

Name: _____

15 and 16 Study Guide

Functions of the Courts

1. Courts have extensive powers in our criminal justice system:

- a) they can bring _____ and
b) _____

2. A court's legitimacy in taking such measures must be unquestioned by society. This legitimacy is based on two factors:

- a) _____
b) _____

Due Process and Crime Control in the Courts

3. The criminal justice system has two sets of underlying values:

- a) _____
b) _____

4. Due process values focus on _____

5. Crime control values stress _____

6. Therefore, the due process function of the courts is to protect individuals from _____

7. The crime control function of the courts emphasizes _____

- criminals must suffer for _____

_____.

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

9. The _____ - 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.

The Basic Principles of the American Judicial System

10. 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 _____

_____.

Jurisdiction

11. Before any court can hear a case, it must have _____

12. The jurisdiction of every court, even the United States Supreme Court, is _____.

13. One limitation is geographical. Generally, a court can exercise its authority _____

14. Jurisdiction over subject matter also acts as a _____

15. State courts have courts of _____ jurisdiction and

courts of _____ jurisdiction.

16. Courts of general jurisdiction have _____,

and therefore deal with _____.

17. Courts of limited jurisdiction, also known as lower courts, handle _____

18. To alleviate caseload pressures in lower courts, many states have special subject-matter courts that _____

Trial Courts and Appellate Courts pg 259

19. Another distinction is between courts of _____ and

20. Courts having original jurisdiction are courts of the _____.

21. It is in this court that a _____ takes place, and the judge imposes

22. Trial courts are primarily concerned with _____; that is,

they determine exactly what events occurred that _____.

23. Courts having appellate jurisdiction act as _____.

24. In general, cases can be brought before a appellate courts only _____

25. Because of constitutional protections against being tried twice for the same crime, prosecutors _____

26. An appellate court does not _____.

Instead, it's judges make a decision on whether a case should be _____ or _____
or _____.

27. Appellate judges present _____, and these opinions of the court are the basis for a great deal of the precedent in the criminal justice system.

28. It is important to understand that appellate courts do _____

- they only make _____. In other words, they are concerned with _____ and normally accept the facts established by the trial court.

The Dual Court System pg 260 Figure 8.1 pg 260

29. Federal and state courts both have _____.

30. Generally stated, federal courts deal with acts that _____, and state courts deal with acts _____.

31. 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 _____.

The State Court Systems

32. A state court system includes several levels of courts:

1) _____.

2) _____.

3) _____.

4) _____.

Limited Jurisdiction Courts

33. Most states have local trial courts that are limited to _____, such as traffic violations, prostitution, and drunk and disorderly conduct.

34. Magistrate Courts have the same limited jurisdiction as do _____.

35. In most jurisdictions, magistrates are responsible for _____

36. Many states have specialty courts that have jurisdiction _____.

37. Not only do these courts remove many cases from the existing court systems, but they _____

38. Specialty Courts include:

a) _____, which deal only with illegal substance crimes

b) _____, which have jurisdiction over crimes that involve the illegal use of firearms

- c) _____, which specialize in crimes committed by minors
- d) _____, which deal with crimes of domestic violence, such as child and spousal abuse
- e) _____, which focus primarily on the special needs of the elderly victims rather than the offenders.

General Jurisdiction Courts

39. State trial courts _____ may be called county courts, district courts, superior courts, or circuit courts.
40. General-jurisdiction courts have the authority to _____, and they are the _____.

State Court of Appeals

41. Every state has at least one court of appeals, which may be an _____.
42. The decisions of each of the state's highest court on _____.
43. Only when issues of federal law or constitutional procedure are involved can the United States Supreme Court _____.

The Federal Court System

44. The federal court system is basically a three tiered model consisting of:

- 1) _____ (trials of general jurisdiction)
- 2) _____ (intermediate courts of appeal)
- 3) _____

45. Unlike state courts, who are usually elected, federal judges, including the justices of the Supreme Court, are _____.

