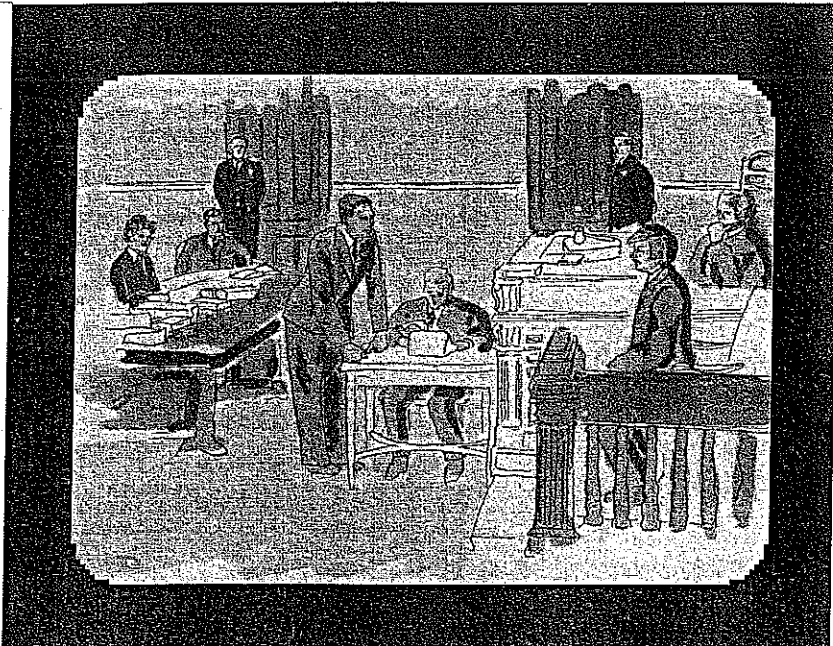


9-4-13

## Chapter 4

# The Courts and You

Horatio P. went to a diner to have lunch. He was wearing a brown leather jacket which he removed when he arrived. Later, when ready to leave, Horatio P. saw a brown leather jacket he thought was his. He made a mistake. In the pocket of the coat was some expensive jewelry. When the owner of the coat looked up and saw Horatio, he ran after him. He grabbed Horatio and called for a police officer to arrest him.




At the trial, the judge told the **jury** not to consider whether or not Horatio P. meant to steal the coat. The judge told the jury to think only about whether he had taken the coat and jewelry. The jury found the suspect guilty.

CHECK vocabulary words in bold.  
LOOK UP word meanings in the glossary, beginning on page 92.

This chapter will tell you about the court system, from trial courts to appeals courts. It will also tell what you should know about juvenile court and juvenile justice.

Unlike English criminal justice, there is no single unit of U.S. criminal justice that covers the whole country or one set of courts, police, and corrections. Instead, there are 51 separate systems, one for each state and another for the federal government.

 **CRITICAL THINKING**  
How would this country be different if there were no criminal justice system, no protection of rights, and no law and order?

### Federal and State Courts

There are federal police agencies and state police agencies. So it follows that there is a federal court system and a state court system. The federal system handles federal crimes such as federal robbery, mail robbery, bringing illegal drugs into the country, destroying federal property, and not paying income taxes.

Federal courts also handle crimes that involve people crossing over state boundaries, or border lines, from one state into another—from California to Oregon or from North Dakota into South Dakota. For example, gun dealers sometimes buy guns in a state that has few gun-control laws and take them to a second state that has much stricter gun-control laws. In the second state, people have a harder time buying a gun. As a result, the dealers are able to sell them easily but illegally in the second state.



Former "street kid," Jose C., says: "I was a street youth. I hung out on the corner with my buddies and got into trouble. But my teachers would not give up on me. They encouraged me to be the first person in my family to go to college.

Today, I have a successful criminal law practice. In my spare time, I speak to school and community groups all over the United States. I want to do my part to keep street kids from becoming juvenile offenders."

**CRITICAL THINKING**  
Why is it so important that justice, or the laws of the land and how they are enforced, be fair?

State courts deal with crimes committed in that state. A state court cannot try a drug dealer who lives in Kansas for breaking the law in Oklahoma. A federal court must do this.

**Trial and Appeals Courts**

Both federal and state courts have trial courts and **appellate**, or appeals, courts. The job of the trial courts is to find out the facts or truth in a case. These courts then decide if the accused person is guilty or innocent. If the trial court finds the person guilty, he may be able to **appeal the verdict**. This means having the case reviewed or tried a second time by an appeals court.

