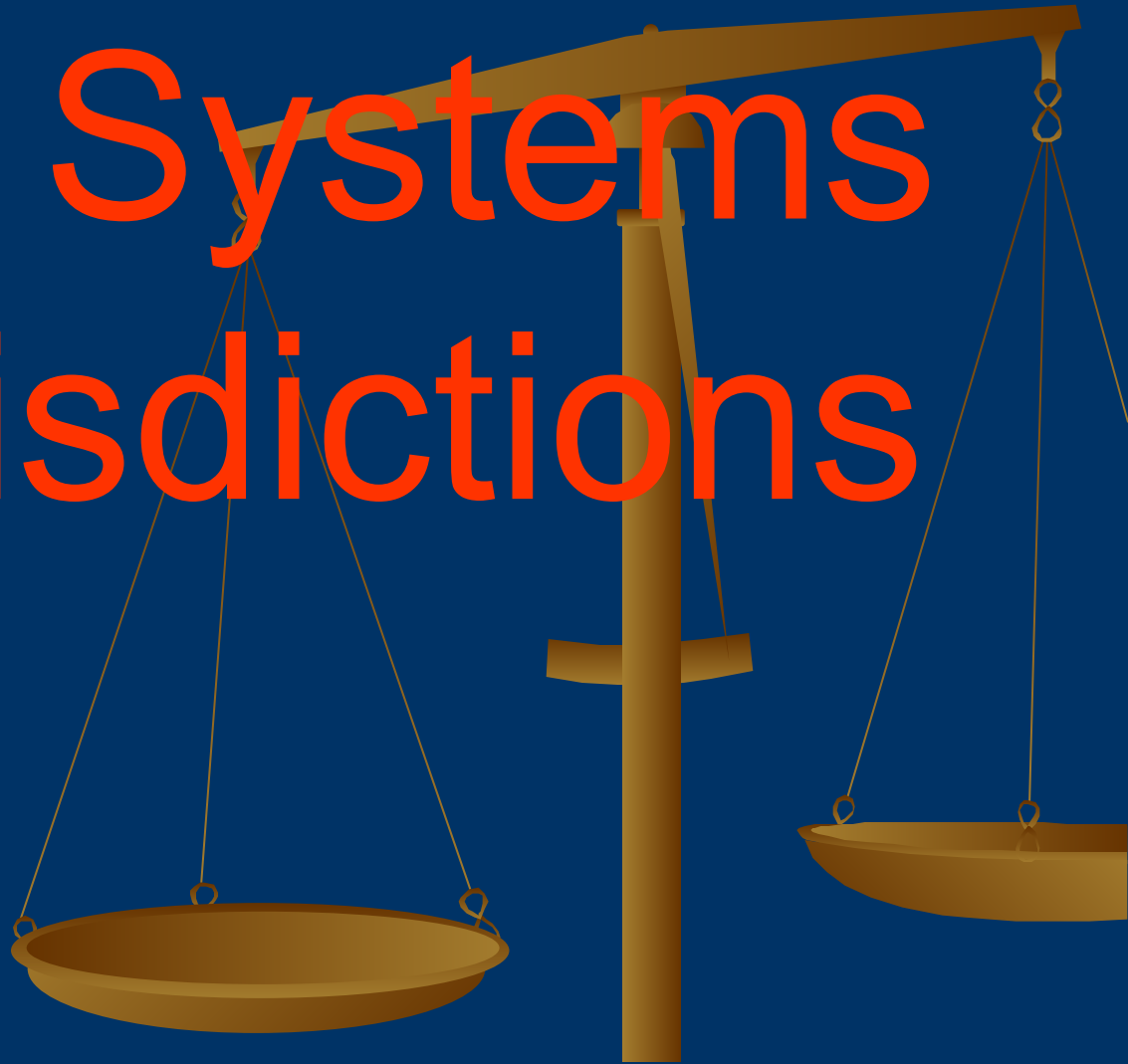


The Judicial Branch

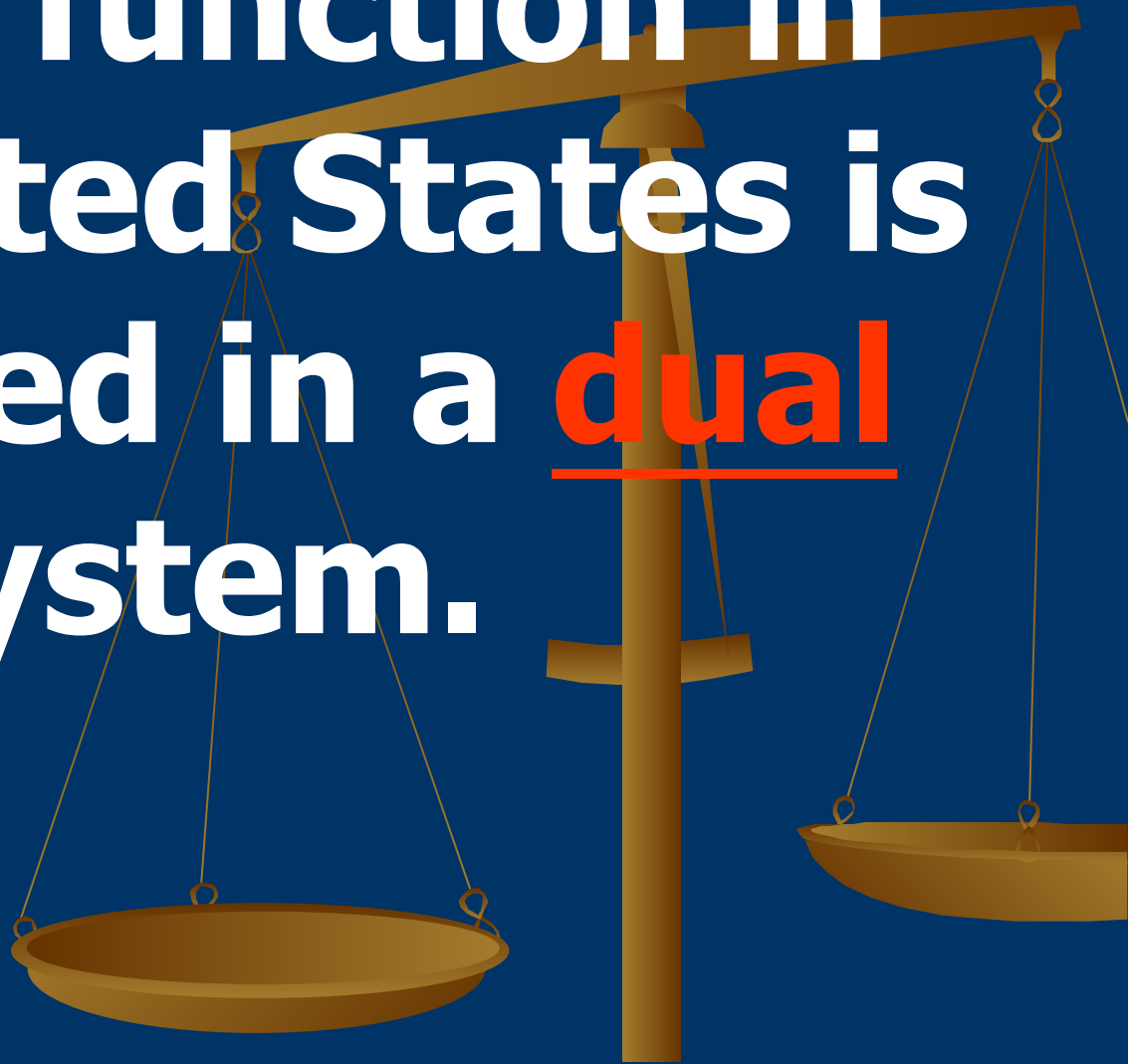
Unit 5



Court Systems & Jurisdictions



Judicial function in
the United States is
exercised in a dual
court system.



