

Opener

If you are ever charged with a serious crime and you are looking at possible jail time, the most important phrases you will hear and learn about are **“innocent until proven guilty”** and **“beyond a reasonable doubt.”**

What do these mean? Give Examples



The Courts: Structure and Participants

1000 Crimes
500 Reports
100 Arrests

50 Charges
45 Guilty Pleas
3 Guilty at Trial
2 Acquittal

**32 Community
Corrections**

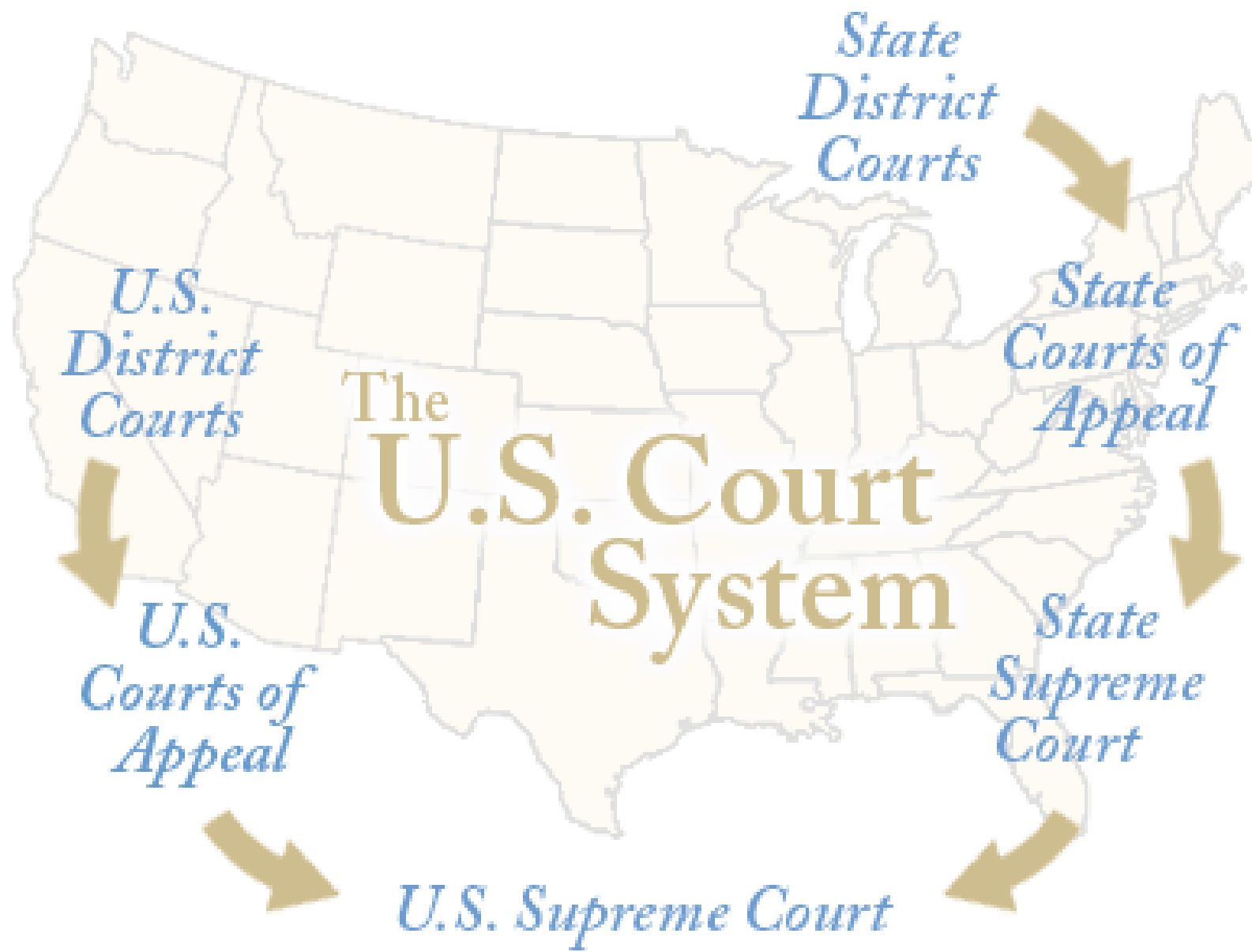
**16
Prison**

America's Dual Court System

The United States has courts on both the federal and state levels.