**Steps in the System**

The different levels of federal and state courts are like steps in the criminal justice system. Different states may call their courts by different names, but all states have trial courts, appeals courts, juvenile courts, family courts, a probate court, and local courts.

Local courts handle small crimes and civil cases. They may handle the first hearing for a serious criminal case. Local courts also handle traffic offenses. They are also called lower courts because they are the first step in the system.

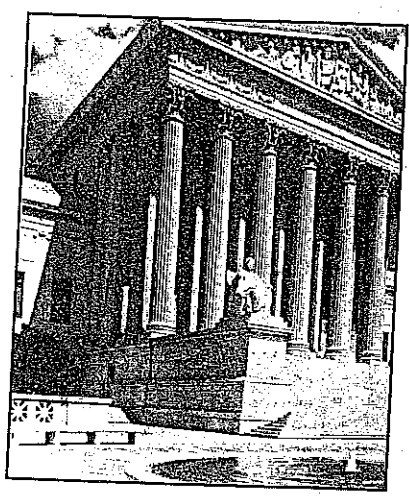
The highest court in the country is the Supreme Court. If the Supreme Court rules against a suspect, there is no other place to appeal the case. The power of the federal courts is limited by the Constitution to cases based on federal law and to disputes between citizens of different states. Most criminal cases are based on state law. This is why the state courts handle criminal prosecutions.

The president of the United States recommends people to be considered as judges to sit on the Supreme Court. These judges have their jobs for life.

What happens in trial courts and appeals courts? A trial court finds out the facts in a case. Witnesses tell what they saw in giving testimony or **evidence**. Lawyers for each side present arguments. The court decides whether the accused person is guilty or innocent of the charges. The trial may be held in front of, or before, a jury. Sometimes, the trial may be held before a judge only, with no jury present.

The person who fails to win in a trial may appeal her case. But a case can only be appealed if a legal mistake has been made or if the law is found not to agree with the Constitution. An error of law means that someone made a mistake of law during the trial. For example, the judge might have allowed certain evidence to be used that should not have been. Lawyers need to think about these things at the end of every trial.

Remember Horatio P. and the brown leather coat? The judge made a mistake by not telling the jury about that the law that says the accused person has to intend, or mean, to steal the property in order to be guilty. The appeals court reversed the verdict in this case. This means that the appeals court changed the verdict from guilty to not guilty.



**DID YOU KNOW?** For the past two decades, the courts have moved away from rehabilitating or rebuilding lives of offenders towards longer, harsher sentences. Capital punishment has also been used more often.

**EYE OPENER:** Between 1987 and 1991, juvenile arrests rose by 65 percent.

1. What mistake did Horatio P. make? \_\_\_\_\_
2. What did the owner of the coat think? \_\_\_\_\_
3. What did the judge tell the jury at the trial? \_\_\_\_\_  
\_\_\_\_\_
4. What is this chapter going to tell you about? \_\_\_\_\_
5. What are the 51 separate court systems for? \_\_\_\_\_
6. What courts handle crimes that involve people from one state into another? \_\_\_\_\_  
\_\_\_\_\_
7. What successful practice does Jose C. have? \_\_\_\_\_
8. Who encouraged him to go to college? \_\_\_\_\_
9. What do state courts deal with? \_\_\_\_\_
10. What can you do in an appellate court? \_\_\_\_\_
11. What is the job of a trial court? \_\_\_\_\_
12. What does to appeal the verdict mean? \_\_\_\_\_  
\_\_\_\_\_
13. What do all states have? \_\_\_\_\_  
\_\_\_\_\_
14. What court may handle the first hearing for a serious criminal case? \_\_\_\_\_
15. What is the highest court in the country? \_\_\_\_\_
16. What limits the power of the federal courts? \_\_\_\_\_
17. What are most criminal cases based on? \_\_\_\_\_
18. How do trial courts find out the facts in a case? \_\_\_\_\_
19. When can a case be appealed? \_\_\_\_\_ or  
\_\_\_\_\_
20. Why did the appeals court reverse the verdict in the Horatio P. case? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Critical Thinking

(pages: 15 &16)

1. Describe what you think this city would be like without no criminal justice system and no law and order.
2. What type of crimes do the federal system of courts handle?
3. What do state courts deal with? What can they not bring to trial?
4. Why is it so important that laws be enforced fair? Is it in your opinion, enforced fair here? Why?
5. Should courts be more interested in rehabilitating the lives of

criminals or longer, harsher sentences? Why?

6. What happens in a trial court?

7. What does an "error of law" mean?