U.S. Courts

- Handle (have jurisdiction over) cases involving **federal law and the Constitution.**



State Courts



■ Handle (have jurisdiction over) cases involving **state matters.**



Jurisdiction:

The right of a court to hear a case and make a decision

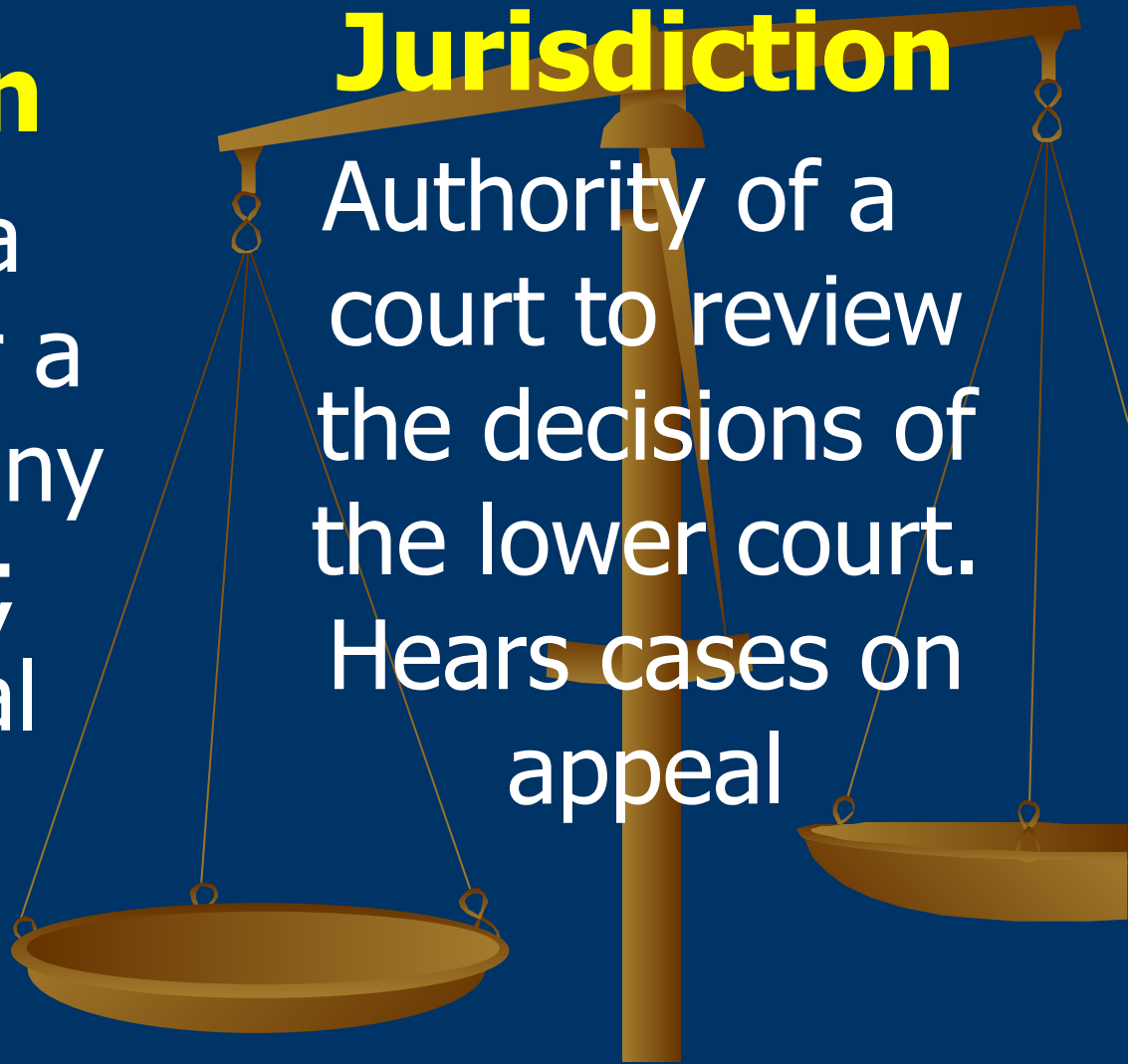


Original Jurisdiction

Authority of a court to hear a case before any other court; grants a trial

Appellate Jurisdiction

Authority of a court to review the decisions of the lower court. Hears cases on appeal



Powers of the Judicial Branch



Conduct Trials

The hearing and judgment of a case in court.



Interpret the Law

The Judicial Branch decides arguments about the meaning of laws, how they are applied and whether they break the rules of the U.S. Constitution.



Hear Appeals

The right of a
convicted person to
ask a higher court to
review his or her
case.



