve member jury is not essential in modern times (Diamond, & Rose, 2018).

Jury selection is one of the most important parts of the judicial proceedings, which opt for a jury trial, in the United States of America. The members of the jury are randomly selected from the society through their driver license number or voter registration (Laufer, 2017). The selected people appear before the court and are questioned by the judges. In specific cases, the judges may nullify the status of a jury member, based on his strict opposition of a particular concept (Semerdjian, & Mulligan, 2019).

The feedback on the case of Snyder v Louisiana is that the court has made the right decision that the prosecutors had peremptorily struck the African American jurors from the jury. The case was about a murder at the hands of an African American criminal and it was to be decided by the five jury members, who were all African Americans. So the prosecutors peremptorily strike all the jurors, while discriminating them and suspecting their sense of judgments on the basis of their race (*Snyder v. Louisiana*, 551 U.S. 1144)

**Chapter: 14**

This particular chapter has discussed after conviction sentencing appeals and Habeas Corpus. The history of sentencing dates back to the establishment of the world societies, as it has been existing in the world since the time, the first crime was committed in the society (Gertner, 2010).

Sentencing discretion is one of the most important parts of the division of sentencing authority in the United States of America. The indeterminate sentencing system, statutory determinate system, and sentencing guideline system are the most important division of sentencing authority in the United States of America (Lubitz, & Ross, 2001).

The sentencing guidelines consist of the rules, which highlight the uniform sentencing of different types of cases in society (Miller, & Wright, 2019). On the other hand, the mandatory minimum sentence highlights the minimum possible sentence of any crime, which the ruling judge has to essentially announce according to the case. The judge does not have the authority to minimizing the mandatory minimum sentence (Berman, 2017).

The proportionality in sentencing is the concept which is supported by the constitution of the United States of America as well. The proportionality in sentencing means that all the criminals should be sentenced according to the punishment which is applicable to their level of crime (Schneider, 2012).

The feedback on the case of Lockyer Attorney General of California v Andrade is that the court has made the right choice by declaring the sentence as not cruel and unjust. The defender Andrade had claimed that he had received the unjustified punishment, which the court declared to be according to the constitution and was rightful (*Lockyer v. Andrade*, 538 U.S. 63).

Trial rights at sentencing mean that the suspect, criminal or the defender has the right to request for trial at the time of sentencing. At the time of arrest, the criminal suspects are informed of their rights and provided with the freedom of exercising the rights (Michaels, 2002).

**Chapter: 15**

This chapter has discussed the criminal procedure in the time of crisis. According to the constitution of the United States of America, illegal immigrants cannot enjoy the rights granted to American citizens as well as immigrants in the country (Grable, 1997).

The fourth amendment of the constitution of the United States of America provides the right to its citizens that they cannot be searched without probable cause (Miller, Wright, Turner, & Levine, 2019). The amendment is not applicable to the “Deportable Aliens” because of the fact that they are not the citizens of the United States of America. Moreover, they do not hold any legal status in the country, which can ensure their entitlement towards their rights granted by the country (Scaperlanda, 1991).

The feedback on the case of U.S. v Martinez-Fuerte is that the court has made the rightful decision of establishing the checkpoints along the borderline of Mexico. It is considered the violation of the fourth amendment, however, it is not, because of the fact that searching on probable cause is allowed by the amendment. Moreover, ensuring the safety of the citizens is an important duty of the border patrol and they have to keep check on the people passing through it, in order to ensure the peace and security of the region, which is a probable cause of searching the people who pass through the checkpoints (the United States v. Martinez-Fuerte, 428 U.S. 543).

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