

Introduction to Legal Concepts

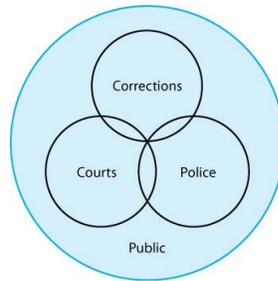
Lesson 2 - Courts, Crime, and Controversy

WORKBOOK

The Courts and the Criminal Justice System

• In addition to Courts, the two other main components of the Criminal Justice System are:

- ① Police
- ② Corrections



A Typical Courthouse



U.S. Supreme Court



Appellate Courts

- Review decisions made by trial courts - most often major trial courts
 - No trials are held
 - No jurors employed
 - No witnesses heard
 - Lawyers argue using previous cases as precedents

U.S. Supreme Court

- Court of Last Resort
 - Cases are hand selected
 - From thousands of requests fewer than 85 cases are heard per term (Writ of Certiorari)
 - Hears cases impacting society as a whole and hears cases to resolve a pending legal issue

Criminal vs. Civil Court Cases

- Our system is based on Criminal Law Procedure
- You must understand the criminal process first to become knowledgeable of criminal court procedures
- Civil Court and Criminal Court is very similar with some distinct differences
- You must learn the specific procedures for both criminal and civil cases in the locality where you are working
- This course will cover the criminal process in detail before discussing civil cases

Grand Jury

- This is a check of unwarranted prosecutions
- Required in all federal felony prosecutions
- Prosecution requires to show probable cause (fair probability) that the defendant committed the alleged offense(s)
- If enough evidence is found a "true bill" charges the defendant and the case continues; if insufficient evidence is determined, a "no bill" is issued and the case is dismissed
- In reality, grand juries almost always indict whoever the prosecutor wants indicted

Discovery

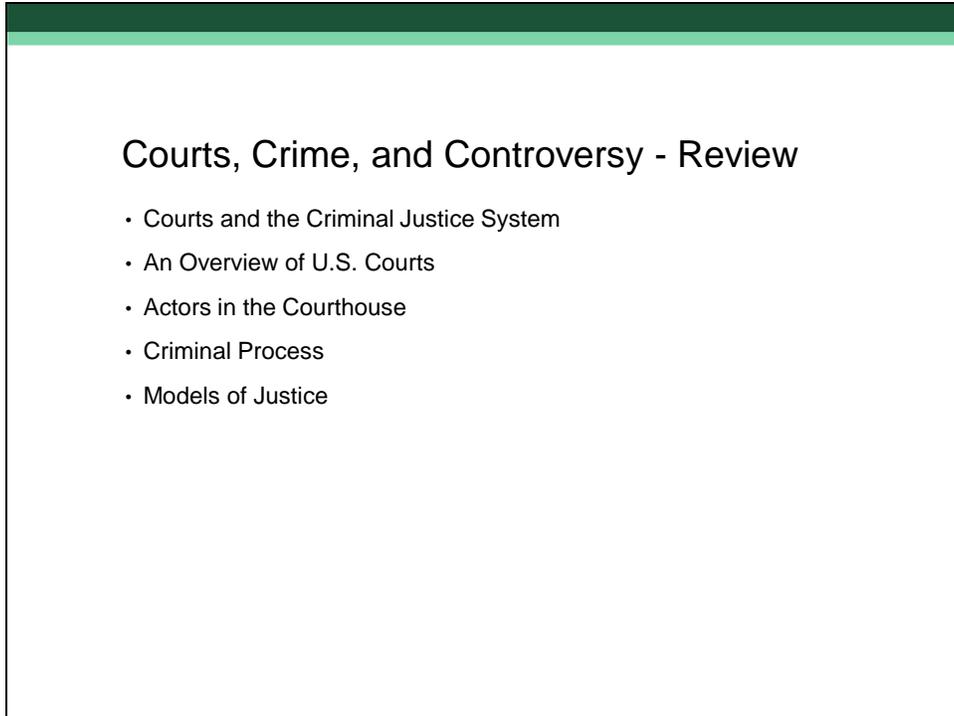
- “Discovery” is the exchange of information between the prosecution and defense before trial
- The prosecution is required to turn over a copy of the police reports to the defense along with other evidence intended for the trial

Plea Negotiations

- 90% of all felony cases are resolved through negotiations between the prosecutor and the defense
- Plea bargaining is so popular, because it presents an opportunity for the prosecutor to gain a conviction, the defendant to know with certainty the outcome of the case, and the court to dispose of the case and clear it from its docket
- Pleading guilty requires the defendant to understand and willingly acknowledge their part in the criminal activity
 - Affects appeal rights