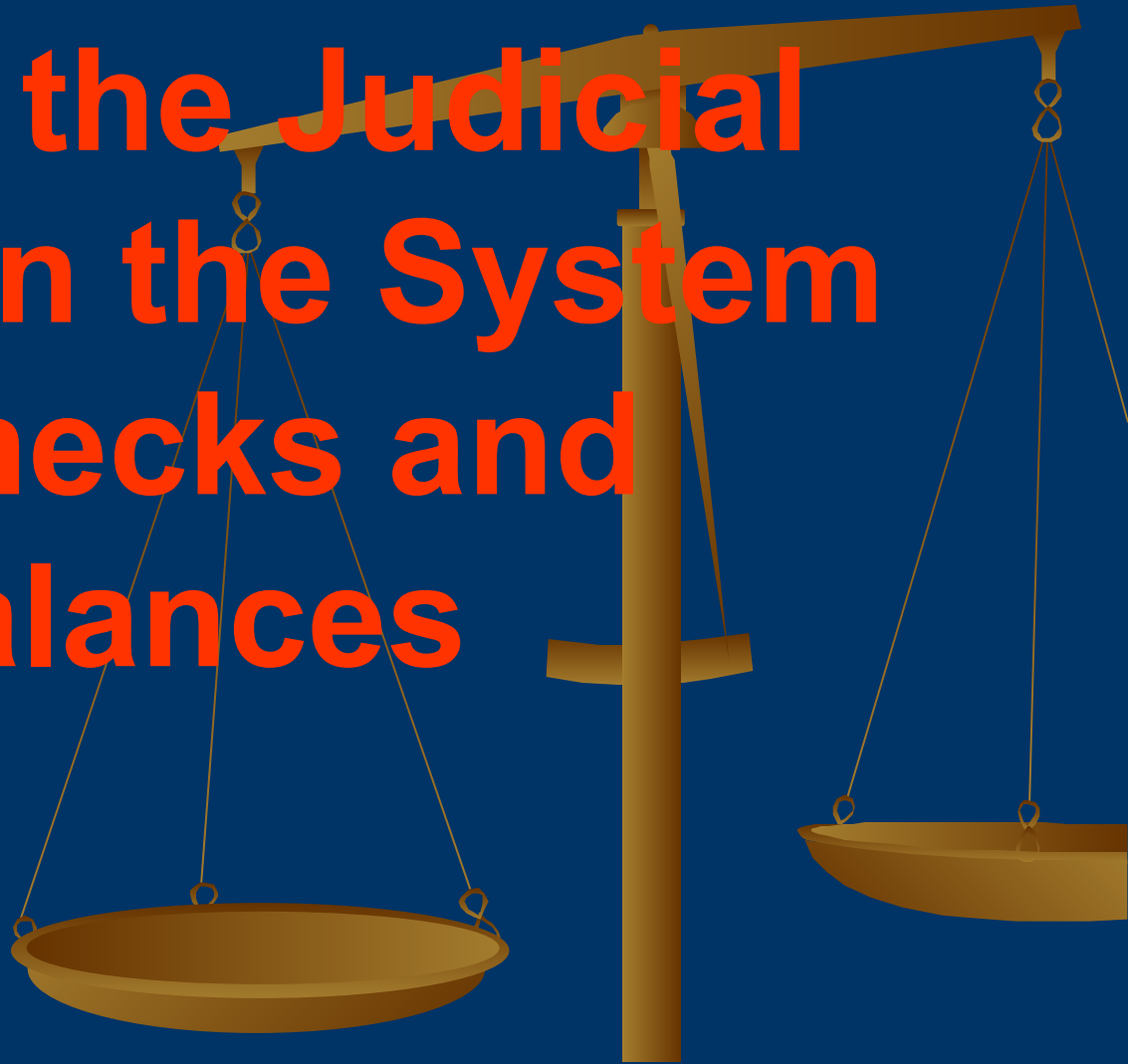
Judicial Review

- The power to determine the **constitutionality** of laws and executive acts.





Role of the Judicial Branch in the System of Checks and Balances



Judicial Checks

Judicial Powers over the Legislative Branch

The Judicial Branch can declare Congressional laws unconstitutional.

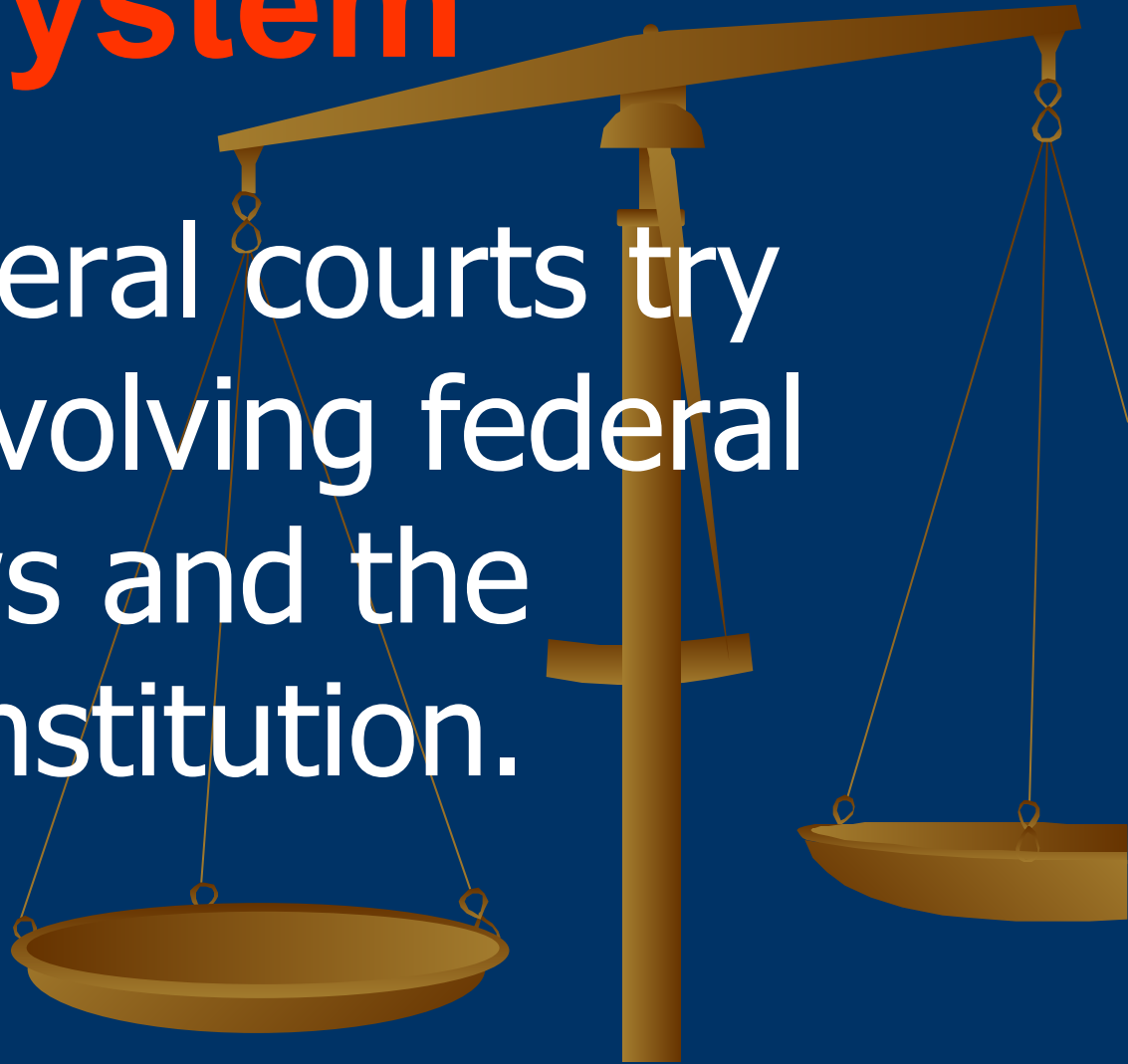
Judicial Powers over the Executive Branch

The Judicial Branch can declare executive acts unconstitutional.



The Federal Court System

The federal courts try cases involving federal laws and the Constitution.





**U.S. Supreme
Court**

**U.S. Court of
Appeals**

**U.S. District
Courts**

Types of Cases heard by Federal Courts:

- -Constitutional Questions
- -Crime committed on federal property
- Violation of federal laws
- Disputes between states
- Disputes involving foreign governments.



