

THE DOUBLE JEOPARDY QUESTION AND ANSWER

Question posed to two different attorneys. One attorney was happy to answer free of charge. Second attorney charged a fee we were happy to pay.

Scenario: officer(s) of the court are found to be guilty of "Fraud Upon the Court" after a case has been tried.

The defendant was found NOT GUILTY

QUESTION: If the officers of the court are found to have committed "Fraud Upon the Court" does this overturn the not guilty verdict for the defendant?

Optional Information:

Country relating to Question: United States

State (if USA): California

You have received an Answer!

From [JB Umphrey](#)

Wednesday, August 15, 2012 6:44 PMEST

The answer to your question is "no." The defendant was found not guilty and that's how things will remain. The defendant cannot be tried twice for the same crime (double jeopardy).

It has been my pleasure to assist you today with your information needs. It is my goal that you are satisfied. *No expert can promise you an answer that is favorable to your circumstances.* But I will do my very best to explain the legal principles that are related to the facts you've described so that you can better understand the "why" of things.

You replied

Wednesday, August 15, 2012 6:49 PMEST

Can you explain the legal principles that are related to the facts I've described so that we can better understand the "why" of things.

You have received an Answer!

From [JB Umphrey](#)

Wednesday, August 15, 2012 6:52 PMEST

I am happy to do so. The Fifth Amendment of the U.S. Constitution provides:
[N]or shall any person be subject for the same offence to be twice put in jeopardy of life or limb"

Since the defendant has already been acquitted, under the Constitution, he cannot be tried again for the same crime. The Constitution does not allow it.

The not guilty verdict stands.

You replied

Wednesday, August 15, 2012 6:54 PMEST

Is there any problem with me posting these answers in a public forum to resolve a legal dispute?

You have received an Answer!

From [JB Umphrey](#)

Wednesday, August 15, 2012 7:01 PMEST

The Fifth Amendment is a part of a public document. You can post this link:
<http://www.gpo.gov/fdsys/pkg/GPO-CONAN-1992/pdf/GPO-CONAN-1992-10-6.pdf>

Best wishes!

~~ J.B.

RIGHTS OF PERSONS - FIFTH AMENDMENT

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

<http://www.ballew.com/bob/htm/fotc.htm> "Fraud On The Court By An Officer Of The Court" And "Disqualification Of Judges, State and Federal"