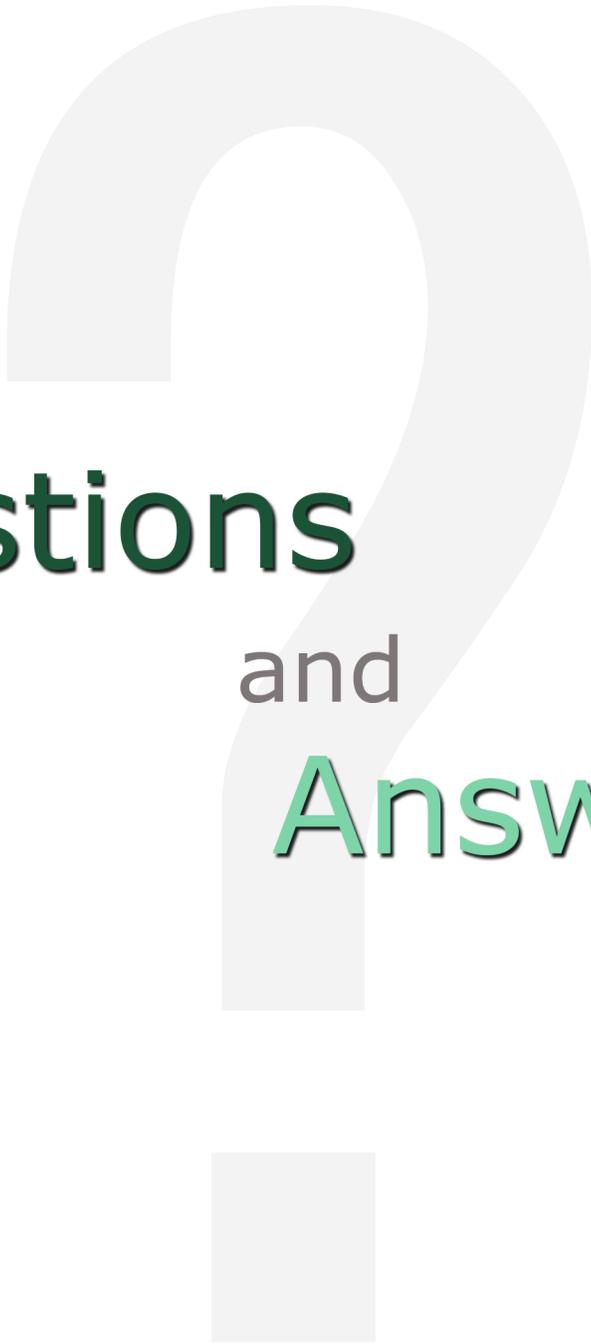
The Crime Control Model and the Due Process Model

- The Crime Control Model
 - **Conservative model**
 - **Proposes harsher penalties**
- The Due Process Model of Criminal Justice
 - **Liberal model**
 - **Advocates social programs aimed at reducing crime by reducing poverty**



Courts, Crime, and Controversy - Review

- Courts and the Criminal Justice System
- An Overview of U.S. Courts
- Actors in the Courthouse
- Criminal Process
- Models of Justice



Questions

and

Answers

Review Questions:

1. True or False: The first step in a typical felony prosecution is the Initial Appearance.
 - A. True
 - B. False
2. What is the difference between the Crime Control Model of criminal justice and the Due Process Model of criminal justice?
 - A. Crime Control focuses on health and welfare of the defendant and Due Process focuses on retribution.
 - B. Crime Control focuses on controlling crime while the Due Process Model focuses on preserving the rights of the criminal defendant.
 - C. Crime Control focuses on treating juvenile offenders as adults while Due Process concentrates on treating juveniles as children.
 - D. Crime Control focuses on the war on drugs while Due Process focuses on the war on crime.
3. The process of exchanging information between both parties before trial is called what?
 - A. Inspection
 - B. Recovery
 - C. Production
 - D. Discovery
4. The three main components of the Criminal Justice System are:
 - A. Courts, Police & Corrections
 - B. Courts, Police & Judges
 - C. Police, Judges & Attorneys
 - D. Corrections, Judges & Clerks
5. True or False: The typical courtroom includes a jail within the courtroom for those who haven't been able to post bail to communicate with the judge.
 - A. True
 - B. False
6. True or False: In some jurisdictions, it is possible to find juries with only 4 members.
 - A. True
 - B. False

7. True or False: Trials are held in both major trial courts and in appellate courts.

A. True

B. False

8. True or False: The Supreme Court is the highest level court in the United States.

A. True

B. False

Answer Key:

1. B
False. Typically the first step is an Arrest. In some instances, it will be the Indictment, Information, or Criminal Complaint that occurs first and then leads to an arrest, but for the vast majority of cases the arrest of a defendant will generate the criminal case.
2. B
The Crime Control Model of criminal justice focuses on the need for society to control crime and create safety within communities. The Due Process Model of criminal justice focuses on preserving respect for the individual rights and civil liberties of all persons, including criminal defendants.
3. D
Discovery is the exchange of information between parties during the period before trial. Discovery is an opportunity for both sides to review some of the evidence that will be used in the trial to prove their side of the case.
4. A
The 3 main components of the Criminal Justice system are Courts, Police (or law enforcement) and Corrections. While all separate, they each work together to achieve the goal of safety in society and efficient management of criminal cases.
5. B
False. Often, there will be an area near the courtroom (but not within the courtroom) where defendants who are in custody will be held until their case is called by the clerk. Once the defendant's case is being heard, they will generally be brought into the courtroom to communicate with their attorney and face the judge.
6. B
False. Juries are between 6-12 members. Exactly how many will depend on the jurisdiction where the trial is held.
7. B
False. Trials are not held in appellate courts. In an appeals court, the judge(s) will review written material sent by the attorney and will then hear arguments by the attorney in court.

8. A

True. The Supreme Court is the court of last resort in the U.S. which means that it is the final arbiter of a case and if the Supreme Court reviews a case, there is no higher court that may review its decision.