

CJ1 15 and 16

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TN.DOE.CJ1 15) Communicate in a clear and coherent narrative, the importance of physical and testimonial evidence, chain of custody, and witness testimony. Explain how evidence is obtained and the issues surrounding admissibility.

16) Compare and contrast the burden of proof strategies used by the prosecution and defense. Survey court transcripts and identify strategies used by the prosecution and defense pointing out strategies and their relationship to the verdict.

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Functions of the Courts

- Courts have extensive powers in our criminal justice system:
- A) they can bring the authority of the state to seize property and
- B) to restrict personal freedom

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Functions of the Courts

- A court's legitimacy in taking such measures must be unquestioned by society. This legitimacy is based on two factors:
- A) impartiality
- B) independence

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Due Process and Crime Control in the Courts

- A criminal justice system has two sets of underlying values:
 - a) due process
 - b) crime control

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Due Process and Crime Control in the Courts

- Due process values focus on protecting the rights of the individual.
- Crime control values stress the punishment and repression of criminal conduct.

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Due Process and Crime Control in the Courts

- Therefore, the due process function of the courts is to protect individuals from the unfair advantages that the government's, with its immense resources, automatically enjoys in legal battles

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Due Process and Crime Control in the Courts

- The crime control function of the courts emphasizes punishment and retribution; criminals must suffer for the harm done to society, and it's the courts' responsibility to see that they do so.

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Due Process and Crime Control in the Courts

- The rehabilitation function - a third view of the courts' responsibility is based on the medical model of the criminal justice system.
- In this model, criminals are analogous to patients, and the court performs the role of doctors who dispense treatment.

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Due Process and Crime Control in the Courts

- The bureaucratic function - like any bureaucracy, a court is concerned with the speed and efficiency, and loftier concepts such as justice can be secondary to a judge's need to wrap up a case before six o'clock so that administrative deadlines can be met.

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The Basic Principles of the American Judicial System

- One of the most often cited limitations of the American justice system is its complex nature. In truth, the United States does not have a single judicial system, but 52 different systems, one for each state, the District of Columbia, and the Federal government

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Jurisdiction

- Before any court can hear a case, it must have jurisdiction over the persons involved in the case or it's subject matter
- The jurisdiction of every court, even the United States Supreme Court, is limited in some way.

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Jurisdiction

- One limitation is geographical. Generally, a court can exercise its authority over residents of a certain area.
- Jurisdiction over subject matter also acts as a limitation on the types of cases a court can hear
- State courts have courts of general (unlimited) jurisdiction and courts of limited jurisdiction.

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Jurisdiction

- Courts of general jurisdiction have no restrictions on the subject matter they may address, and therefore deal with the most serious felonies and civil cases.
- Courts of limited jurisdiction, also known as lower courts, handle misdemeanors and civil matters under a certain amount, usually \$1000.

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Jurisdiction

- To alleviate caseload pressures In lower courts, many states have special subject-matter courts that only dispose of cases involving a specific crime.

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Trial Courts and Appellate Courts

- Another distinction is between courts of original jurisdiction and courts of Appellate, or review, jurisdiction
- Courts having original jurisdiction are courts of the first instance or trial courts.

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Trial Courts and Appellate Courts

- It is in this court that a trial (or guilty plea) takes place, and the judge imposes a sentence if the defendant is found guilty.
- Trial courts are primarily concerned with questions of fact; that is they determine exactly what events occurred that are relevant to questions of the defendants guilty or innocence.

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Trial Courts and Appellate Courts

- Courts having Appellate jurisdiction act as reviewing courts, or Appellate courts
- In general, cases can be brought before an Appellate Court only on appeal by one of the parties in the trial court

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Trial Courts and Appellate Courts

- Because of constitutional protections against being tried twice for the same crime, prosecutors who lose in criminal trial cannot appeal the verdict.

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Trial Courts and Appellate Courts

- An Appellate Court does not use juries or witnesses to reach it's decision. Instead, it's judges make a decision on whether a case should be reversed or remanded or sent back to the court of original jurisdiction for a new trial.

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Trial Courts and Appellate Courts

- Appellate judges present written explanations for their decisions, and these opinions of the court are the basis for a great deal of the precedent in the criminal justice system.

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Trial Courts and Appellate Courts

- It is important to understand that Appellate courts do not determine the defendant's guilt or innocence. They only make judgments on questions of procedure. In other words, they are concerned with questions of law and normally accept the facts established by the trial court.

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The Dual Court System

- Federal and state courts both have limited jurisdiction.
- Generally stated, Federal courts deal with acts that violate Federal law, and state courts deal with acts that violate state law.

