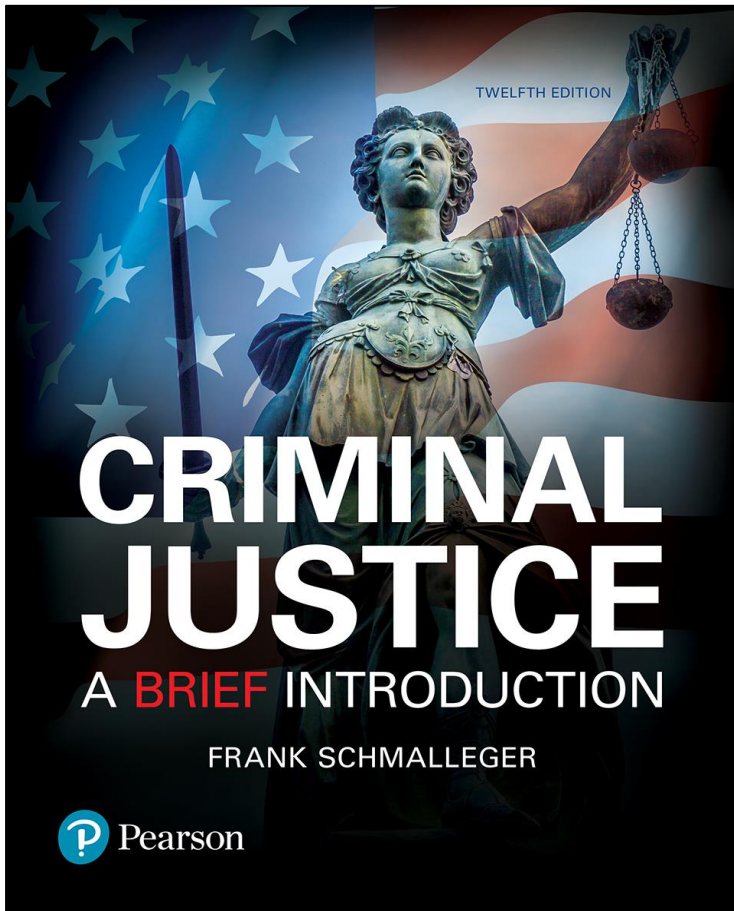


Criminal Justice: A Brief Introduction

Twelfth Edition



Chapter 7

The Courts

History and Structure of the American Court System

- Dual court system
 - Federal court system
 - State court systems
- Resulted from agreement about the need for states to retain legislative authority and judicial autonomy
- Jurisdiction
 - The territory, subject matter, or people over which a court may exercise lawful authority