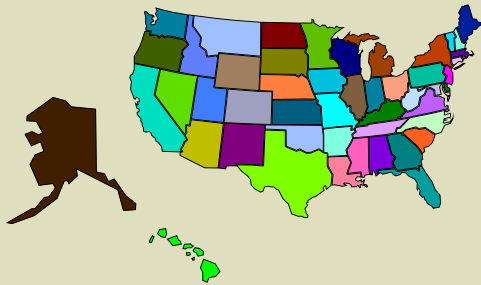
This _____ reflects the state's need to retain judicial autonomy separate from the federal government.

Most criminal cases _____

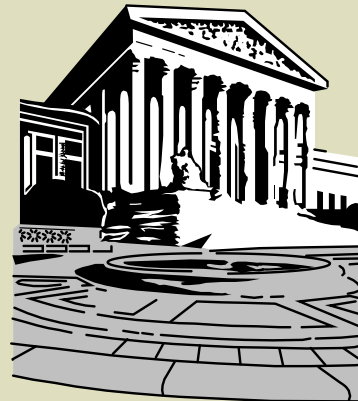


Dual Justice Systems

State systems



The federal system
handles



Jurisdiction

The *jurisdiction* of a court refers to those..

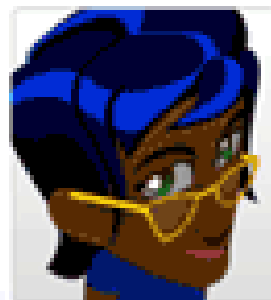
- Determined by statute or constitution

2ND CIRCUIT



9:41

When I got to my beach house for my vacation this year, there was a guy living there who says he owns the property. What court can I go to to prove I own the land?



TO WHAT SYSTEM DOES THIS CASE BELONG?