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The Dual Court System

- A number of crimes, such as kidnapping and transportation of narcotics, are deemed illegal by both Federal and state statutes, and persons accused of such crimes can be tried in either court

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The Dual Court System

- A state court system includes several levels of courts:
- 1) lower courts, or courts of limited jurisdiction
- 2) trial courts of general jurisdiction
- 3) appellate courts
- 4) the state's highest court

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Limited Jurisdiction Courts

- Most states have local trial courts that are limited to trying cases involving minor criminal matters, such as traffic violations, prostitution, and drunk and disorderly conduct.
- Magistrate courts have the same limited jurisdiction as do justice courts in rural settings.

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Limited Jurisdiction Courts

- In most jurisdictions, magistrates are responsible for providing law enforcement agents with search and seizure warrants.
- Many states have specialty courts that have jurisdiction over narrowly defined areas of criminal justice.

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Limited Jurisdiction Courts

- Not only do these courts remove many cases from existing court systems, but they also allow court personnel to become experts in a particular subject.

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Limited Jurisdiction Courts

- Specialty courts include:
- Drug courts, which deal only with illegal substance crimes
- Gun courts, which have jurisdiction over crimes that involve the illegal use of firearms

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Limited Jurisdiction Courts

- Juvenile courts, which specialize in crimes committed by minors
- Domestic courts, which deal with crimes of domestic violence, such as child and spousal abuse
- Elder courts, which focus primarily on the special needs of the elderly victims rather than the offenders.

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General Jurisdiction Courts

- State trial courts that have general jurisdiction may be called county courts, district courts, superior courts, or circuit courts.
- General jurisdiction courts have the authority to hear and decide cases involving many types of subject matter, and they are the setting for criminal trials.

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State Court of Appeals

- Every state has at least one court of appeals, which may be an intermediate Appellate Court or the state's highest court.
- The decisions of each of the state's highest court on all questions of state law are final.

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State Court of Appeals

- Only when issues of Federal law or constitutional procedure are involved can the United States Supreme Court overrule a decision made by the state's highest court.

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Federal Court System

- The Federal Court system is basically a three tiered model consisting of:
 - U.S. District Courts (trials of general jurisdiction)
 - U.S. Courts of Appeals (Intermediate courts of appeal)
 - The United States Supreme Court

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Federal Court System

- Unlike state court judges, who are usually elected, Federal judges, including the justices of the Supreme Court, are appointed by the President of the United States, subject to the approval of the Senate.

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Federal Court System

- All Federal judges receive lifetime appointments.
- On the lowest tier of the Federal Court system are the U.S. District courts, or Federal trial courts.
- These (U.S. District Courts) are the courts in which cases involving Federal law begin, and a judge or jury decides the case.

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Federal Court System

- In the Federal Court system, there are 13 U.S. Court of Appeals, also referred to as U.S. Circuit Courts of Appeal.
- The Federal Courts of Appeals for 12 of the circuits hear appeals from the district courts located within their respective judicial circuits.

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Federal Court System

- The Court of Appeals for the Thirteenth Circuit, called the Federal Circuit, has Appellate jurisdiction over certain types of cases, such as cases involving patent law and cases in which the U.S. government is a defendant.

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Federal Court System

- The decisions of the Circuit Courts of Appeals are final unless a further appeal is pursued and granted; in that case, the matter is brought before the supreme court.

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The United States Supreme Court

- The supreme court makes criminal justice policy in two ways:
- Judicial review
- Through It's own authority to interpret the law.

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The United States Supreme Court

- Judicial review refers to the power of the Court to determine whether a law or action by the other branches of the governments is constitutional.
- As the final interpreter of the us constitution, the court must also determine the meaning of certain statutory provisions when applied to certain situations.

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The United States Supreme Court

- There is no absolute right to appeal to the U.S. Supreme Court. Although thousands of cases are filed with the Supreme Court each year, on average, the Court hears fewer than one hundred.

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The United States Supreme Court

- With a writ of certiorari, the Supreme Court orders a lower court to send it the record of a case for review.
- A party can petition the supreme court to issue a writ of certiorari, the weather the court will do so is entirely within it's discretion.

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The United States Supreme Court

- The United States Supreme Court has nine justices, a chief justice and eight associate judges.
- Most of the court's work is as an Appellate Court.

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The United States Supreme Court

- The Supreme Court has appellate authority over cases decided by the U.S. Court of Appeals, as well as over some cases decided in the state courts when federal questions are at issue.