46. All federal judges receive _____.

47. On the lowest tier of the federal court system are the _____.

48. These (U.S. District Courts) are the courts in which cases involving _____.

49. In the federal court system, there are thirteen U.S. courts of appeals, also referred to as _____.

50. The federal courts of appeals _____ hear appeals from the district courts located within their respective judicial circuits.

51. The Court of Appeals for the _____, 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.

52. The decisions of the Circuit Courts of Appeals are final _____;

in that case, the matter is _____.

The United States Supreme Court

53. The Supreme Court makes criminal justice policy in two ways:

1) _____

2) _____.

54. Judicial review refers to the power of the Court to determine whether a law or action by the other branches of the government is _____.

55. As the final interpreter of the Constitution, the Court must also determine the _____

_____.

56. There is no _____ t 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

_____.

57. With a "writ of certiorari" the Supreme court orders a _____.

58. A party can petition the Supreme Court to issue a writ of certiorari, but whether the Court will _____

_____.

59. The United States Supreme Court has _____.

60. Most of the court's work is as an _____.

61. The Supreme Court has appellate authority over cases decided by the _____,

as well as over some cases decided in the state courts when _____.

62. The court will not issue a writ of certiorari unless at least four justices approve of it. This is called _____

_____.

63. Although the justices are not required to give their reasons for not hearing a case, most often the discretionary decision is based on whether _____.

64. Political considerations aside, if the justices do not feel the case addresses _____

or _____, they will vote to deny the writ of certiorari.

Supreme Court Decisions

65. The Court's decision in a particular case is based on the _____

and the _____ that the attorneys submit.

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

67. When the Court has reached a decision, the chief justice, if in the majority, assigns the task of _____.

68. The opinion outlines the _____, the rules of law that apply, and _____.

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

70. Frequently, one or more justices disagree with the Court's conclusion. These justices may write _____.

Judges in the Court System

71. Most judges work at the lowest level of the system, in _____, where they are burdened with overflowing caseloads and must deal daily with the detritus.

72. One thing a Supreme Court justice and a criminal trial judge in any small American city do have in common is the _____.

73. One of the reasons that judicial integrity is considered so important _____.

74. 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:

a) Whether there is sufficient probable cause to _____

b) Whether there is sufficient probable cause to _____

c) Whether enough evidence exists to justify _____

d) Whether a defendant should be released _____

e) Whether to accept pretrial motions by _____

f) Whether to accept a _____

75. As most cases are decided _____,

the judge often offers his or her services as a _____ to help the prosecution and the defense make a deal.

76. When the trial starts, the judge takes on the _____. In this

role the judge is expected to be _____, determining the admissibility

of testimony and evidence on _____.

77. The judge also acts as a teacher during the trial, explaining _____.

Judges are also administrators; that is, they are responsible for the day to day _____

78. A primary task of a judge is scheduling. Each courtroom has a docket, or _____,

and it is the judge's responsibility to _____.

79. This entails not only scheduling the trial, but setting _____

and deciding whether to grant attorney's request for _____

The Courtroom Work Group

Members of the Courtroom Work Group

80. The _____ is made up of those individuals who are involved with the defendant from the time she or he is arrested until sentencing.

81. The three most prominent members are the:

a) _____

b) _____

c) _____

82. Three other participants complete the work group:

a) _____ is responsible for maintaining security and order in the judge's chambers and the courtroom.

b) _____ has an exhausting list of responsibilities.

c) _____ record every word that is said during the course of the trial.

83. The work group establishes patterns of behavior and norms, and cooperation allows _____

84. One way in which the courtroom work group differs from a traditional work group at a company such as Microsoft Corporation is that _____.

85. Each member of the work group is under pressure from his or her _____

86. The judge is the dominant figure in the courtroom and therefore _____

Assembly-Line Justice

87. Given the caseloads that most courts face, some _____. In Tennessee, each criminal court judge handles between 2,300 and 4,800 cases a year.

88. The lack of resources to deal with the excessive caseloads is generally recognized as _____