

What is Double Jeopardy?

To some people, double jeopardy is watching two game shows back to back. However, to a [New Jersey criminal attorney](#), double jeopardy is something very different—a protection of one of our most basic constitutional rights.

In essence, double jeopardy prevents a defendant from being tried twice for the same crime. If the prosecutor didn't do a good job the first time and believes that if she tried the case again she'd win, she still doesn't get a second chance. "Same crime" means an offense that requires proof of the same facts. For example, if you have been acquitted of stealing an automobile, you cannot be accused of operating that same automobile without the owner's consent.

According to double jeopardy rules, you may not be retried after acquittal (or conviction, but that is rarer). This includes any type of acquittal, such as an implied acquittal (for example, if you're convicted of manslaughter, it is implied that you did not commit first-degree murder). However, if your case is overturned for procedural errors or if the judgment was not a final judgment (such as a mistrial or motion for a new trial), you may be retried. A second trial is permitted in this situation because the first trial didn't really count; a final verdict was never rendered.

Double jeopardy does not apply to civil cases; you may be sued in civil court even if you are acquitted of a crime (hire a good [New Jersey criminal attorney](#) who can guide you through the process). For instance, your [New Jersey criminal attorney](#) may get you acquitted for a [New Jersey crime](#) such as attempted murder but the defendant can still be tried for a related, federal crime, such as a civil rights violation. This second trial is permitted because double jeopardy applies only to the same crime and the same sovereign. States and the federal government are both "sovereign" over their territory; this sharing of sovereignty is called the dual sovereignty doctrine.

The [New Jersey criminal attorneys](#) at Helmer, Paul, Conley and Kasselmann, PA, are intelligent, experienced lawyers who will make sure you have the best representation possible. If you have been charged with a crime, contact the attorneys at Helmer, Paul, Conley and Kasselmann, PA, for a free, no-strings-attached consultation.