U.S. District Courts

- Only Trial Court
- Plaintiff:
U.S. Government
- Defendant:
Accused
- 1 Judge
- Jury
- Original Jurisdiction



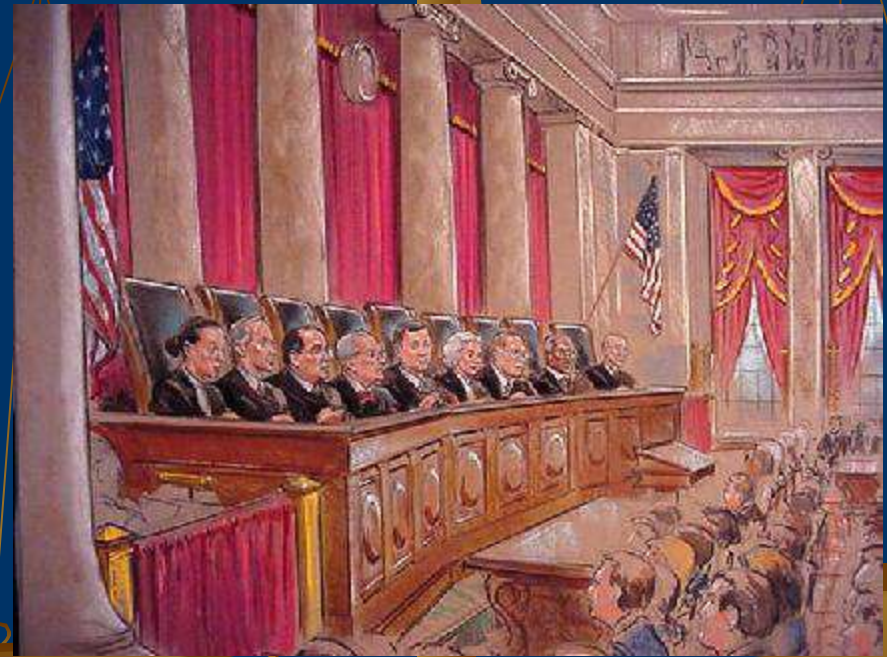
U.S. Court of Appeals

- If unhappy with ruling in District Court, the accused needs a legal reason to appeal to this court.
- 3 Justices (judges)
- No jury
- Appellate Jurisdiction



U.S. Supreme Court

- Final court of appeals if unhappy with ruling in District Court of Appeals
- 9 Justices
- No Jury
- Appellate jurisdiction
- Limited Original Jurisdiction

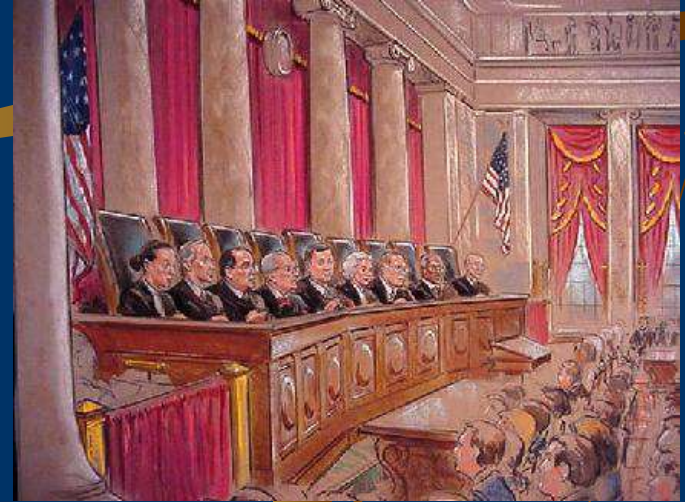


The U.S. Supreme Court and Judicial Review



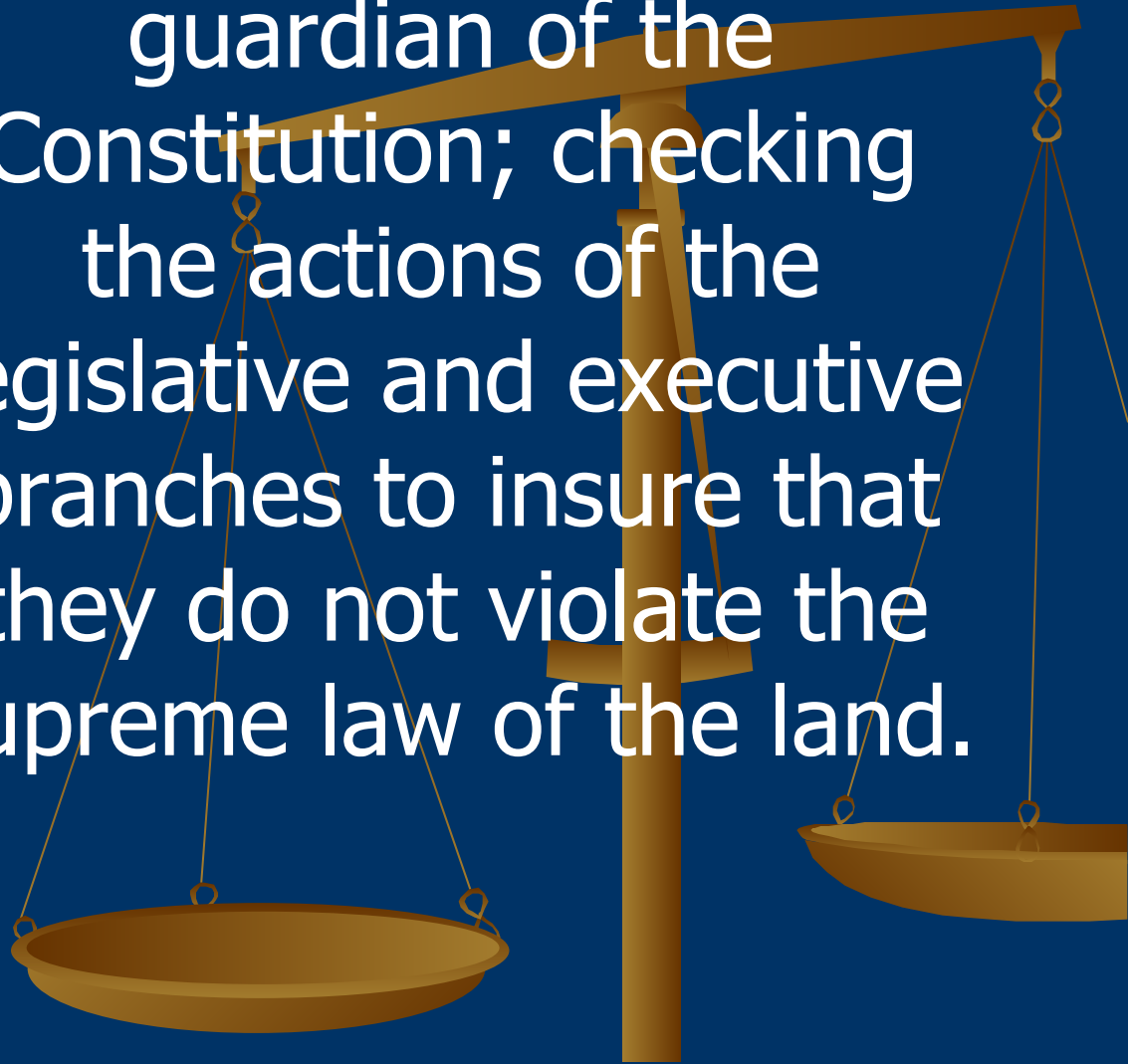
U.S. Supreme Court

- Highest Court in the land
- The only court specifically listed in the U.S. Constitution
- Justices appointed by the President and approved by the Senate
- Appointed for life
- Can be impeached by Congress





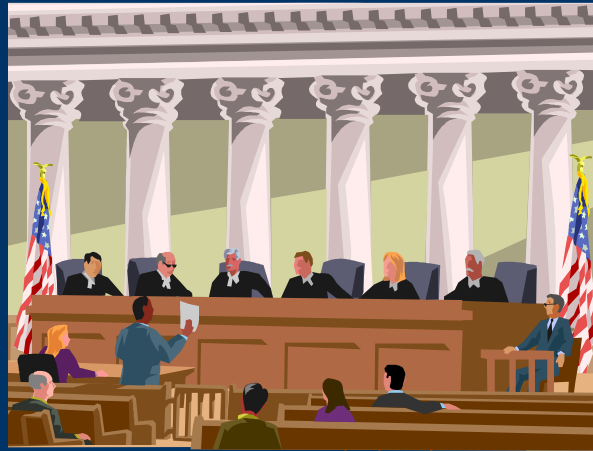
The Supreme Court is the guardian of the Constitution; checking the actions of the legislative and executive branches to insure that they do not violate the supreme law of the land.