Figure 7–1 The Structure of the Federal Courts

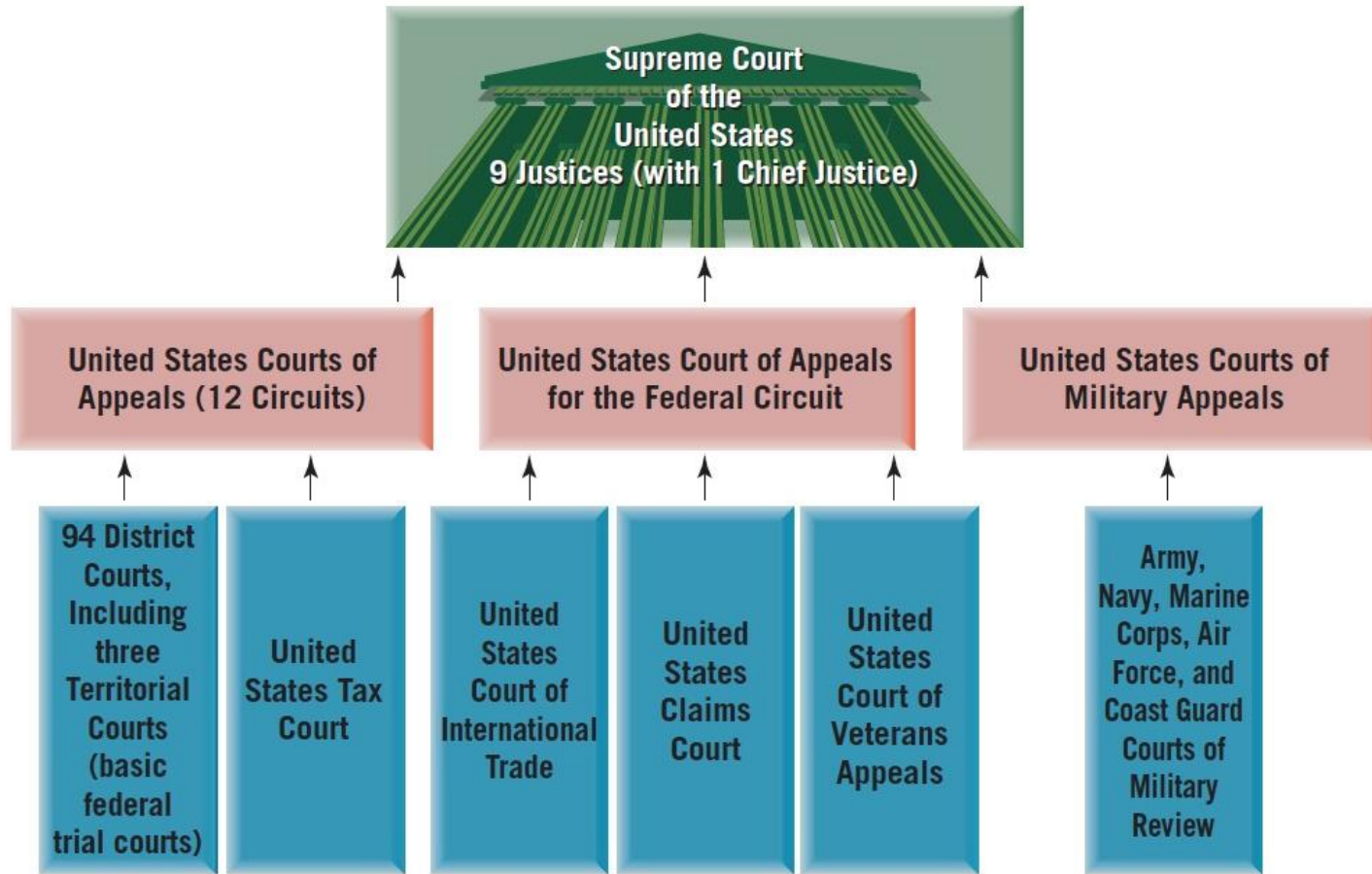
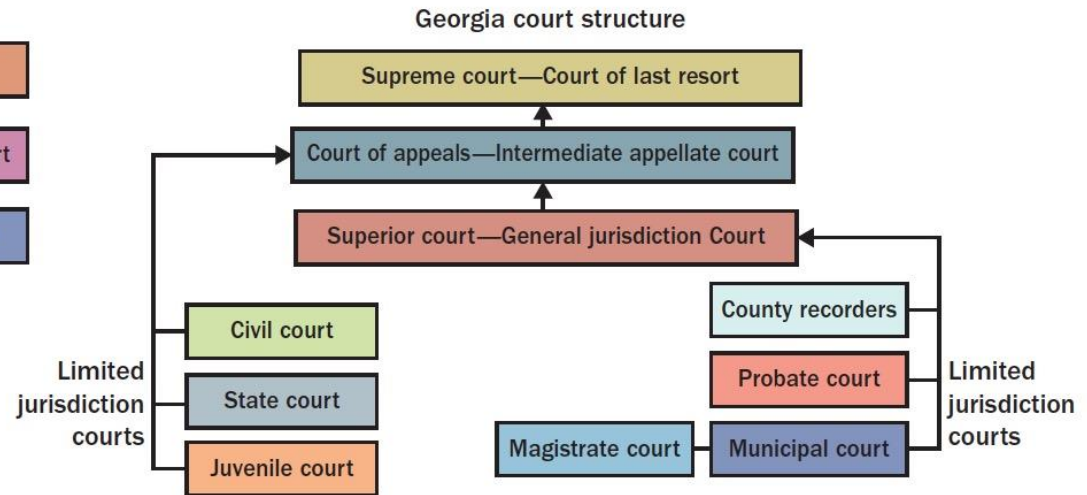


