

Intro to Criminal Justice MIDTERM Study Guide

- Procedural Defenses - make the claim that the defendant was in some manner discriminated against in the justice process
 - **Entrapment (Can Be A Defense)**
 - An improper or illegal inducement to crime by agents of law enforcement
 - **Double Jeopardy - Can't Be Tried By Same Court For Same Offense**
 - A common law and constitutional prohibition against a second trial for the same offense
 - **14th Amendment - Due Process**
 - Guarantee of equal protection of the laws (Selective Prosecution)
 - A system of social control that is fair to those it processes
 - The applicability of constitutional rights to all citizens, regardless of state law or procedure
 - Law enforcement infused with the recognition of individual rights
 - Crime control through due process
- **4th Amendment - Unreasonable Search And Seizure**
 - Right against unreasonable searches and seizures
 - Right against arrest without probable cause
 - Warrant and illegally seized evidence
 - Exclusionary Rule
 - Evidence illegally seized by the police cannot be used in a trial
 - Acts as a control over police behavior
 - At the time, only binding on the federal agents
- **6th Amendment - Assistance Of Counsel**
 - Right to a speedy trial
 - Right to a jury trial
 - Right to know the charges
 - Right to cross-examine witnesses
 - Right to a lawyer
 - Guarantee of a right to counsel
 - Including court-appointed counsel for those unable to afford a lawyer
 - Right to compel witnesses on one's behalf
 - Right to due process of law
- **Police Have Discretion**
 - The exercise of choice in the decisions to investigate or apprehend, the disposition of suspects, carrying out of official duties, and the application of sanctions
 - Patrolling officers often decide against a strict enforcement of the law, preferring instead to handle situations informally
- **Jurisdiction - Geographic Area, Subject Matter, Hierarchy**
 - The territory, subject matter, or people over which a court may exercise lawful authority
 - Penal code
 - The written, organized, and compiled form of the criminal laws of a jurisdiction

Criminal Procedures Midterm Study Guide

Y Pai



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Table of Contents Criminal Procedures Midterm Study Guide

1. Understanding the eBook Criminal Procedures Midterm Study Guide
 - The Rise of Digital Reading Criminal Procedures Midterm Study Guide
 - Advantages of eBooks Over Traditional Books
2. Identifying Criminal Procedures Midterm Study Guide
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Criminal Procedures Midterm Study Guide
 - User-Friendly Interface
4. Exploring eBook Recommendations from Criminal Procedures Midterm Study Guide
 - Personalized Recommendations
 - Criminal Procedures Midterm Study Guide User Reviews and Ratings
 - Criminal Procedures Midterm Study Guide and Bestseller Lists

5. Accessing Criminal Procedures Midterm Study Guide Free and Paid eBooks
 - Criminal Procedures Midterm Study Guide Public Domain eBooks
 - Criminal Procedures Midterm Study Guide eBook Subscription Services
 - Criminal Procedures Midterm Study Guide Budget-Friendly Options
6. Navigating Criminal Procedures Midterm Study Guide eBook Formats
 - ePub, PDF, MOBI, and More
 - Criminal Procedures Midterm Study Guide Compatibility with Devices
 - Criminal Procedures Midterm Study Guide Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Criminal Procedures Midterm Study Guide
 - Highlighting and Note-Taking Criminal Procedures Midterm Study Guide
 - Interactive Elements Criminal Procedures Midterm Study Guide
8. Staying Engaged with Criminal Procedures Midterm Study Guide
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Criminal Procedures Midterm Study Guide
9. Balancing eBooks and Physical Books Criminal Procedures Midterm Study Guide
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Criminal Procedures Midterm Study Guide
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Criminal Procedures Midterm Study Guide
 - Setting Reading Goals Criminal Procedures Midterm Study Guide
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Criminal Procedures Midterm Study Guide
 - Fact-Checking eBook Content of Criminal Procedures Midterm Study Guide
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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