Judicial Review



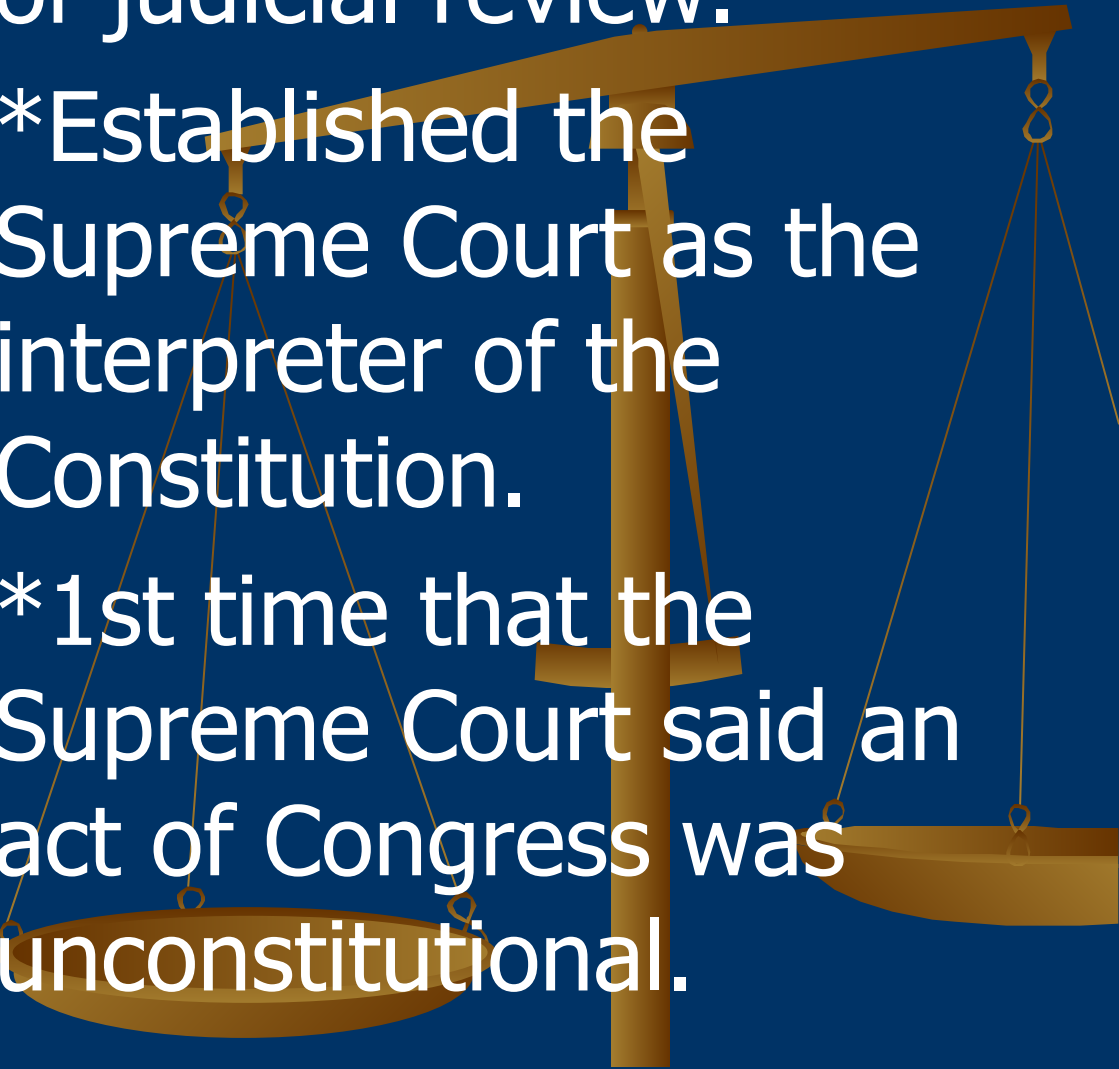
Judicial Review



The power of the Supreme Court to determine if laws made by Congress and executive acts of the President are Constitutional.

Marbury v. Madison 1803

- *John Marshall established the principle of judicial review.
- *Established the Supreme Court as the interpreter of the Constitution.
- *1st time that the Supreme Court said an act of Congress was unconstitutional.



