

urt
in

or
th
or
to
la

he
nt
is,
le
le
re
re
al
n
of
y
e
e
t
g
e
e
s,
e
s
t
e
e
e
e
e
e

What can happen in an appeals court? The appeals court can let the ruling of the lower court stay the same. It can also overrule, or change, the lower court ruling from guilty to innocent. Finally, the appeals court can order a brand new trial or can make a brand new ruling or decision.

Sometimes, an appeal is about a constitutional matter or the rights of the accused. For example, if an accused person was illegally searched, the case can then be appealed or taken to the U.S. Supreme Court. This means going from a step in the state criminal justice system to a step in the federal criminal justice system.

The Jury

What is a jury? A jury is a group of people chosen from the community. They are honest, responsible adults who have the job of listening to all the evidence in a case. Then they talk to each other to try to weigh all facts as if trying to balance things on a scale. They ask questions: "Is there more evidence or less evidence on the innocent or the guilty side?" This is how they decide whether the accused person is guilty or not.

Who can serve on a jury? You can be on a jury if you are a citizen of the United States. You must be able to read, write, and understand English. You also must be a registered voter and a county taxpayer. Finally, you must live in the court district where the jury will serve, or do its job. Most states will not let a person serve on a jury who has been convicted of a felony.

There are two kinds of juries: a grand jury and a petit, or small, jury. The grand jury decides whether a case should go to trial. The petit jury is the actual jury at the trial.

There are between twelve and twenty-three members on a grand jury. What do they do? They examine, or look at, all the evidence. They decide whether there is enough reason to try a person in court. If there is enough evidence, the grand jury **indicts**, or officially charges, the accused person with a crime. The grand jury is not a trial jury.

The next step is to take the case to trial. However, if the grand jury does not indict the suspect, there is no trial or next step. The case is closed, or over.

Grand juries can also decide whether to arrest someone. They may investigate to see whether a crime was committed. Grand juries meet in secret. Neither the public nor the defendant know what the evidence is. It is the law that people asked to **testify**, or tell what they know, to a grand jury must do so or be punished.

Do grand juries hear all cases? The answer is no. Sometimes, the district attorney decides whether or not there is enough evidence. Then she files something called an information. This is a form officially charging a person with the crime.

What is a petit jury? This is a small jury that has six to twelve people on it. Twelve is the usual number, which is half the size of a grand



Judge Thurgood Marshall was the first African American Supreme Court judge.



Judge Constance Baker Motley is U.S. district judge for the Southern District of New York State.

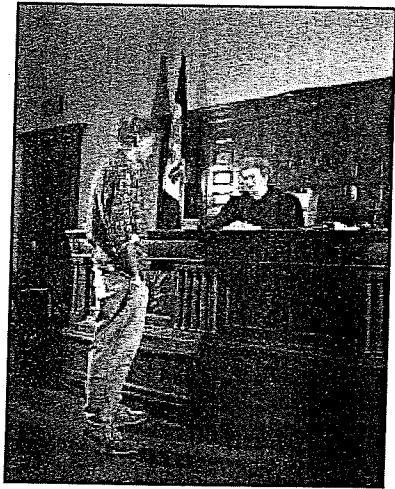


Judge Irma V. Santaella is a member of the Supreme Court of New York.



CRITICAL THINKING

Why are the following words important: "Do you swear to tell the truth, the whole truth, and nothing but the truth?"



DID YOU KNOW? There are at least 90,000 known juveniles with arrest records, according to the Federal Bureau of Investigation (FBI). These youths commit a large number of all violent crimes.

jury. These people listen to all the evidence during the trial. It is their job to decide whether the accused person is guilty or innocent.

Who's Who in Court?

Who are the people you will find in court? Here are the important ones for you to know:

defendant-the person accused of the crime

defense attorney-the lawyer for the accused person. This lawyer does not have to prove that the defendant is innocent. She just has to prove that there is **reasonable doubt** or enough reason to believe that he might be innocent in face of the prosecution's evidence.

district attorney (or prosecuting attorney) — the lawyer for the state or federal government. This lawyer has to prove beyond a reasonable doubt, or almost 100 percent, that the defendant is guilty.

judge-the person who directs everything to do with case from start to finish. The judge is present when the jury is selected. The judge rules, or decides, on questions of law and decides what evidence needs to be explained. She also decides what evidence is OK to use. Finally, she explains the law to the jury so that they can do their job.

court reporter-a person who has the job of writing down everything that is said by everyone at the trial. The court reporter sits at a small machine and types out the words very quickly.

bailiff-a person who has the job of telling witnesses when to come into the courtroom. The bailiff takes or leads the jury members in and out of the courtroom.

clerk of the court-the person who has the job of directing witnesses to swear, or promise, to tell the truth.

What Happens in a Court Trial?

Before a person goes to trial, there is first a preliminary hearing to decide if a trial is needed. This hearing can be short or long. Sometimes, a preliminary hearing takes only a few minutes.

In a court trial, first, the lawyers for either side makes opening statement to introduce their side. Then, each side has a chance to give evidence, present witnesses, and ask the witnesses questions. The district attorney questions the witnesses, and the defense attorney questions them. This is called a cross-examination.

The Questioning

What really happens during the questioning? The defense attorney tries to make the jury understand where there is reason to doubt what the witnesses have said. For example, if the case is about a robbery, the defense attorney might ask a witness, "Was it dark at the

time
clear
and
exar
telli
guil
side
She
def
the
kno
ver
mi
rok
the
me
un
to
hu
m
di
pu
tc
a:
th
d
d

9-5-13

Pages: 17 and 18

1. What three things can happen in an appeals court? _____

2. An illegal search case can be appealed or taken where? _____
3. Where is a jury chosen from? _____
4. Who was the first African American Supreme Court judge? _____
5. What is the job of a jury? _____
6. What must you be able to read to serve on a jury? _____
7. What are the two types of juries? _____
8. If there is enough evidence what does a grand jury do? _____ or _____

9. People asked to testify must do so or be what? _____
10. Who can file what is called an information? _____
11. What is Irma V Santaella a member of? _____
12. What is "reasonable doubt"? _____
13. Who directs everything to do with a case? _____
14. What is a person accused of a crime called? _____
15. Who leads the jury in and out of the courtroom? _____
16. What is the lawyer for the state called? _____
17. Who sits at a machine and types out the words? _____
18. Who has the job of directing witnesses? _____
19. How do the lawyers for either side introduce their side of the matters before the court?

20. What is cross examination? _____

9-5-13

Critical Thinking

(Pages: 17 & 18)

1. What can happen in an Appeals Court?
2. What is a jury?
3. Who can serve on a jury? Who cannot?
4. What are the two kinds of juries and what do they do?
5. What is the "defense attorney" and what must they do?

over

6. Why is it important to have trial witnesses to swear to tell the truth?

7. Why do you think youths commit a large per cent of all violent crimes?