**III. Rights of the Accused**

A. Exclusionary Rule

* **Exclusionary Rule –**
* Police must act in good faith when requesting a warrant
* Police do not need a warrant when they see someone breaking the law

B. Movable Evidence

* ***California v. Acevedo (1991) –***
* ***Rodriguez v. United States* (2015)** –
* Police are not allowed to search the trunk or a locked glove compartment without a warrant

C. Student Locker Searches

* ***New Jersey V. T.L.O. (1980) -***
* Student lockers can be checked at any time
* Constitutional to bring in drug dogs to search every locker
* Court has ruled that the 4th Amendment rights of students can be overridden because of student safety
* ***Tinker v Des Moines* (1969)**
* Students do not “shed their constitutional rights to freedom of speech and expression at the schoolhouse gate”
* Students may express personal opinions as long as they do not disrupt class work or create substantial disorder

D. Guarantee of Counsel

* **Counsel –**
* 6th Amendment guarantees a defendant the right to an attorney
* Government must provide counsel whenever a jail sentence of 6 months or more is possible

E. Self-Incrimination

* Ernesto Miranda confessed to kidnapping, rape, and armed robbery without being told he could remain silent or talk to a lawyer (5th and 6th Amendments)
* ***Miranda v. Arizona* (1966)** –
* Miranda was eventually found guilty and sent to prison even without his confession evidence

**Miranda Rights**

1 –

2 –

3 –

4 –

5 –

6 –

F. Cruel and Unusual Punishment

* **Furman v. Georgia (1972) –**
* Discriminates against poor minorities
* Most states responded by rewriting their death penalty laws
* Found that only 1 person for every 50,000 murders was sentence to death
* **“These death sentences are cruel and unusual in the same way that being struck by lightening is cruel and unusual”**
* Disproportionate number of poor minorities sentenced to death