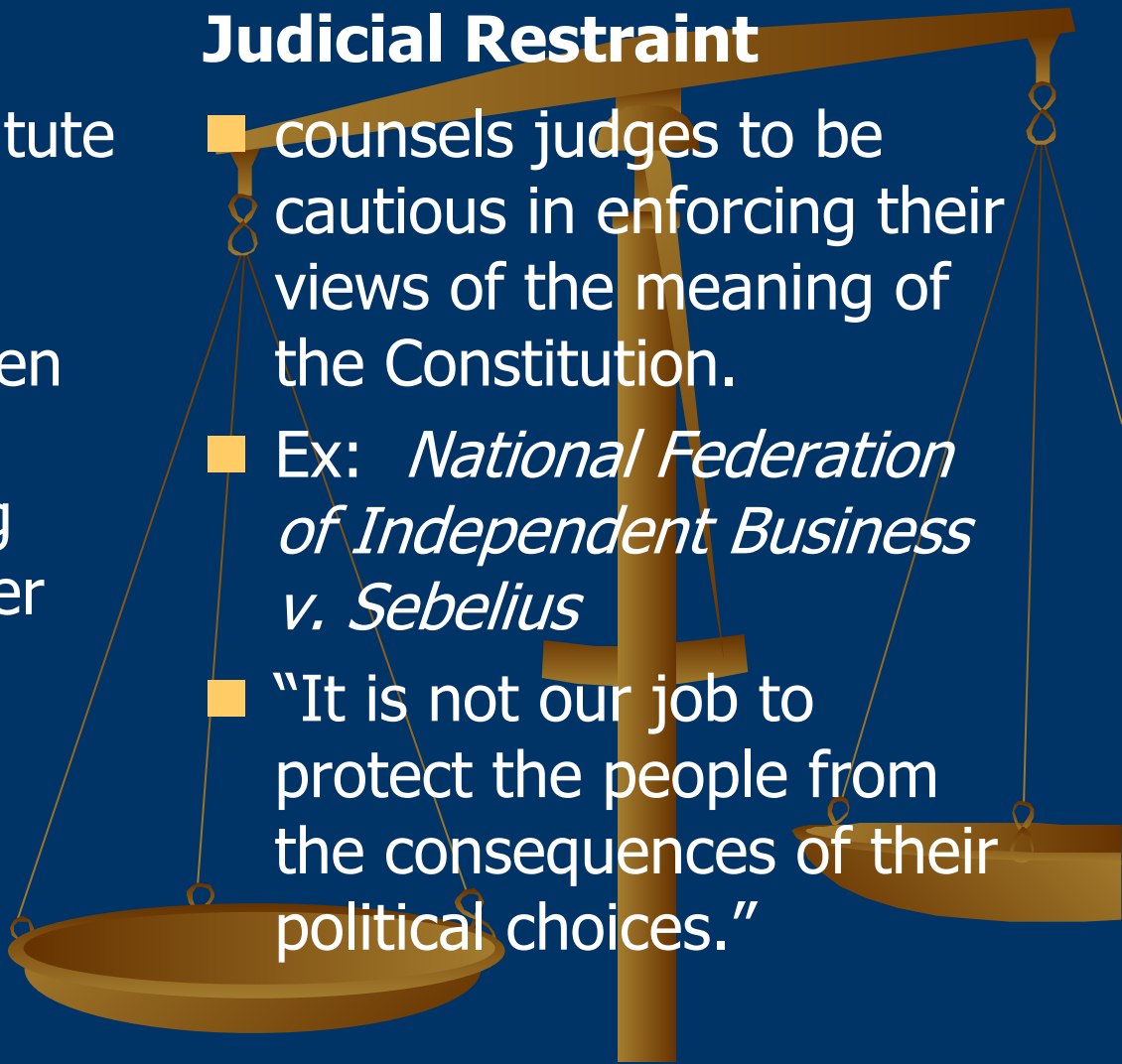
Judicial Philosophy

Judicial Activism

- is when judges substitute their own political opinions for the applicable law, or when judges act like a legislature (legislating from the bench) rather than like a traditional court.
- Ex: *Roe v. Wade*

Judicial Restraint

- counsels judges to be cautious in enforcing their views of the meaning of the Constitution.
- Ex: *National Federation of Independent Business v. Sebelius*
- "It is not our job to protect the people from the consequences of their political choices."

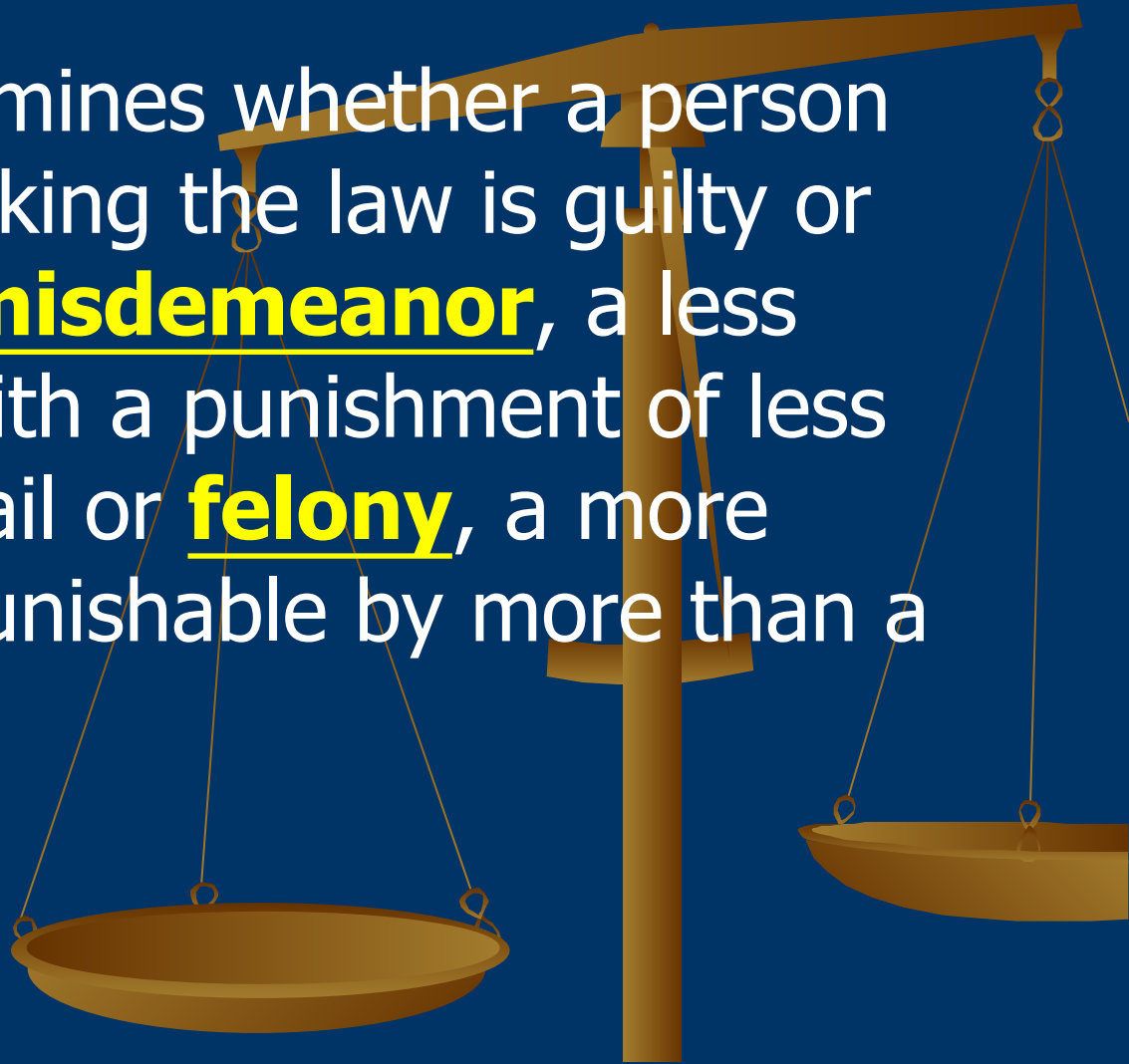


Criminal Cases and Procedures



Criminal Cases

- The court determines whether a person accused of breaking the law is guilty or not guilty of a misdemeanor, a less serious crime with a punishment of less than a year in jail or felony, a more serious crime punishable by more than a year in prison.



Procedures for a criminal case

Arrest

Jail or Bail

Preliminary Hearing

Arraignment

Trial

Sentencing





Arrest

- Police can place someone under arrest if:
- There is **probable cause**- reason to believe someone is guilty of a crime.
- The police officer witnesses a crime.
- An arrest warrant is issued.
- Miranda rights must be read: right to remain silent, to have an attorney



Jail or Bail



- The accused may be committed to jail or released on bail.
- Bail- Security, usually a sum of money, exchanged for the release of an arrested person as a guarantee of that person's appearance for trial

★ THE FASTEST 24 HOUR SERVICE AVAILABLE ★

A FREE BIRD






BAIL BONDS


No Collateral if Qualified
Free Bond Consultation
Any Court • Any Amount

353-8333

Jacksonville's Only 24 Hour On-Site Bondsman!

