

What Does Double Jeopardy Mean?

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What Are the Double Jeopardy Laws in Utah

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The federal Double Jeopardy law restricting criminal prosecution is designed to protect citizens from potential runaway efforts of prosecutors to obtain convictions. This crucial law helps ensure that a person is subjected to no more than a reasonable extent of government action to convict him or her of a crime. It declares a prohibition on bringing people to trial more than once for the same offense “to be twice put in jeopardy of life or limb.” But, that flawless-sounding principle is not quite as straightforward as it may appear at a glance.

The Double Jeopardy Clause in the U.S. Constitution means, essentially, that a citizen of this country cannot be prosecuted twice for the same alleged crime. That seems like a very simple legal concept. However, as with so many legal definitions and applications, there are contingencies necessitating other laws to account for them. It holds true that a defendant cannot be prosecuted more than once for the same offense, but there are some major exceptions that are not affected by that law per se.

Why Do We Need the Double Jeopardy Law?

The Double Jeopardy law prevents potential harassment of defendants by prosecutors after they have been found not guilty. It protects innocent people accused of crimes from the risk of living their entire lives in fear of being repeatedly prosecuted. Such relentless

pursuit of convictions would be psychologically devastating to accused individuals and their families. It would also consume increasingly scarce judicial resources with ongoing relitigation of cases already decided.

Facing State and Federal Charges for the Same Crime

The majority of criminal prosecutions are by the state. However, if a defendant violates both state and federal law, he/she can be prosecuted under each of the two judicial authorities on the same charges. For example:

- Murder is a state crime under Utah Code 76-5.203. It's also a federal crime under US 18-1111. The individual can be tried on state and federal charges for an alleged murder without prosecutors violating the Double Jeopardy law.
- If a person allegedly commits a felony on federal land within a state's boundaries, he/she can be legally brought to trial by both state and federal prosecutors for the same crime.

These are not considered double jeopardy cases. They do not violate the U.S. Constitution's Double Jeopardy Clause under the Fifth Amendment because, under the separate sovereigns doctrine, the state and federal governments are independent authorities. This maintenance of separate legal authority makes it possible for a person to be tried twice for the same crime without constitutional protection.

Other Double Jeopardy Exceptions

In addition to being tried for the same crime twice, once in state and once in federal court, there are other circumstances in which the Double Jeopardy law does not protect someone from being charged with the same crime twice or even more times. For example:

- Identical crime: A person charged with a car theft from a parking lot could be charged several years later with theft of another car from the same place without violating the Double Jeopardy law.
- Absence of acquittal: If a jury in a criminal trial does not reach a unanimous verdict, the judge declares a mistrial, and a new trial or multiple new trials may be necessary to achieve justice. Until the defendant is acquitted in a trial, he/she may be forced to endure additional trials for the same charges.
- Separate offenses: There are cases in which a person's alleged conduct during a crime constitutes additional and separate offenses. It can happen that those various offenses are not within the jurisdiction of the same court and are not all known to the prosecutor at the time of the defendant's arraignment on the original charge(s). So, prosecuting for these offenses does not violate laws restricting prosecutors to either prosecute for the primary offense or one or more of its included offenses. (Utah 76-1-402.2)
- Concurrent jurisdiction: Prosecution for the same offense is not legally barred if a defendant has committed one or more crimes in multiple concurrent state and/or state and federal jurisdictions if the earlier prosecution did not result in a conviction, acquittal, or termination of prosecution. (Utah Code 76-1.403-404)

- **Manipulation of prosecution:** Prosecution subsequent to the original trial is legally allowed if the previous prosecution was deliberately caused by the defendant in an attempt to avoid the sentence that might have been imposed. This applies if the prosecutor in the subsequent trial is unaware of the previous case. (Utah 76-1-405)

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We are criminal defense attorneys in Salt Lake City, Utah. We will start to work for you immediately to have charges dropped or substantially reduced and prevent you from going to jail. If you or a loved one is arrested in the Salt Lake area, you will need an experienced and aggressive criminal defense lawyer to ensure that all your rights are protected and fight for your freedom in state or federal court.

If you face criminal charges, call Wasatch Defense Lawyers at (801) 980-9965, or contact us on our website to discuss the details of your situation.