FEDERAL

STATE

Name: Terra Firma

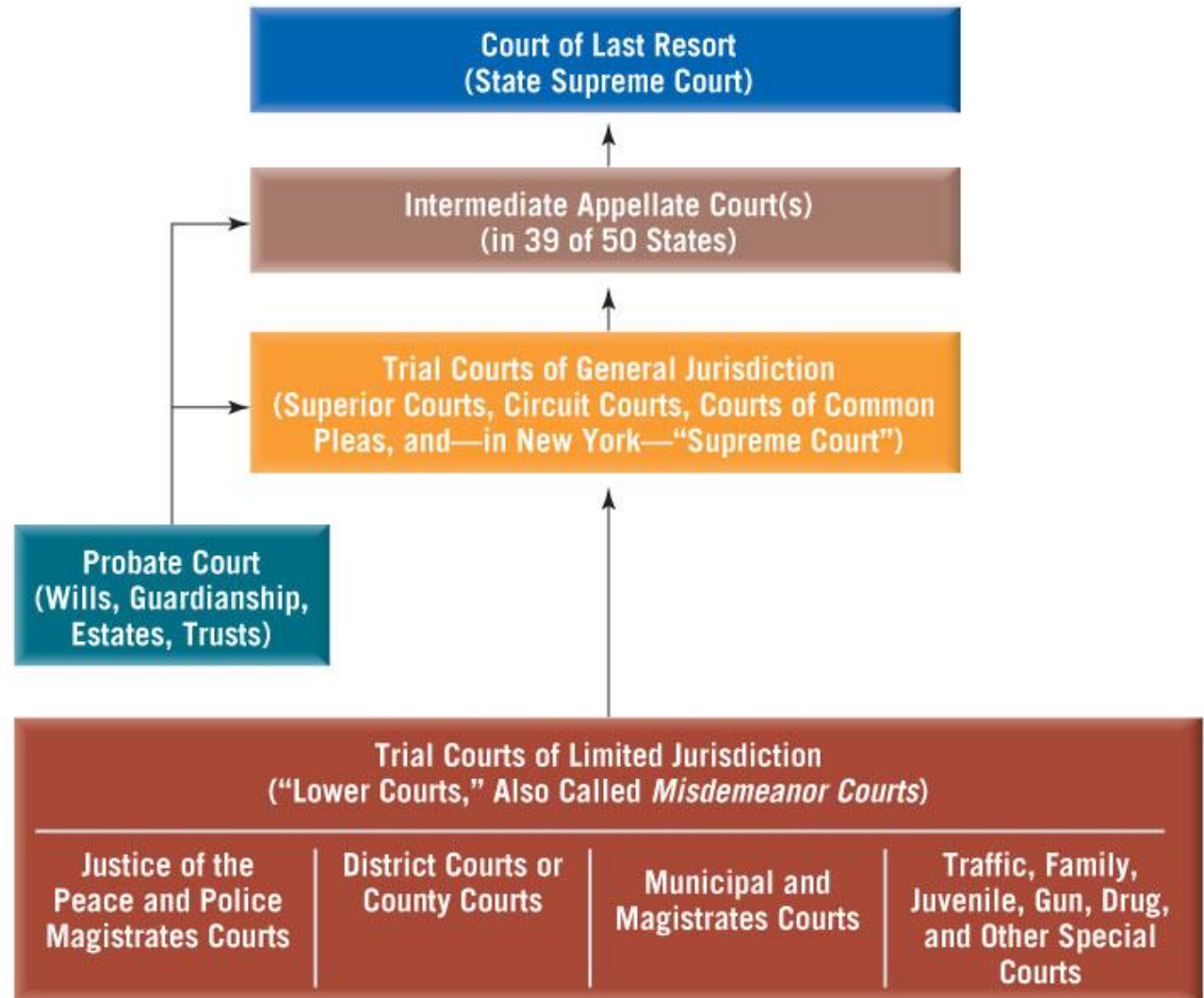
Age: 46

Location: Vermont

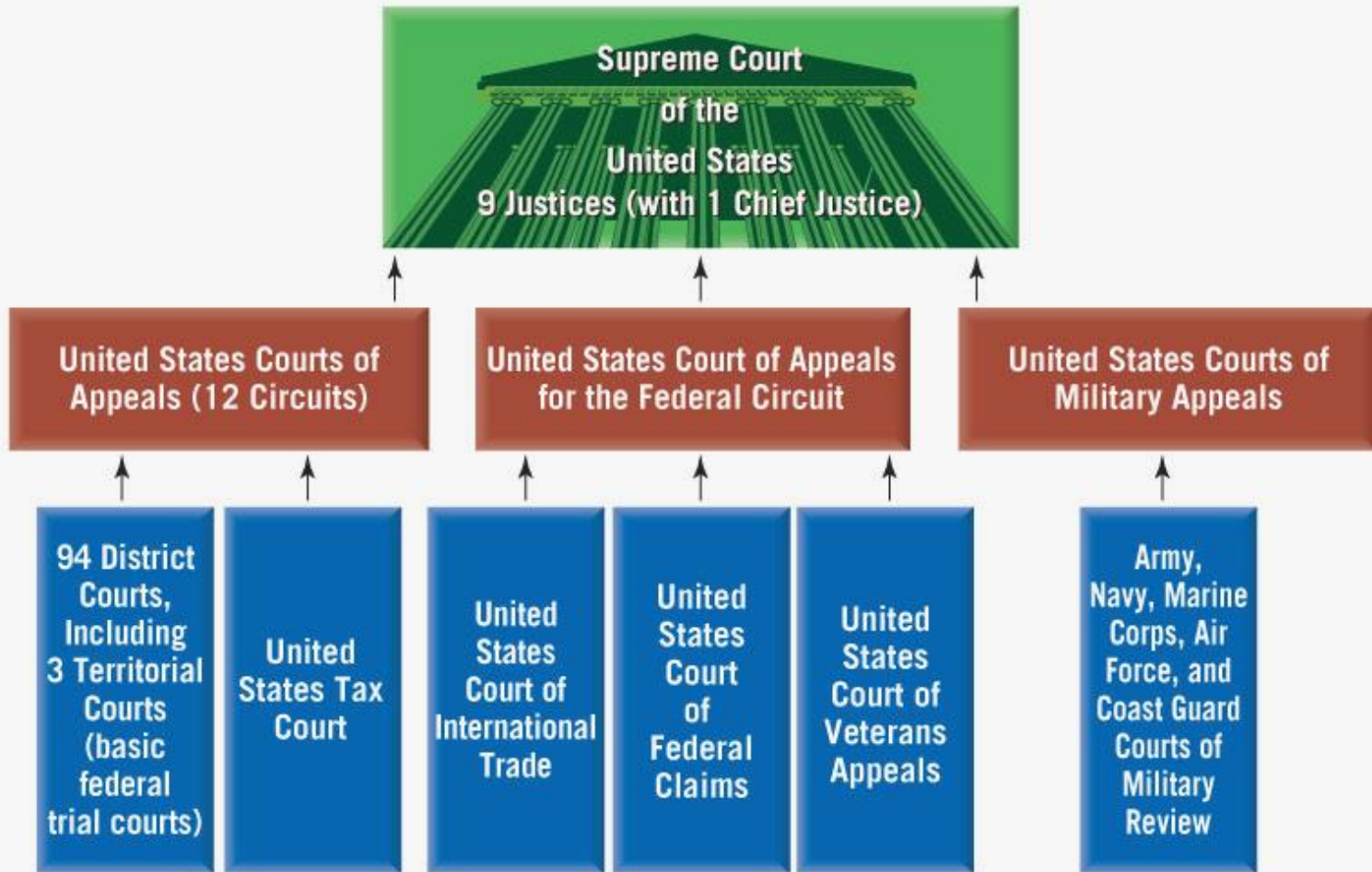
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BACK TO US MAP

A Typical State Court System



Federal Court System



The State Court System

Early Court Systems

The US inherited England's law system. Each colony had its own court system.



CRIMINAL JUSTICE TODAY, 10E
by Dr. Frank Schmalleger

Education, Inc.
Justice Hall
River, NJ 07458

Early Court Systems

By 1776 all colonies had fully functioning courts, but there was a lack of “trained” lawyers.



by Dr. Frank Schmallegger



Original vs. Appellate Jurisdiction

Original Jurisdiction

... the lawful authority of a court to

...may be over a specific geographic area or over particular types of cases.

Appellate Jurisdiction

...the lawful authority of a court to...

Federal Judiciary Act of 1789

3-Tier Model for Court System







1. State Trial Courts

- Where criminal cases “begin.”

- _____
- _____
- _____
- _____
- _____

- Two types of trial courts:

- 1A. Courts of limited, or special, jurisdiction (lower courts)
- 1B. Courts of general jurisdiction

1A. State Trial Courts: Courts of Limited Jurisdiction

Authorized to hear:

- _____
- _____
- _____
- _____

1A. State Trial Courts: Courts of Limited Jurisdiction

Lower courts:

- Rarely hold jury trials
- Do not maintain detailed records of proceedings (just charge, plea, finding, and sentence)
- Less formal than higher courts

1B. State Trial Courts: Courts of General Jurisdiction

Also called: high courts, circuit courts, or superior courts.

Formal courts that make full use of...

Authorized to hear:





2. State Appellate Courts

- **39 states have intermediate and high-level appellate courts (courts of last resorts).**
- **All states have supreme courts.**

3. Appeals Process

- Appeals are...
- Some cases (involving death penalty or life sentences) are automatically appealed.

3. Appeals: The Process

- Appellate court reviews transcripts from lower trial courts and may allow for lawyers from both sides to make oral arguments.

