

DUE PROCESS RIGHTS PROTECTED BY LAW

Judge must be fair to all parties and may not do or say anything that might prejudice either litigant. U.S. v. Price, 13 F.3d 711 (3rd Cir. 1994)

Right to a fair trial is basic requirement of due process and includes the right of unbiased judge. Haupt v. Dillard, 17 F.3d 285

A JUDGE MAY NOT DIRECT A VERDICT OF GUILTY NO MATTER HOW CONCLUSIVE THE EVIDENCE. Connecticut v. Johnson, 460 U.S. 73, 83

When a person of ordinary intelligence does not receive fair notice that his contemplated conduct is forbidden, prosecution for such conduct deprives him of due. U.S. v. Nevers, 7 F.3d 59 (9th Cir. 1993)

Citizens must be afforded due process before deprivation of life, liberty, or property. Keim v. Hyatt, 44 F.3d 415 (6th Cir. 1995)

Due Process requires that litigant claim be heard by fair and impartial fact finder applies to administrative as well as judicial proceedings. Muse v. Sullivan, 925 F.2d 785 (5th Cir. 1991)

Due Process IS VIOLATED WHEN GOVERNMENT VINDICTIVELY ATTEMPTS TO PENALIZE A PERSON FOR EXERCISING PROTECTED STATUTORY OR CONSTITUTIONAL RIGHTS. U.S. v. Conkins, 987 F.2d 564 (9th Cir. 1993)

Prosecution of Citizen who is unaware of any wrongdoing for “wholly passive conduct” violates due process. U.S. v. Layne 43 F.3d 127 (5th Cir. 1995)

For the government to punish a person because he had done what the law plainly allows him to do is a due process violation of the most basic sort. U.S. v. Guthrie, 789 F.2d 356 (5th Cir. 1986)

The purpose of the due process hearing is to safeguard from deprivation the liberty or property rights of protected person, and this can only be done where the decision maker so that the decision maker can sift through the facts, weigh the evidence and reach the appropriate conclusion. Poonce v. Housing Authority of Tulane County, 389 F.Supp. 635 (D.C. Cal. 1975)

Only by due process of law may courts acquire jurisdiction over parties. Weiss v. Shapiro Candy Mfg. Co., Inc. 18 A.2d 706, 707

Due Process of law means that every citizen shall hold his life, liberty and property under the protection of the general law which governs society, and in the concrete, that in a contest concerning these rights, he will be given the opportunity to contest the propriety of each step in the action sought to be taken against him. City of St. Louis v. Missouri Pac. Ry. Co., 211 S.W. 671, 627

The essential elements of due process of law are notice and opportunity to defend. *Simon v. Croft*, 182 U.S. 427

Individual must be afforded notice and opportunity for hearing before he is deprived of any significant property interest, and exceptions to this principle can be justified only in extraordinary circumstances. *Randone v. Appellate Dept. or S.Ct. of Sacramento Co.*, 488 P.2d 13 (1971)

Central meaning of “procedural due process” is that parties whose rights are to be affected are entitled to be heard and, in order that they may enjoy that right, they must first be notified, also includes right to notice and opportunity to be heard at meaningful time and in meaningful manner. *Fuentes v. Shevin* 407 U.S. 67 Cornerstone of due process is preventing of abusive governmental power. *Weimer v. Amen*, 870 F.2d 1400 (8th Cir. 1989)

Substantive due process refers to certain actions that the government may not engage in, no matter how many procedural safeguards it employs. *Rochin v. California*, 342 U.S. 165

Law of the Land...and “due process of law” are synonymous. *Direct Plumbing Supply Co. v. City of Dayton*, 38 N.E.2d 70, 72

Failure to adhere to agency regulations may amount to denial of due process if regulations are required by constitution or statute. *Curley v. United States*, 791 F.Supp.52

Depriving one of property without just compensation is a denial of due process of law. *Hoffman v. Stevens*, 177 F.Supp. 808 (1959)

The due process clause of the Fifth Amendment guarantees to each citizen the equal protection to the laws and prohibits a denial thereof by any Federal official. *Bolling v. Sharpe*, 327 U.S. 497

The constitutional provisions that no person shall be deprived of life, liberty or property without due process of law, nor private property taken for public use without just compensation, are intended as limitations upon the power of the government in its dealings with the citizen, and relate to that class of rights whose protection is peculiarly within the province of the judicial branch of government, and that the courts are bound to give remedy for unlawful invasion of rights of property by officers of any branch of government. *United States v. Lee*, 106 U.S. 196 (1882)

Neither the state nor the municipality, which is an arm of the state, can deprive any person of life, liberty, or property without due process of law. *Wilson v. Zainesville*, 13 Ohio St. 286, 199 N.E. 187

The provisions in the fifth amendment to the Constitution of the United States, declaring that private property shall not be taken for public use without just compensation, is intended solely as a limitation on the exercise of power by the government of the United States, and is not applicable to the legislation of the States. (Fourteenth Amendment is) *Barron v. Mayor and City Council of City of Baltimore*, 32 U.S. 243 (1833)

The due process clause protects an accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime which he is charged. *United States v. Johnson*, 718 F.2d 1317, 1320 (5th Cir. 1983)