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The United States Supreme Court

- The court will not issue a writ of certiorari unless at least four justices approve of it. This is called the **rule of four**.

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The United States Supreme Court

- Although the justices are not required to give their reasons for not hearing the case, most often the discretionary decision is based on whether the legal issue involves a substantial federal question.

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The United States Supreme Court

- Political considerations aside, If the justices do not feel the case addresses an important Federal law or constitutional issue, they will vote to deny the writ of certiorari

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Supreme Court Decisions

- The Court's decision in a particular case is based on the written record of the case and a written arguments (briefs) that the attorneys submit.

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Supreme Court Decisions

- The attorneys also present oral arguments, arguments presented in person rather than on paper, to the court after which justices discuss the case in conference.

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Supreme Court Decisions

- When the Court has reached a decision, the Chief Justice, if in the majority, assigns the task of writing the court's opinion to one of the justices.
- The opinion outlines the reasons for the Court's decision, the rules of law that apply, and the decision.

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Supreme Court Decisions

- Often, one or more justices who agree with the Court's decision may do so for different reasons than those outlined in the majority opinion. These justices may write concurring opinions setting forth their own legal reasoning on the issue.

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Supreme Court Decisions

- Frequently, one or more justices disagree with the Court's conclusion. These justices may write dissenting opinions outlining the reasons why they feel the majority erred.

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Judges in the Court System

- Most judges work at the lowest level of the system, in the criminal court trial courts, where they are burdened with overflowing caseloads and must deal daily with the detritus.
- One thing a Supreme Court justice and a criminal trial judge in any small American City do have in common is the expectation they will be just.

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Judges in the Court System

- One of the reasons that judicial integrity is considered so important is the amount of discretionary power a judge has over the court proceedings

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Judges in the Court System

- A great deal of work done by a judge takes place before the trial even starts, free from public scrutiny. These duties include determining the following:
- Whether there is sufficient probable cause to issue a search or arrest warrant
- Whether there is sufficient probable cause to authorize electronic surveillance of a suspect.

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Judges in the Court System

- Whether enough evidence exists to justify the temporary incarceration of a suspect
- Whether a defendant should be released on bail, and if so, the amount of the bail.

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Judges in the Court System

- Whether to accept pretrial motions by prosecutors and defense attorneys.
- Whether to accept a plea bargain

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Judges in the Court System

- As most cases are decided through plea bargains rather than through trial proceedings, the judge often offers his or her services as a negotiator to help the prosecution and the defense make a deal.

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Judges in the Court System

- When the trial starts, the judge takes on the role of referee. In this role the judge is expected to be neutral, determining the admissibility of testimony and evidence on a completely objective basis.

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Judges in the Court System

- The judge also acts as a teacher during the trial, explaining points of law to the jury.
- Judges are also administrators; that is they are responsible for the day to day functioning of their courts.

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Judges in the Court System

- A primary task of a judge is scheduling. Each courtroom has a docket, or a calendar of cases and it is the judge's responsibility to keep the docket current.

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Judges in the Court System

- This entails not only scheduling the trial, But setting pretrial motion dates and deciding whether to grant attorney's request for continuances or additional time to prepare for a case.

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The Courtroom Work Group

- Courtroom work group is made up of those individuals who are involved with the defendant from the time she or he is arrested until sentencing.

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The Courtroom Work Group

- Three most prominent members are the:
- The judge
- The prosecutor
- The defense attorney

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The Courtroom Work Group

- Three other participants complete the work group:
- The bailiff of the court is responsible for maintaining security and order in the judge's chambers and the courtroom.

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The Courtroom Work Group

- The clerk of the court has an exhausting list of responsibilities.
- Court reporters record every word that is said during the course of the trial.

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The Courtroom Work Group

- The work group establishes patterns of behavior and norms, and cooperation allows the adjudication process to function informally and smoothly.

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The Courtroom Work Group

- One way in which the courtroom work group differs from a traditional work group at a company such as Microsoft Corporation is that each member answers to a different sponsoring organization.

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The Courtroom Work Group

- Each member of the work group is under pressure from his or her sponsoring organization to carry out certain tasks.

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The Courtroom Work Group

- The judge is the dominant figure in the courtroom and therefore exerts the most influence over the values and norms of the work group.

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Assembly-Line Justice

- Given the caseloads that most courts face, some degree of assembly-line justice seems inevitable. In Tennessee, each criminal court judge handles between 2300 and 4800 cases a year.

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The Courtroom Work Group

- The lack of resources to deal with the excessive caseloads is generally recognized as one of the most critical issues facing both federal and state law enforcement agencies and courtrooms.