★





Troy Mobley, CEO Kay Pitts John Eick

★ **339 EAST BAY STREET** ★
Across from Courthouse 1/2 Block from Jail

Arraignment



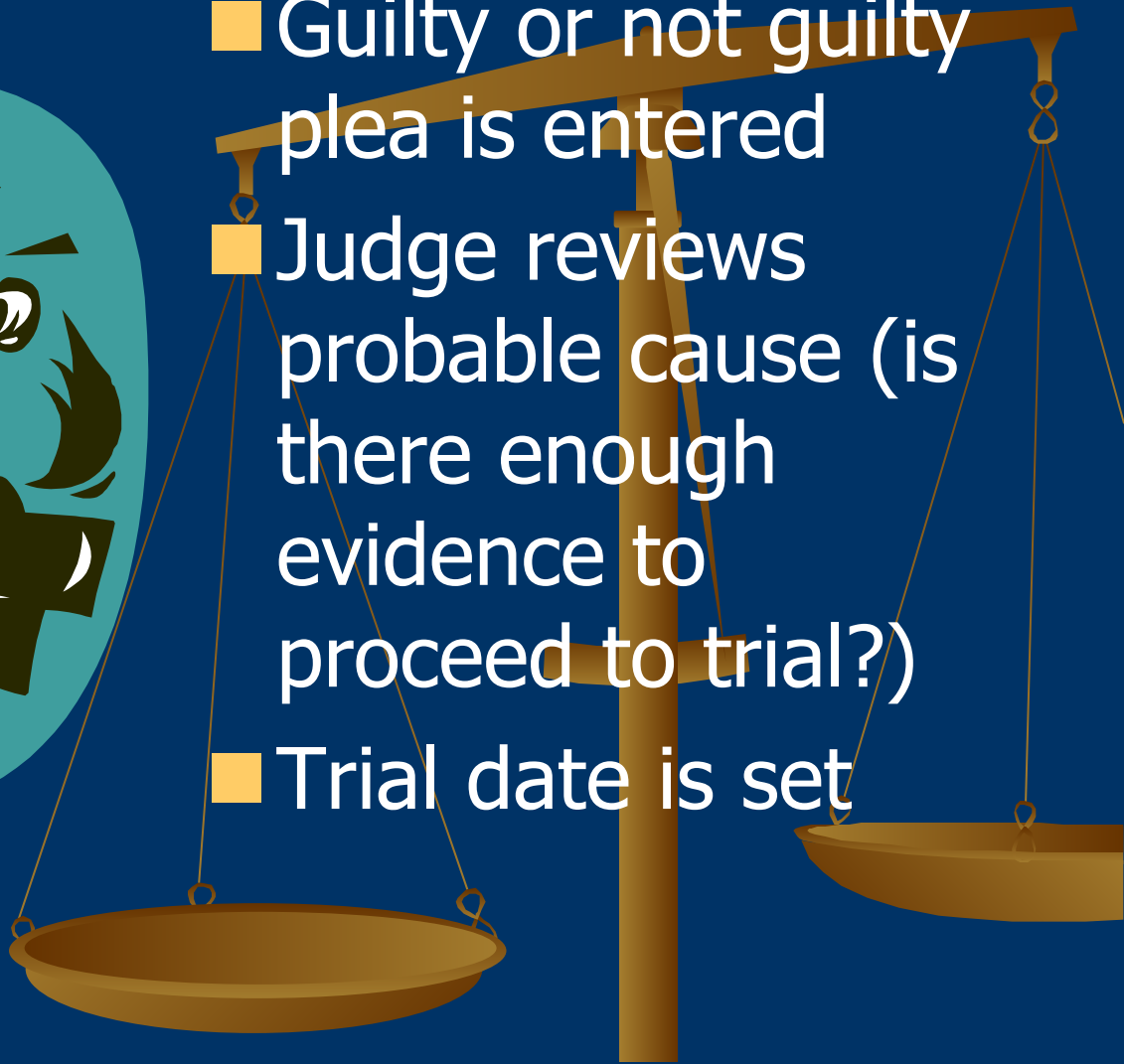
- First Meeting in front of a judge
- Bail is set
- Attorney is appointed by the court if requested
- Preliminary Trial date is set



Preliminary Hearing



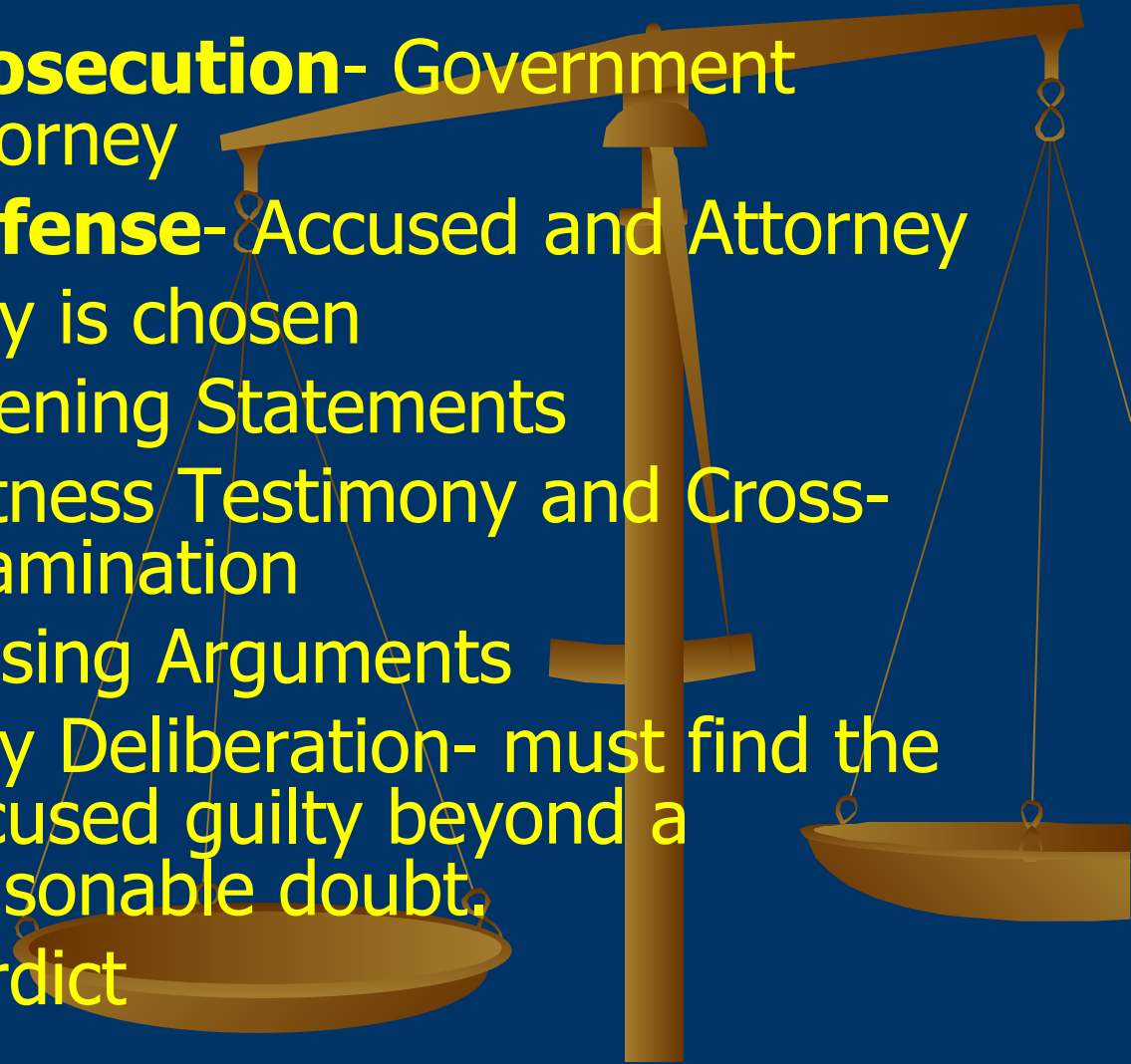
- Guilty or not guilty plea is entered
- Judge reviews probable cause (is there enough evidence to proceed to trial?)
- Trial date is set