Figure 7–2 Different Structures of Trial and Appellate State Court Organization



The Development of State Courts (1 of 3)

- Original Jurisdiction
 - The lawful authority of a court to hear or to act on a case from its beginning and to pass judgment on the law and the facts
- Appellate Jurisdiction
 - The lawful authority of a court to review a decision made by a lower court

The Development of State Courts (2 of 3)

- Each of the original American colonies had its own state court system.
- By 1776, all of the American colonies had established fully functioning court systems
- No uniformity among state court systems
- Late 19th century – huge increase in civil litigation, criminal arrests

The Development of State Courts (3 of 3)

- State court systems developed by following one of several models:
 - New York State Field Code of 1848
 - Most states originally copied this model
 - Federal Judiciary Act of 1789 and the Federal Reorganization Act of 1801
 - States that followed the federal model developed a three-tiered structure

State Court Systems Today

- Three-tiered federal model included many local and specialized courts
- Court simplification movement proposed a uniform model building on
 - A centralized court structure with a clear hierarchy of trial and appellate courts
 - Consolidation of lower-level courts with overlapping jurisdictions
 - Centralized state court authority

State Trial Courts (1 of 2)

- Courts of limited jurisdiction (lower courts)
 - Authorized to hear less serious cases
 - Rarely hold jury trials
 - No detailed record of proceedings is maintained
 - Much less formal

State Trial Courts (2 of 2)

- Courts of general jurisdiction (high courts, circuit courts, superior courts)
 - Authorized to hear any criminal case
 - Often provide first appellate level for courts of limited jurisdiction
 - Trial de novo
 - Term applied to cases that are retried on appeal
 - Operate within the adversarial process

State Appellate Courts (1 of 3)

- State appellate division may include
 - Intermediate appellate court (court of appeals)
 - High-level appellate court (state supreme court, court of last resort)
- All states have supreme courts but only 39 have intermediate appellate courts

State Appellate Courts (2 of 3)

- Appeal
 - Convicted defendant's request that a higher court review the actions of a lower court
- Appellate courts review the case on record but do not conduct a new trial
- Most states require automatic appeal on death sentences or life in prison.

State Appellate Courts (3 of 3)

- Most convictions are affirmed on appeal
- If the defendant wins the appeal, the trial court's verdict is reversed and the case is remanded for a new trial
- State defendants may attempt an appeal to the U.S. Supreme Court but it must be based on claimed violations of the defendant's legal or Constitutional rights

State Court Administration

- State court administrators manage operational functions
- National Center for State Courts
 - An independent, nonprofit organization dedicated to the improvement of the American court system
- Administrative Office of the United States Courts
 - Manages federal court operations

Dispute-Resolution Centers and Community Courts (1 of 3)

- Dispute-Resolution Center
 - Informal hearing place designed to mediate interpersonal disputes without resorting to a more formal arrangement of a criminal trial court
 - Hear victims' claims of minor wrongs
 - Frequently staffed by volunteer mediators

Dispute-Resolution Centers and Community Courts (2 of 3)

- Community Courts
 - A low-level court that focuses on quality-of-life crimes that erode neighborhoods' morale, that emphasize problem-solving rather than punishment
 - Official component of the formal justice system
 - Generally sentence offenders to work within the community

Dispute-Resolution Centers and Community Courts (3 of 3)

- Specialized courts
 - Innovative low-level courts that focus on relatively minor offenses and handle special populations or address special issues such as reentry
 - Often a form of community courts
 - Gun courts, domestic violence courts, DWI/DUI courts, drug courts, reentry courts

The Federal Court System

- Federal courts were created by Article III, Section 1 of the U.S. Constitution
- Federal judiciary consist of 3 levels:
 - U.S. district courts
 - U.S. courts of appeal
 - U.S. Supreme Court

