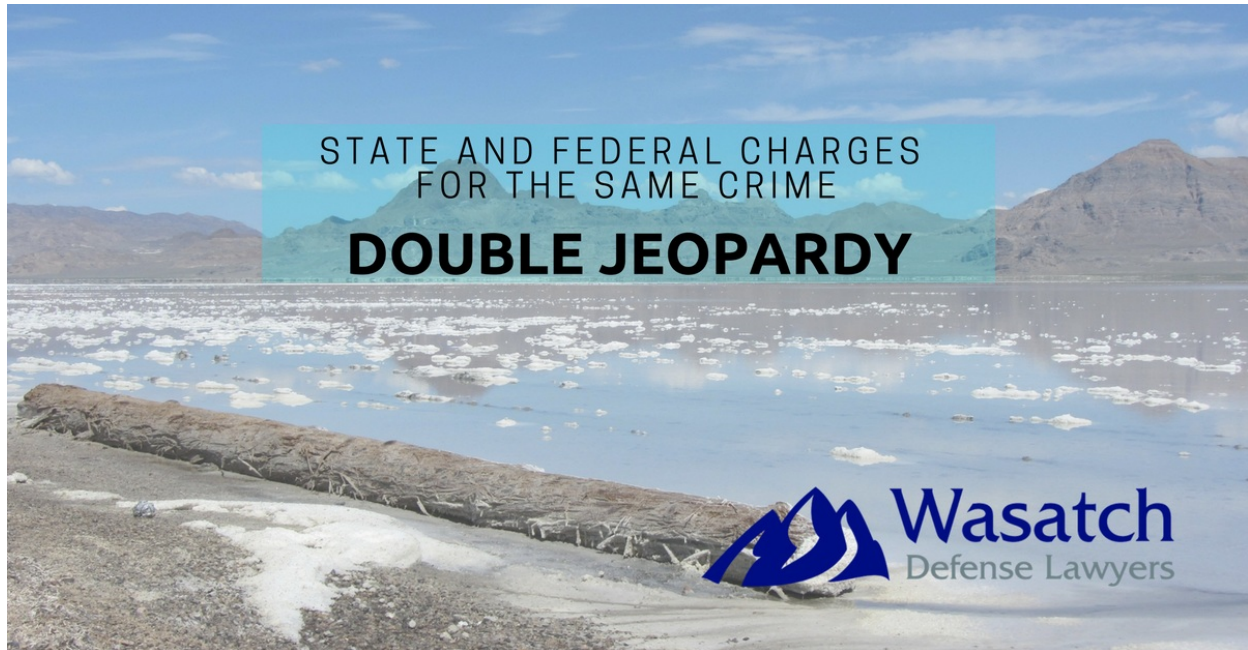


State and Federal Charges for the Same Crime

W wasatchdefenselawyers.com/state-federal-charges-crime



The Fifth Amendment to the United States Constitution, in part, states that an individual shall not be prosecuted twice for the same criminal offense (aka Double Jeopardy). ***The purpose of the Double Jeopardy statute is to protect US citizens from being placed on trial over and over*** and to prevent our judicial system from becoming congested by revisiting previous legal rulings. However, as with most legal matters, it isn't quite that simple. State and federal charges for the same crime can occur if a defendant violates both state and federal law.

The Fifth Amendment to the United States Constitution States

If you or a family member has been charged for the same crime in both state and federal jurisdictions, you need an affordable, qualified criminal defense lawyer to protect your rights and your reputation. Contact Wasatch Defense Attorneys today for your free, no-obligation consultation at 801-845-3509.

Prosecution from Both State and Federal Governments

Under federal law, state government and the US government are considered 'dual sovereigns'. This means that ***each may prosecute an individual for a criminal act without violating his or her Fifth Amendment right*** against Double Jeopardy. As a result, charges may be brought by both jurisdictions if an individual violates the governing state law and US federal law.

Reasons an Individual May Be Tried Twice for the Same Criminal Act

The investigation and prosecution for criminal acts fall under the executive branch of government; which means state and federal jurisdictions do not play a role in these decisions. And while ***most criminal prosecutions will proceed within the state's jurisdiction***, there are many reasons an individual might be prosecuted in both the state and federal jurisdictions. For instance:

- **Crimes Committed on Federal Property**

A ***crime committed on federal property, is automatically elevated to a federal crime*** and if convicted, may include heavy fines and even time in prison. Additionally, federal property is considered an enclave within the state where it is located.

Because of this, ***an act that may not be a federal crime can still be charged as such*** if the offense is illegal under the law of the state protecting the government property.

- **A Jury Fails to Return a Unanimous Verdict**

If a jury does not return a unanimous verdict in a criminal trial, ***the presiding judge will declare a mistrial***. When this happens, ***the defendant will face the same charges in a new trial***. Because the accused person did not receive an acquittal or conviction, a second trial does not violate the Double Jeopardy clause.

Choose an Experienced Criminal Defense Attorney in Utah

It is critical that you hire a qualified, experienced criminal defense attorney if you are being prosecuted twice for the same offense. Wasatch Defense Lawyers will ***help you understand the complicated state and federal laws surrounding Double Jeopardy***; we will fight for you by preparing the best possible legal defense strategy. Our compassionate attorneys believe that you deserve a fair trial and ***will aggressively advocate for you if you've been charged with the same crime twice***. Call us today for a free, no-obligation case review at **801-845-3509**.