

Chapter 2 - The Dual Court System



DO NOW:

1. In Phoenix, Arizona, Ernesto Miranda was arrested for two felonies. The police failed to advise him of his right to remain silent and of his right to an attorney when they questioned him at the local station house. He signed a confession after being questioned by the police for two hours. He was convicted and sentenced to twenty to thirty years of imprisonment. The United States Supreme Court agreed to hear his case. Should the Supreme Court overturn his conviction? Explain your answer. *Miranda v. Arizona*, 384 U.S. 436 (U.S. Sup. Ct.).

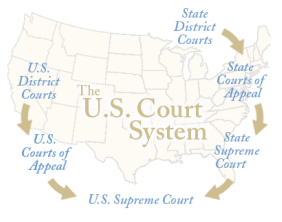
2. The Greensboro Coliseum Complex had a policy that permitted uniformed police officers to search people who attended Coliseum rock concerts. They searched purses and coat pockets and "patted down" other pockets, sometimes asking that they be emptied. People who refused to be searched were denied admission. Posted signs read:

NOTICE!
Persons Entering . . . are
Subject to Being Searched
ALCOHOL . . . DRUGS
OTHER CONTRABAND ARE
EXPRESSLY FORBIDDEN

Note: CAMERAS and TAPE RECORDERS are NOT PERMITTED AT ANY NONATHLETIC EVENT!

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- Derives its power from Article III of the US Constitution.
- **Jurisdiction** is the power and authority given to a court to hear a case and to make a judgment.

The Federal Courts have jurisdiction over the following:

- Actions in which the United States or a state is a party.
- Cases that raise a federal question.
- **Diversity of citizenship** cases, actions between citizens of different states where the money involved exceeds \$75,000.
- Admiralty (sea), patent-right, copyright, and bankruptcy cases.

Lawsuit
<http://www.youtube.com/watch?v=N1KZHFVWbQ>

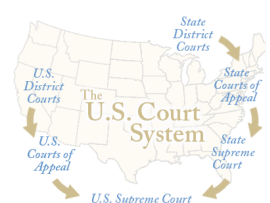


<http://abcnews.go.com/GMA/video?id=3780146>

Verdict
<http://www.foxnews.com/story/2014/06/16/verdict-2014-06-16>

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Three main steps:

District Courts have **original jurisdiction** over most federal court cases (to try the case the first time it is heard).

- At least one in each state.

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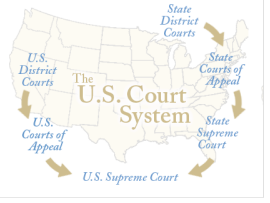
Court of Appeals (intermediate courts)

- Appellate courts have the authority to hear appeals and review cases from lower courts--have **appellate jurisdiction**.
- There are 13 judicial circuits, each with one court of appeals.
- There are no witnesses, no evidence presented, and no juries.
- Can only deal with questions of law, not questions of fact.

Geographic Boundaries
of United States Courts of Appeals and United States District Courts

#12. add Washington DC Circuit
#13. add Federal Circuit

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The **US Supreme Court** is the highest court in the land.

- Has both original and appellate jurisdiction.
- Includes nine justices, appointed for life.

The federal court system also includes:
special US Courts such as Tax, Bankruptcy, and Military Courts.

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State Court Systems



Beacon City Court

Local Trial Courts

- Have limited jurisdiction (have jurisdiction only in minor matters such as misdemeanors and civil actions involving small amounts of money).


i.e. traffic court, municipal court, small claims courts, juvenile

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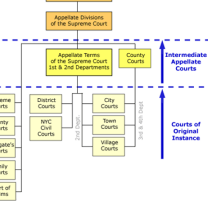
State Court Systems

General Trial Courts

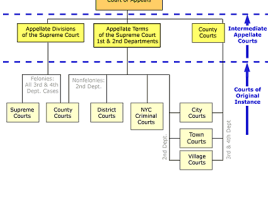
- a/k/a county court, superior court, circuit court
- Have general jurisdiction (major civil and criminal cases).
- At least one per county.



CIVIL COURT STRUCTURE



CRIMINAL COURT STRUCTURE




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State Court Systems

Special Courts - handle specialized cases

- Domestic Relations Court - divorce, alimony and child support
- Juvenile Court - jurisdiction over delinquent, unruly, abused, or neglected children
 - Procedures are less formal
 - NOT a jury trial



Update: <http://www.fox.com/news/2013/06/04/why-not-a-jury/>

"Court is recessed until the big hand is on the three."


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The government is responsible for children.

rehabilitation is the goal of the juvenile court system... to restore the offender to a useful life rather than to impose harsh penalties.

In order to try minors as adults, the following factors are considered:

- seriousness of the crime
- family and school record
- court record
- protection of the public
- past treatment efforts
- likelihood of rehabilitation



A **delinquent child** is a minor who has committed an act that *would be a crime if done by an adult*.