Appeals: The Results

- **Most convictions are**

- **Some decisions are**

- **Recourse may be to a state supreme court.**
- **Generally, state supreme court is the**

Appeals: Moving to the Federal System

Cases can be appealed to the U.S. Supreme Court if they are based on a claimed violation of the defendant's rights as guaranteed under federal law or the U. S. Constitution.

4. Community Courts

- **Low level courts focusing on quality-of-life crimes that erode neighborhood morale**
- **Emphasize problem solving rather than punishment**
- **Build on restorative principles such as community service and restitution**

The Federal Court System

The Federal Court System

Established by the U.S.
Constitution

Article III, Section 1

“One Supreme Court, and such inferior courts as the Congress may from time to time ordain and establish.”

Jurisdiction of Federal Courts

Article III, Section 2

- **Federal courts have jurisdiction over cases arising under the Constitution, federal law, and treaties.**
- **Federal courts settle disputes between states and have jurisdiction in cases where one of the parties is a state.**

Structure of Federal Court System

Three Levels of Courts

- **U.S. Supreme Court**
- **U.S. Courts of Appeals**
- **U.S. District Courts**

U.S. District Courts

- **There are 94 judicial districts**
 - **At least 1 district court per state**
 - **District courts in Puerto Rico, the District of Columbia, and other U.S. Territories**

U.S. District Courts

...the trial courts of the federal system

...original jurisdiction over all cases involving alleged violations of federal statutes

District Court Judges

- **There are 650 district court judges.**
 - **Appointed by the President and confirmed by the Senate**
 - **Serve for life**
- **District court judges are assisted by magistrate judges, who:**
 - **Conduct arraignments**
 - **Set bail**
 - **Issue warrants**
 - **Try minor offenders**

U.S. Courts of Appeal: Circuit Courts

- **There are 13 U.S. Courts of Appeals**
 - **The 94 judicial districts are organized into 12 regions (circuits), each with 1 Circuit Court.**
 - **The Federal Circuit has 1 U.S. Court of Appeals.**

U.S. Circuit Courts of Appeal



U.S. Courts of Appeal: Circuit Courts

- **167 appeals court judges on the 12 regional courts**
- **Review cases on appeal from U.S. district courts and trial-level federal courts**
- **Have mandatory jurisdiction over decisions of appealed district court cases**

Right to Appeal

- **The Constitution guarantees a right to appeal.**
- **A defendant's right to appeal, however, has been interpreted to mean the right to one appeal.**
- **Therefore, the U.S. Supreme Court does not hear every appeal by defendants dissatisfied with the decision of a federal appeals court.**

U.S. Supreme Court

U.S. Supreme Court

- **The U.S. Supreme Court consists of nine justices:**
 - **Eight Associate Justices**
 - **One Chief Justice**
- **Justices are nominated by the President, confirmed by the Senate, and serve for life.**

Jurisdiction of the U.S. Supreme Court

Original jurisdiction

- Limited
- Reserved for disputes between states and some cases of attorney disbarment

Appellate jurisdiction

- Reviews the decisions from U.S. Courts of Appeals and state supreme courts

Judicial Review

... the power of a court to review actions and decisions made by other agencies of government.

It is probably the U.S. Supreme Court's greatest power.

Marbury v. Madison (1803)

Formally established Court's power of judicial review.

The U.S. Supreme Court established the Court's authority as final interpreter of the U.S. Constitution by declaring “it is emphatically the province of the judicial department to say what the law is.”