Trial (District Court)

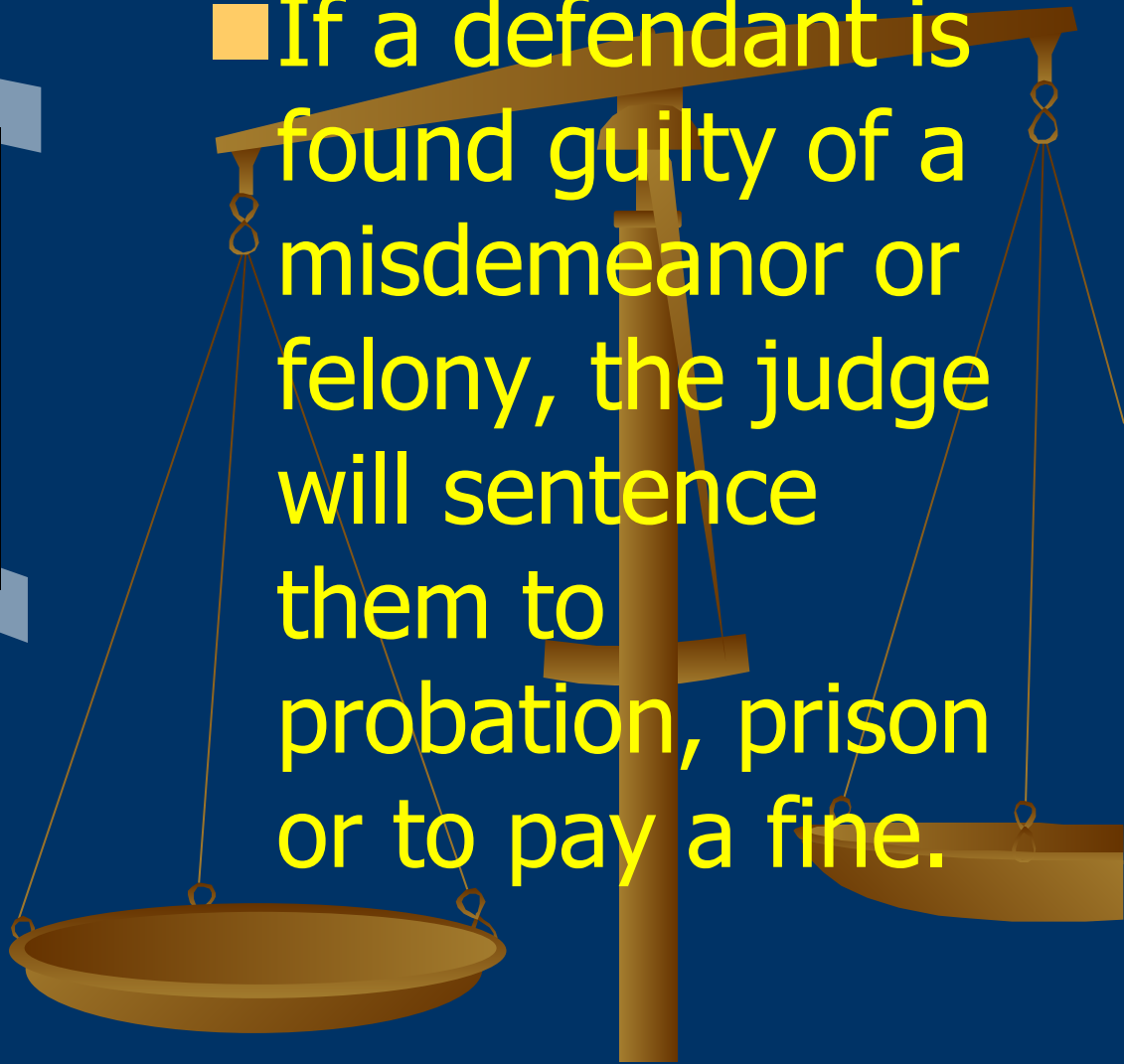
- **Prosecution-** Government Attorney
- **Defense-** Accused and Attorney
- Jury is chosen
- Opening Statements
- Witness Testimony and Cross-Examination
- Closing Arguments
- Jury Deliberation- must find the accused guilty beyond a reasonable doubt.
- Verdict



Sentencing



- If a defendant is found guilty of a misdemeanor or felony, the judge will sentence them to probation, prison or to pay a fine.

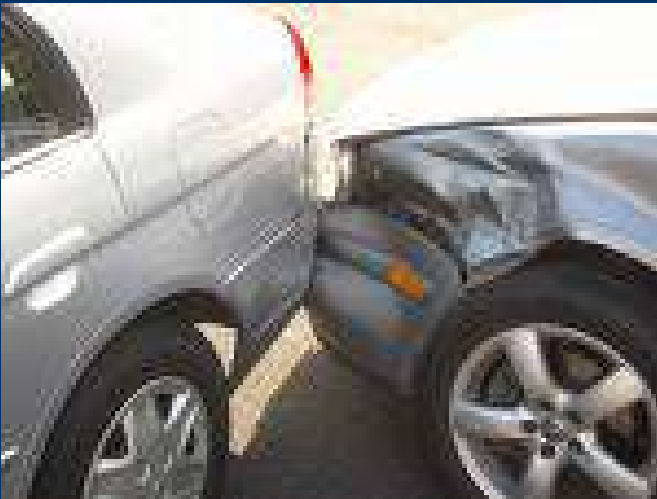


Appeal



- The convicted may appeal the case to a higher court if his/hers rights were violated or if there was an error in the court procedures.

Civil Cases



Civil Cases

The court settles a disagreement between two parties; often over money or harm to someone's reputation.



Plaintiff

- Person who feels that they have been wronged
- Initiates (begins) lawsuit
- Files complain to recover damages or to receive money
- Describes plaintiff's injury, asks court to order relief



Defendant

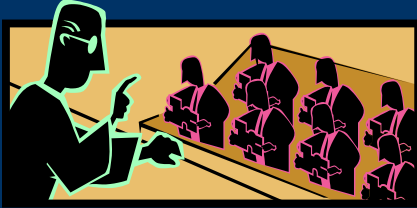


- Served a copy of the complaint
- Defends themselves against the complaint
- Has to be proven guilty by a preponderance (majority) of the evidence



Disagreement Settled by:

Jury



- Judge explains law that is relevant in the case
- Determine if defendant is responsible damages or compensation

Judge



- Bench Trial
- Determines if defendant is responsible
- Determines amount of damages or compensation

The court decides which side is right or wrong; the decision can be appealed to Court of Appeals or to the Supreme Court.

