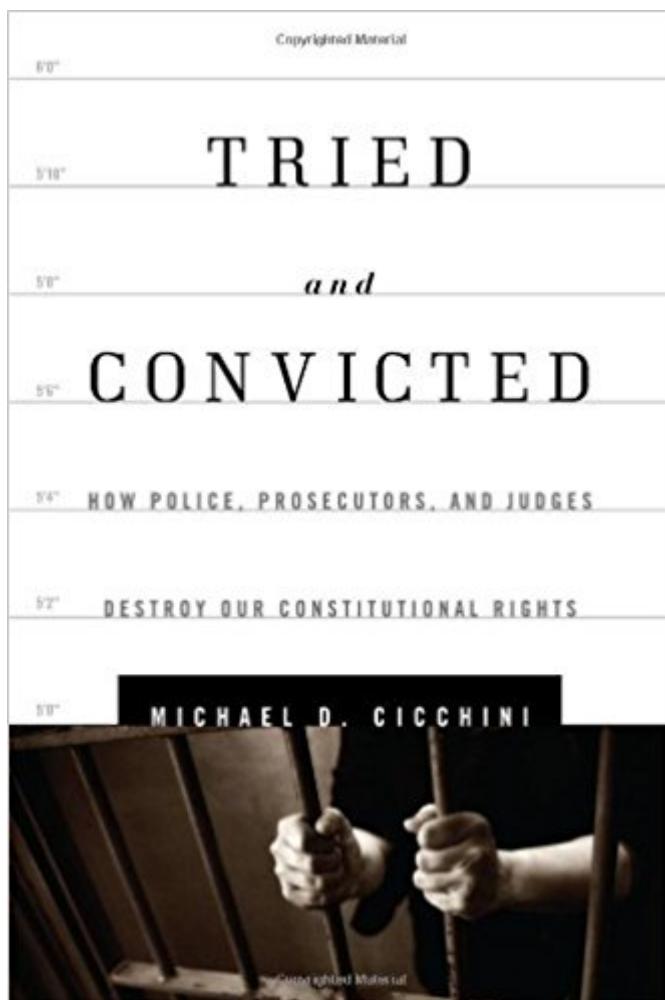


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# Tried And Convicted: How Police, Prosecutors, And Judges Destroy Our Constitutional Rights



## **Synopsis**

When an individual is accused of a crime he is provided, at least in theory, with numerous constitutional rights throughout the legal process. These constitutional rights, however, are soft and flexible, and are subject to a tremendous amount of manipulation by police, prosecutors, and judges. The result is that these government agents are easily able to bypass, and in fact destroy, our constitutional protections. This abuse of our fundamental rights is extremely dangerous. Far from being mere technicalities, constitutional rights benefit all citizens, not just the factually guilty, in ways that go unappreciated by most of us. In todayâ™s hyper-vigilant, tough-on-crime climate, many good people from all walks of life find themselves charged with serious crimes for behaving in ways that most of us would be shocked to learn are criminal. For these reasons, it is in all of our interests to ensure strong constitutional safeguards for everyone. *Tried and Convicted* explains several individual constitutional rights that are intended to protect us from the vagaries of the criminal justice system, and gives detailed examples of how government agents routinely circumvent those rights. It also exposes the underlying problems that enable government agents to circumvent the constitution, and concludes by offering potential solutions to these problems. Using real life examples throughout, Cicchini provides a wake-up call for all of us.

## **Book Information**

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## **Customer Reviews**

In this book, Michael D. Cicchina, a Wisconsin criminal defense attorney, argues quite convincingly that fundamental constitutional liberties are under attack by criminal justice practitioners. ... [T]he author also makes a convincing argument that the right to privacy is a soft law that is routinely

violated by governmental agents. ... This book is very eye opening and should be read by anyone who is interested in pursuing a career in law enforcement. It is a concise and well-written work that would make excellent supplemental reading material for virtually any undergraduate or graduate level course related to criminal law or criminal procedure. I strongly recommend this book. Once I opened it, I literally could not stop reading. (International Criminal Justice Review)Cicchini puts the police, prosecutors and judges on trialâ "a highly entertaining turn of events! (Terry Rose, Rose & Rose Law Firm, Senior Partner, Rose & Rose Law Firm, â œAâ • rated by Martindale-Hubbell, the nationâ "s leading law directory, Named â œLawyer of the Yearâ • by the ACLU of Wisconsin (1991))In the contrarian spirit of political journalist Christopher Hitchens, Cicchini destroys the prevailing media-driven views on American justice. (Jay McRoy, Ph.D., professor and chair of English at the University of Wisconsinâ "Parkside, author, Nightmare Japan and coeditor, Monstrous Adaptations)Tried and Convicted brilliantly demonstrates why our constitutional rights are often not what they seem. Michael Cicchini has written a book that can instantly be understood by non-lawyers, but contains much that even practicing lawyers don't know. So you think you know your rights? Wait until you read this. (Matthew Flynn, senior partner, Quarles & Brady LLP; author, Pryme Knúmero)Hyperbole notwithstanding, Tried and Convicted may be the most insightful, raw, and unvarnished look into the criminal justice system, short of being charged with a crime. (Amy B. Kushner, Ph.D., coauthor, But They Didnâ "t Read Me My Rights!, contributing author, 101 Gangster Movies and 101 War Movies)