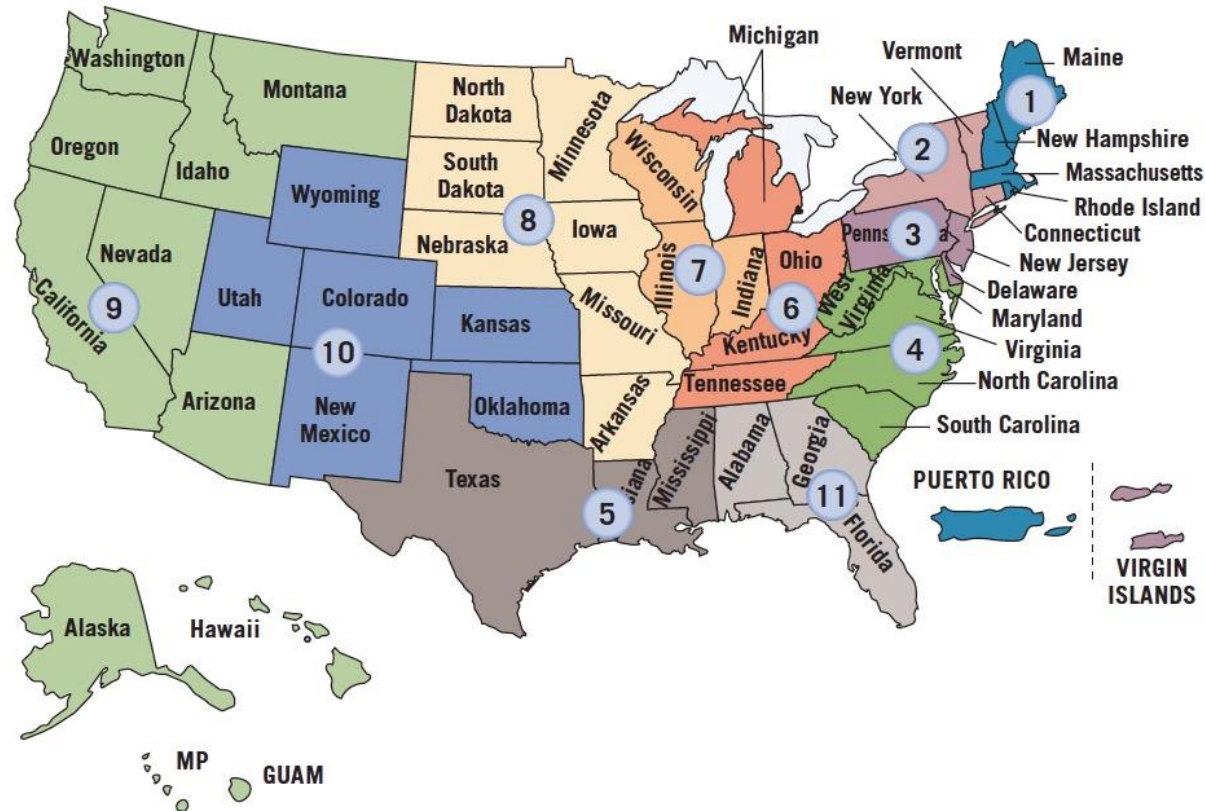
U.S. District Courts

- Trial courts of the federal court system
- Handle both civil and criminal matters
- 94 federal judicial districts, at least one in each state
- Have original jurisdiction over all cases involving alleged violations of federal statutes
- Caseloads growing due to drug and illegal immigrant prosecutions

U.S. Courts of Appeal

- Judicial districts organized into 12 regional circuits, each of which has a U.S. court of appeals
- Often referred to as circuit courts
- Appeals generally fall into 3 categories
 - Frivolous appeals
 - Ritualistic appeals
 - Nonconsensual appeals – highest probability of reversal

Figure 7–3 Geographic Boundaries of the U.S. Courts of Appeal and U.S. District Courts



The U.S. Supreme Court (1 of 2)

- Highest court in the U.S., immense power
- Greatest authority lies in capacity for judicial review of lower court decisions and state and federal statutes
 - **Marbury v. Madison** (1803)

The U.S. Supreme Court (2 of 2)

- Supreme Court may accept cases from the U.S. courts of appeal and from state supreme courts
- Limited original jurisdiction
- Four justices must agree to hear a case before a **writ of certiorari** is issued
- Only about 200 of the 5,000 requests for review received annually are heard
- Decisions rarely unanimous