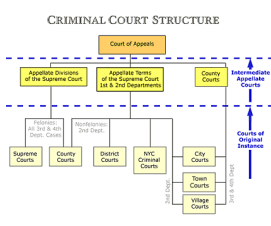
An **unruly child** is a minor who has done something that would *not be a crime if it were done by an adult*.

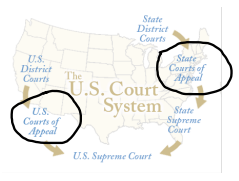
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Intermediate Appellate Courts

Parties take their appeals here if they feel they did not have a fair trial in the lower court or that the judge did not properly interpret the law.

CRIMINAL COURT STRUCTURE





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State Supreme Courts

Make *final* decisions on matters of law that are appealed from the lower courts. They do not retry a case or re-determine the facts.

2.2 - Trial Procedures

Courtroom drama is fun to watch on television, however, many people would rather not have a full trial in court...

Whether we are a plaintiff or a defendant, what are some reasons we would not want to go to court?

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Alternative Dispute Resolution (ADR)

Before a case goes to court, people often consider other ways to work out a solution. Some forms of ADR include:

Mediation - the parties in dispute invite a third party into the decision-making process to help them make a decision

Arbitration - the parties in dispute transfer the right to make a final decision to another party

Med-Arb - parties first go through mediation and then move onto arbitration necessary

Summary jury trial - before a real jury. "Advisory verdict" the parties know where they would stand in a real trial with a real jury.

Court System

Civil vs Criminal

CIVIL LAW vs. **CRIMINAL LAW**

If found liable, the defendant has to compensate the plaintiff.

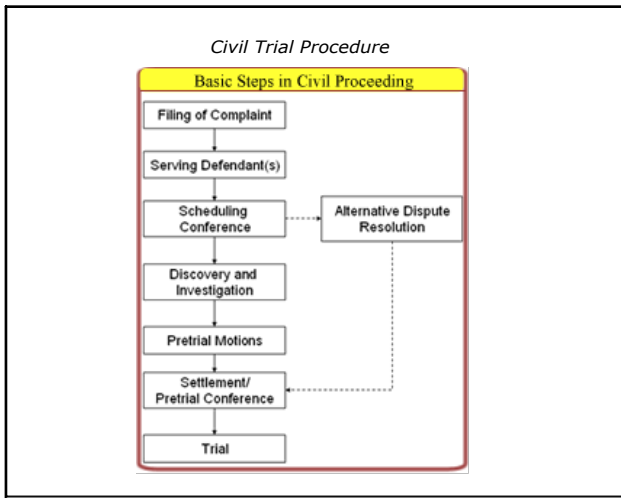
If found guilty, the accused can be incarcerated and fined.

2 min

<https://www.youtube.com/watch?v=Zg5ex8WZUao>

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Sep 15-8:02 AM



Civil Trial Procedure

Pretrial Hearing

- Informal hearing before the judge to simplify issues and dispose of the quicker.

1. Pleadings
 - Complaint and Answer
2. Discovery
 - Used to bring facts out before the trial.
 - Depositions, interrogatories, and mental examinations

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Civil Trial Procedure

Voir dire game in class on computers
http://www.casbl.org/jury_game/voir_dire.html

4. Steps in a jury trial:

- o Selecting the jury - voir dire (determine bias or prejudice)
- o Opening statements (what they intend to prove)
 - Plaintiff then defendant
- o Introduction of evidence
 - Plaintiff presents and defendant cross-examines; then visa versa
- o Closing arguments
 - Plaintiff then defendant
- o Instructions to the jury - Judge explains the law
- o Verdict (jury decision) and judgment (court's decision in a case)

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Criminal Trial Procedure

Trial Progression of Criminal Actions

https://www.youtube.com/watch?v=HMF_w-dH8

4min

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Criminal Trial Procedure

1. Arrest of the Defendant

- o When arrested... you have rights!
- o Rights of the defendant (Miranda warnings)
 - Right to know the crime they are charged with
 - to remain silent
 - to talk to an attorney
 - to have the court appoint an attorney
 - to a fair trial
 - to be presumed innocent until proven guilty
 - to use the phone



Bail is money or other property that is left with the court to assure the court that the person will return to stand trial.

[Bail Schedule \(pdf\)](#)

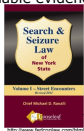
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Sep 22-7:24 AM

Search and Seizure

- A police officer must have permission or a search warrant.
- Arrested persons may be searched without a warrant.
- Police may seize suspicious items in "plain view".
- If probable cause, police officers may search a stopped vehicle for contraband without a warrant.
- School officials may search students without a warrant if there is reasonable evidence of violation.



Your rights

<http://educationportal.com/academy/lesson/the-fourth-amendment-search-and-seizure.html#lesson>

Jun 21-12:20 PM

The law on police stops in New York

In New York State, police can legally stop, question, frisk or arrest individuals under certain circumstances, as detailed in the court ruling *People v. De Bour*. This clip-and-save guide explains those conditions, and your rights if police stop you and start asking questions. It does not constitute legal advice.