The Courtroom Work Group: Professional Courtroom Actors

Courtroom Participants

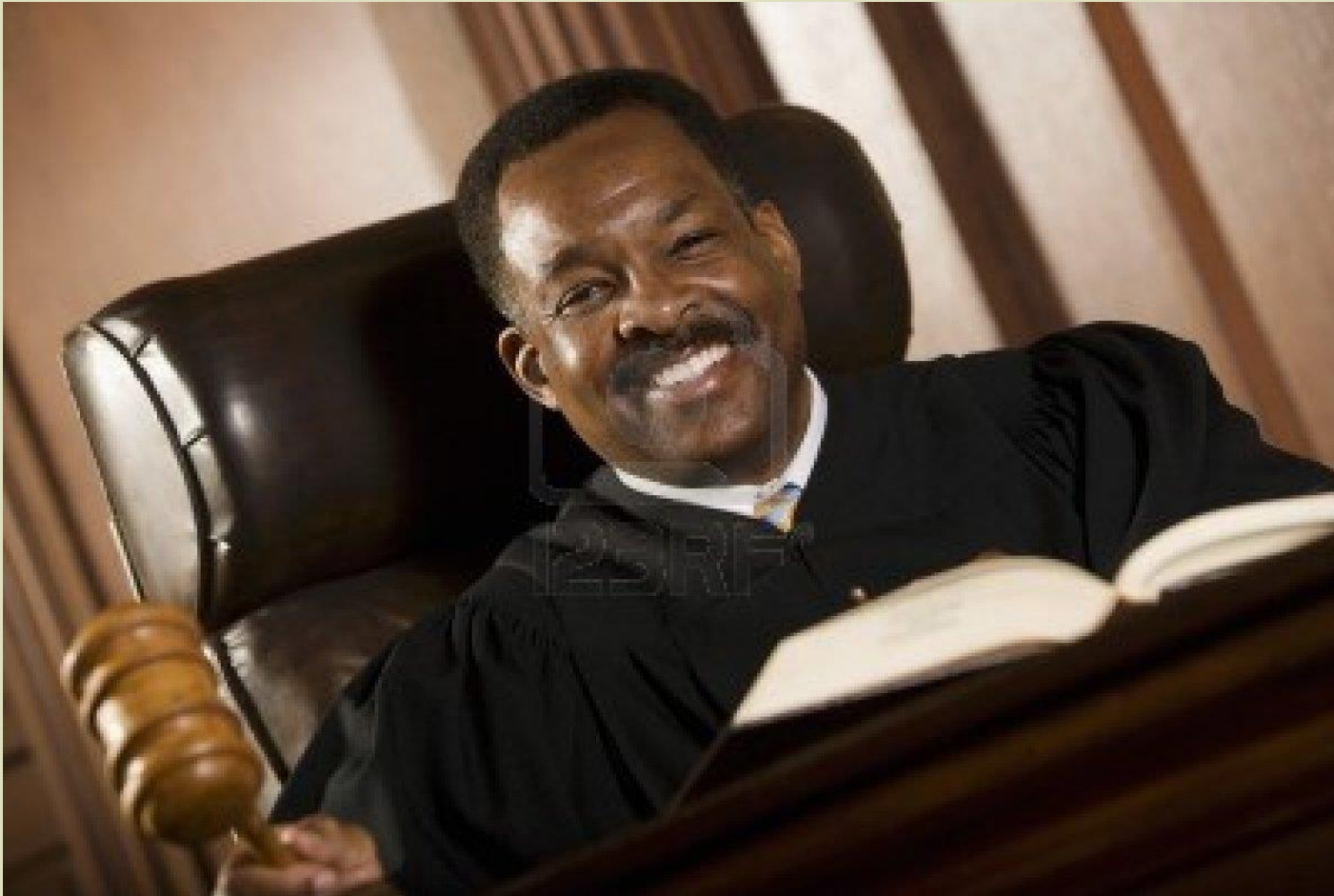
Professional (Courtroom Work Group)

- Judge
- Prosecuting attorney
- Defense attorney
- Bailiff
- Court reporter
- Clerk of the court
- Expert witnesses

Non-Professional (Outsiders)

- Lay witnesses
- Jurors
- Defendant
- Victim
- Spectators
- Press

I. The Judge



CRIMINAL JUSTICE TODAY, 10E
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The Judge

Primary duty → to ensure justice

Responsibilities include:

The Judge

The _____ handles administrative responsibilities if there is no court administrator. The chief judge:

- Hires staff
- Ensures adequate training of new judges and staff
- Generally manages court operations

Judicial Selection

Federal Judges

- **Nominated by**

- **Confirmed by**

State Judges





Judges: Qualifications

At general and appellate levels:

- **Be a member of the state bar**
- **Be a licensed attorney**
- **Hold a law degree (in most states)**
- **Attend professional training**

In some states, lower court judges may be elected without educational or other professional requirements.