Pretrial Activities

- Numerous court-related activities routinely take place before trial can begin
- Activities vary among jurisdictions

The First Appearance

- Also called initial appearance or magistrate's review
- Defendants brought before a judge
 - Given formal notice of the charges
 - Advised of their rights
 - Given the opportunity for representation
 - May be afforded the opportunity for bail
- May also involve a probable cause hearing

Pretrial Release (1 of 2)

- Pretrial detention
 - Defendants charged with very serious crimes or who are thought likely to escape or injure others usually held in jail until trial
- Early intervention programs
 - Gather/present information about available release options
 - Supervise defendants on pretrial release

Pretrial Release (2 of 2)

- Initial pretrial release/detention decision usually made by a judicial officer
- Focus on two types of risk
 - Risk of flight/nonappearance for scheduled court appearances
 - Risk to public safety

Bail (1 of 2)

- The most common release/detention decision-making mechanism in American courts
- Serves two purposes:
 - Helps ensure reappearance of the accused
 - Prevents un-convicted persons from suffering imprisonment unnecessarily

Bail (2 of 2)

- Bail involves posting a bond as a pledge that accused will return for further hearings
- Bail bond
 - A document guaranteeing the appearance of a defendant in court as required
 - Usually involves cash deposit but may be based on property or other valuables

Alternatives to Bail (1 of 3)

- Release on recognizance (ROR)
 - Pretrial release on the defendant's written promise to appear in court as required
 - No cash or property bond is required
- Property bond
 - Substitute other items of value in place of cash – land, houses, stocks, etc.

Alternatives to Bail (2 of 3)

- Deposit bail
 - Alternative form of cash bond that lets the defendant post a percentage of the full bail with the court
- Conditional release
 - Imposes requirements on the defendant
 - May include release under supervisions

Alternatives to Bail (3 of 3)

- Third-party custody
 - Defendant assigned to custody of an individual or agency that promises to ensure defendant's appearance in court
- Unsecured bonds
 - Credit contract, no monetary deposit required
- Signature bonds
 - Release based on defendant's written promise to appear

Pretrial Release and Public Safety

- Pretrial release is a common practice.
 - About 57% of state felony defendants and 36% of federal defendants released before trial
- Danger laws
 - A law intended to prevent the pretrial release of criminal defendants judged to represent a danger to others in the community

The Grand Jury (1 of 2)

- Used by the federal government and about half the states
- Grand jury
 - Hears evidence presented by the prosecution and decide if there is sufficient evidence to bring the accused to trial

The Grand Jury (2 of 2)

- Hearings are held in secret
 - Defendant generally does not appear
 - Defense has no opportunity to cross-examine prosecution witnesses
- After hearing the evidence, grand jury votes on the indictment
 - True bill: majority of jury members agree to forward the indictment to the trial court

The Preliminary Hearing (1 of 2)

- Used in states without grand juries
- Three matters decided during preliminary hearing:
 - Whether a crime was committed
 - Whether the crime occurred within the territorial jurisdiction of court
 - Whether there are reasonable grounds to believe that the defendant committed the crime

The Preliminary Hearing (2 of 2)

- Information
 - A formal written accusation submitted to a court by a prosecutor
- Hearing gives defendants opportunity to challenge the legal basis for their detention
- May also evaluate whether defendant is competent to stand trial

Arraignment and the Plea (1 of 2)

- Arraignment
 - The first appearance of the defendant before the court that has the authority to conduct a trial
 - Two purposes
 - To once again inform the defendant of the specific charges
 - To allow the defendant to enter a plea

Arraignment and the Plea (2 of 2)

- Plea
 - The defendant's formal answer to the charge
- Three types of pleas may be entered
 - Guilty
 - Not guilty
 - **Nolo contendere** (no-contest)

Plea Bargaining

- Plea bargaining
 - The process of negotiating an agreement among the defendant, the prosecutor, and the court as to an appropriate plea and associated sentence in a given case
- The vast majority of criminal cases are resolved through a negotiated plea

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