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Pdf As you can imagine your first observation will be that you are probably out of your rights to ask questions. It is true that there are all kinds of rights which - and I don't think anyone is questioning them - are intended to balance a persons rights to privacy and property (including intellectual property) and the state's ability to prevent and punish crimes against those rights. Equivalents of the right against self-incrimination include: In some U.S. jurisdictions the presumption of innocence does not arise until the prosecution has presented evidence to a jury. In some states this occurs in the latter stages of the investigation, or immediately after arrest. In other jurisdictions the presumption of innocence must be successfully argued to a judge as a condition of a plea of not guilty. However, it is arguable that this right has been

diluted in the United States. In European nations, and in the United Kingdom (UK) in particular, the presumption of innocence is often codified in the Statute of Limitations. In a British court the victim may not be subject to cross examination until the perpetrator has been convicted, or tried and acquitted, or pleaded guilty or not guilty. In the United States the victim is often not in a position to pursue a right of silence until after a plea has been entered by the defendant, or after the defendant has been convicted. The guilty plea can often be taken by an individual with all the procedural rights already in place, as the defendant will often plead guilty at this stage in order to avoid a trial where the outcome will not be in the defendant's favour. For example, if the defendant is found not guilty at trial, he would presumably then have a right to claim that the prosecution has no evidence against him. At that point the right against self-incrimination would then be applicable. In the United States, the right against self-incrimination is grounded in the Fifth Amendment of the United States Constitution, and in the Coram Nobis Act of 1947. The

purpose of the right of silence is to protect a suspect against future prosecutions based on self-incriminating statements.

Since the beginning of the 20th century American jurisprudence has largely abandoned the subject of self-incrimination, at least insofar as it relates to the federal courts. The right against self-incrimination has, however, been applied and developed by a number of state courts over the past century. It is generally



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