Judicial Misconduct

Judges who overstep the limits of their authority may be impeached, or not elected.

Prosecuting Attorney



Prosecuting Attorney

Prosecutors are also referred to as:
solicitor, district attorney, state's attorney, county attorney, or commonwealth attorney.

Federal prosecutors are called *U.S. Attorneys*.

Prosecutor

Prosecutors can be

- **All but five states elect prosecutors. Prosecutors are elected for four-year terms.**
- **Five states and the federal government appoint their prosecutors.**

Prosecutor's Responsibilities

- - State has the burden of proof
- **Supervise staff of assistant district attorneys**
- **Serve as quasi-legal advisor to police**
- **Files appeals on behalf of the state**
- **Makes presentations to _____**

Prosecutorial Discretion

**...Remember this!? What is it? Give
EXAMPLES**

Prosecutorial Discretion

Prosecutor decides:

- **When to schedule cases for trial**
- **Whether or not to accept a negotiated plea**

Defense Counsel



Defense Counsel

- Represents _____
- Participates in plea negotiations
- Prepares a defense
- Calls witnesses
- _____
- Presents arguments at _____
- Files _____

Three Major Categories of Defense Counsel

1.	_____	<ul style="list-style-type: none">◆ Have their own legal practices or work for law firms◆ Fees can be high
2.	_____ _____	<ul style="list-style-type: none">◆ Lawyers drawn from a roster of all practicing attorney◆ Fees are paid at a rate set by the government
3.	_____	<ul style="list-style-type: none">◆ Relies on full-time salaried government staff

Public Defenders?

Criminal Defense of the Poor

**The _____ to the U.S.
Constitution guarantees criminal
defendants the effective assistance of
counsel.**

**Defendants who are unable to pay for
private defense attorneys will receive
adequate representation at all stages of
criminal justice processing.**

Gideon v. Wainwright (1963)

This case extended the right to appointed counsel for indigents in all felony cases.

Criticisms of Public Defenders

Criticisms relate to

See Article

Court Reporter

The _____, also called the _____ or *court recorder*, creates a written record of all court proceedings.



Clerk of Court

The duties of the **clerk of court** include:

- Maintaining all records of criminal cases and verdicts
- Preparing the jury pool and issuing jury summonses
- Subpoenaing witnesses
- Marking physical evidence for identification at trial
- Swearing in witnesses

Expert Witness

Expert witnesses have special knowledge and skills in an established profession or technical area. Usually, this person is paid to testify.

Unlike lay witnesses, they may express opinions and draw conclusions in their testimony.

Outsiders: Nonprofessional Courtroom Participants

Witness

- Non-expert witnesses are called **lay witnesses**. They may be:
 - _____
 - _____
 - _____
- Lay witnesses are _____ to testify to that which they have direct knowledge of.

Jurors

Article III of the U.S. Constitution

- “trial of all crimes...shall be by jury”
- States determine the number of **jurors**.
Most use 12, plus 2 alternates.
- Jury duty...a civic responsibility

Voir Dire

The Victim

- **Not all crimes have clearly identifiable or surviving victims.**
- **Victims often face hardships as they participate in the court process.**

The Defendant

- Generally, they must be present at trial.
- **Defendants** exercise choice in:
 - Selecting and retaining counsel
 - Planning a defense strategy with counsel
 - Deciding what information to provide counsel
 - Deciding what to plea
 - Deciding whether or not to testify
 - Determining whether or not to file an appeal

Spectators and the Press

- **May be present at trial; with more at higher-profile cases**
- **The right of reporters to be there is supported by the Sixth Amendment's requirement of a public trial.**
- **Most courts allow cameras in the courtroom...for television coverage.**