

- **Substantive criminal law** defines conduct that is criminally punishable by the government as a wrong committed against the people as a whole.
 - Criminal procedure, which stems from constitutions, statutes, and court rules, sets forth the mechanisms and processes through which substantive criminal laws are administered in an attempt to balance the need to respect individual rights on one hand and the need to maintain public order on the other.
- The original provisions of the U.S. Constitution contain a number of provisions regulating criminal procedure, including the right to petition for a writ of habeas corpus, bars on bills of attainder, a prohibition on ex post facto laws and punishments, and special procedures for treason convictions.
- The Bill of Rights sets forth a number of important substantive rights relevant to criminal law, including the rights to free speech, expression, and peaceable assembly; the guarantee of a free press; a prohibition on the establishment of a state religion; the right to freely practice one's religion; and the right to bear arms.
- The **4th Amendment** protects people in the United States against unreasonable searches and seizures.
- The **5th Amendment** protects people from being forced to incriminate themselves and from facing double jeopardy.
- The **6th Amendment** provides those who are accused of crimes with a host of pretrial and trial rights to jurisdiction and venue rights, speedy and public trial by impartial jury, the right to confront adverse witnesses, the right to compel witnesses to testify, and the right to effective assistance of counsel.
- The **8th Amendment** prohibits excessive bail, fines, and cruel and unusual punishments.
- The **5th and 14th amendments** guarantee due process of law and the equal protection of the laws.