Police have the right to...	approach and request info	ask questions	stop and detain	arrest
IF they have...	objective credible reason <small>Not based on whim, caprice or idle curiosity</small>	fact-based suspicion that criminal activity is afoot <small>Present indication of criminality based on observable conduct or reliable hearsay</small>	reasonable suspicion <small>Knowledge necessary to induce a prudent and cautious person under the circumstances to believe criminal activity is at hand <i>People v. Cantor, 36NY2d 106</i></small>	probable cause <small>Reasonable amount of suspicion supported by circumstances to justify prudent and cautious person's belief that certain facts are true</small>
Police can...	request ID and/or explanation of presence	question in an accusatory manner	seize a person, investigate and frisk	seize a person and make arrest
But YOU have the right...	NOT to answer and walk away; police cannot follow <small><i>People v. Howard, 50 NY2d 583</i></small>	NOT to answer, but if you run or walk away, police can pursue and seize	NOT to be frisked unless the officer reasonably suspects that he or she is in danger of physical injury because the detainee is armed <small><i>Terry v. Ohio, 392 US 1</i></small>	to remain silent and to consult an attorney

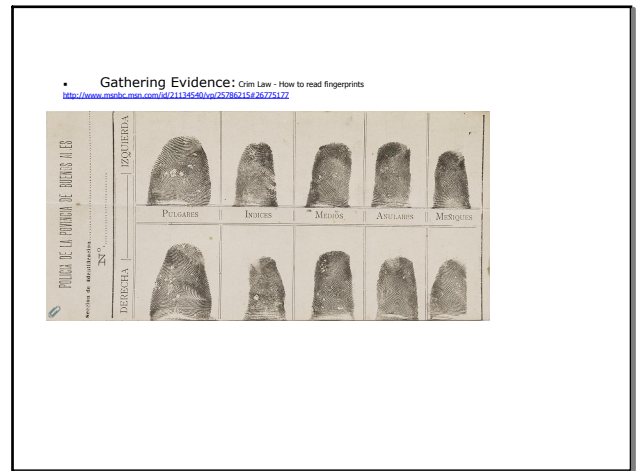
The New York World | www.thenewyorkworld.com

http://naasss18b.org/search_seizure/Debour%20Four%20Levels.pdf

http://naasss18b.org/search_seizure/Seizure%20Four%20Levels.pdf

Sep 22-9:45 AM

1. Group 1: The Traffic Stop (based on *Berkeley v. McCarty*) – will demonstrate difference between custodial and noncustodial interrogation.
2. Group 2: The (Almost) Silent Prisoner (based on *Berghuis v. Thompkins*) – will demonstrate the burden to invoke the right to silence.
3. Group 3: The Ambiguous Request (based on *Davis v. United States*) – will demonstrate that even something an average person would think of as an invocation is not when in police custody.



Jun 22-2:10 PM

Jun 21-12:20 PM

The Arraignment

- o A **grand jury** is a jury to determine whether there is enough evidence to justify accusing certain persons of certain crimes.
- o An **indictment** is a written accusation issued by the grand jury charging the individual(s) with a crime.
- o **Arraignment** - procedure in which the accused is brought before the court, read the indictment or information, and asked to plead guilty or not guilty.

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The Criminal Trial

1. Selection of the jury (if requested) (trial jury is a petit jury)
2. Opening statements
3. Introduction of evidence
4. Closing statements
5. Instructions to the jury
6. Deliberation
7. Decision / Verdict
 - Must be unanimous for guilty/not guilty otherwise a mistrial is called and the prosecution may call a new trial.
8. Judgment

VERY similar to the Civil Procedure

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Disposition of Juvenile Cases

- New York's age limit is 16. 13 for the most serious crimes.
- A **detention hearing** is used to find out whether there are good reasons for keeping custody of the minor.
- Charges are dismissed or a hearing is held (informal)
- May receive probation, foster home, training school, reformatory AND be required to pay for damages.

<http://www.pbs.org/wgbh/pages/frontline/video/flv/generic.html?v=fro02s4cq7c&continuous=1>
View Chapters 8 and 10 (7 min each)

<http://www.pbs.org/wgbh/pages/frontline/whenkidsgotlife/five/medina.html>



Police: Florida teen killed 2-year-old brother

MIAMI — A 14-year-old Florida teen was charged with murder in the death of his 2-year-old brother, police said Tuesday. The charges are the latest in a series of crimes by the teen, who is being held in a secure facility.

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Attachments

Ch2 MirandaRightsInfo_2min.wmv

Ch2 - Law - Processing Fingerprints.avi

Ch2 Voire Dire in Action.wmv

Ch2 - ToughJurySelectionPolygomist_FOX_2009.wmv

Ch2 _SearchSeizure_Cops - Drugs and Foot Chase.wmv

Ch2 When are police allowed to search my car_ (Part 1 of 2).wmv

Ch2 When are police allowed to search my car_ (Part 2 of 2).wmv



Ch2_Bail_Schedule.pdf



Ch2 Life in prison for a 12 year old.wmv

Ch2 - What is the difference between civil cases and criminal case.wmv