

The Bill of Rights and CRIMINAL PROCEDURE

“Life without the Bill of Rights” Story

Directions: Read the following story and use **Handout B** to identify violations of the amendments within the story. Underline each offense. After you have found all 12 violations, number them from 1 to 12 in the margins.

As Johnny Q. Public dozed off to sleep while watching a crime show on TV, he suddenly sat straight up on the couch. There was a noise on his porch and then, “BAM!” the door was on the floor. Five men in SWAT uniforms were standing in his living room with guns pointed at him. “Don’t move and no one will get hurt! You, go search the basement. You, search the garage. You, search the kitchen!” shouted the captain. “Wh- wh- where’s your search warrant?” asked an extremely nervous Johnny. “Warrant? Here’s the warrant,” replied the SWAT captain. Johnny read, “Warrant to search the kitchen of John Q. Public and its contents.”

When the SWAT team returned from the search, they had evidence bags with them. They spoke quietly in the kitchen. Then the captain announced, “Johnny Q. Public, you are under arrest.” They took Johnny out of the house and placed him in the patrol car. Johnny was booked and led to a prison cell where he was left to wonder what exactly he had been arrested for. “Guard, what am I being held for?” pleaded Johnny each day, but the guards said they didn’t know. Eventually, he was told that if he could post one million dollars bail, he could get out of jail until the trial. “I can’t raise that kind of money. Can I at least talk to an attorney?” He’d beg, but the answer was always, “No.”

A year passed, and finally Johnny was transported from Virginia to Pennsylvania for trial. As he entered the courtroom, he saw an empty jury box and asked,

“Where’s my jury?” He was told he couldn’t have one because judges were better at determining guilt. The district attorney made the case for the prosecution that Johnny had shoplifted twenty dollars of merchandise from the local convenience store. Before the prosecution rested, the DA said, “The prosecution calls Johnny Q. Public to the stand.” Johnny didn’t want to testify, but was told he would be jailed for contempt of court if he did not. Johnny mounted the best defense he could, and by some miracle was acquitted.

A month later, Johnny was arrested again for the same charge. He was told to prepare for another trial. The prosecution presented a stronger case this time with new evidence. Johnny asked to cross-examine the prosecution’s witnesses, but the district attorney refused to allow him to question them. When it was time for Johnny to present his case, Johnny said, “I’d like to have my neighbor verify my alibi. He knows that I was at home alone that night.” But the judge replied, “Your neighbor didn’t want to get involved, and so he refused to appear. Sorry, young man, there’s nothing we can do.”

Johnny was found guilty. The judge asked Johnny to stand while he read the sentence: “Johnny Q. Public since this is your first offense, you have been sentenced to five years in a maximum security prison.” Johnny sat down dizzy with disbelief. He thought to himself, “If only there was something to protect me from all these government abuses...”