Michael D. Cicchini, J.D., is a criminal defense lawyer in Kenosha, Wisconsin. Based on his numerous trial wins in felony cases, he has been named among â œThe Top 100 Trial Lawyersâ • in Wisconsin by The National Trial Lawyers, and among â œThe Top Young Lawyersâ • in Wisconsin by Super Lawyers and Milwaukee Magazine. Cicchini is a coauthor of But They Didnâ "t Read Me My Rights! Myths, Oddities, and Lies About Our Legal System, and the author of numerous articles on criminal and constitutional law. He also founded The Legal Watchdog blog where he writes on legal and other topics. More information, including the full text of his articles and a link to The Legal Watchdog blog, can be found at [www.CicchiniLaw.com](http://www.CicchiniLaw.com).

This book is both fascinating and terrifying at the same time. In my opinion, everyone should be aware of the rules and precedents that directly affect the real world use of your Constitutional rights in modern America. You might wake up tomorrow and find yourself thrust into a situation where you truly need to know the information contained herein. It might be you, a family member or friend, or

someone in your community. This book is simple and straightforward enough in that it leaves you with a very important take away that will remain long after the details will fade: give nothing away, it could cost you your freedom. The book is replete with references, but does not read like a textbook, and keeps you reading.

Just got this book today and read it, sticky-noted it, and attempted to fully digest it within three hours. Could not put down - quite impressive and disturbing at the same time. Discusses and analyzes each step of the soi disant "due process" for criminal defendants. The reader will be bombarded with blatant examples of how the criminal justice systems skews and twists the language intended to ensure a fair trial. Author is also quite gifted at using analogies to illustrate concepts that bedevil defendants at each stage of this jaded Markov Chain. Would highly recommend this to any attorney and any would-be defendant (which with the language abused in interpreting statutes could be anyone). Although many of the cases cited are Wisconsin-based, there are several SCOTUS decisions that would be applicable to any jurisdiction. Furthermore I will go out on a lark and regrettably say that many of the Wisconsin cases would have parallels in other jurisdictions. Finally to paraphrase the Dos Equis commercials, I don't often review a book for (about ten reviews out of two thousand books bought), but when I do I believe that it merits inclusion in the Canon of Essential Books.

This is an excellent, easy to read and understand book that should be read by many. What Michael writes about is not common knowledge, because people in general, do not believe that "good folks" can get caught up in the criminal justice system, but that is not true. The system, to justify its budgets, needs to prosecute and convict more and more people. The issues in this book are important and people need to be made aware of how our criminal justice system has lost all semblance of reasonableness and rationality, and consequently, distorted our Constitution and stolen our rights.

This author provides a inside and real world perspective on the inner workings of our criminal Justice in an easy to read form.

Great book, great price, great delivery.

Great read very enlightening

So you think your Constitutional rights are strong and inviolate? Think again. Read this arresting, topical and important book to have your eyes opened to the realities everyday people face when entering the maw of the criminal justice system. Cicchini is an experienced criminal defense lawyer and he knows what he's talking about. The book is concise. The prose is engaging. And it's highly readable. It's the stuff that should be taught in schools but isn't anymore. On Law Days across the country each year, lawyers should be talking about what's in this book and at long last, doing the hard work of educating our citizens about their rights and how to better protect themselves from the government. Cicchini first lays out the nature of our constitutional rights. As he writes: ". . . aside from whether the Constitution is a mere technicality or not, the numerous protections it affords us throughout the criminal process are desperately needed -- even for the factually guilty -- to protect us against the ever-expanding power of government. The reality is that we live in a "tough on crime" environment that has escalated, in many ways, well beyond what is rational or even beneficial for society, and we citizens need all the protection we can get." He then takes the reader through the ones implicated by the justice system, like our 4th Amendment 'man's home is his castle' that's supposed to protect us from unreasonable searches and seizures by requiring a judicially approved warrant supported by probable cause or our 5th Amendment right against self-incrimination or our 6th Amendment right to confront the witnesses against us as well as our right to a speedy and public trial -- all constitutional rights which have been hammered and softened by high court judicial decisions and which are daily grievously circumvented by police, prosecutors and judges -- the "government agents" arrayed and allied against the individual. But don't misunderstand, this book isn't a sop to bleeding-hearts. It's a wake-up call for everyone of what can happen to anyone who one day by happenstance, choice or stupid decision-making or just plain dumb luck finds themselves asking, "How the hell did I wind up here?" As such, the author provides a real service by informing and educating. And he brings the reality all home of 'it can happen to anyone' by using easy-to-follow real life examples. And while his prescriptions are short and long term, the most obvious, of course, is "education about our constitutional rights." His book as he himself concludes tries to advance that goal. In my view, he does so masterfully.

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