The American Courts: Structure & Participants

• There are two (2) types of courts in the American criminal justice system:
  – State
  – Federal

• Jurisdiction refers to
  – Territory
  – Authority
  – Subject matter
The Federal Courts

• A three-tiered structure
  – US District Courts
  – US Court of Appeals
  – US Supreme Court

http://www.uscourts.gov/
State Courts

• Most states have at least three (3) levels:
  – Trial
  – Appellate
  – Supreme court

New Jersey’s court system
http://www.judiciary.state.nj.us/nj_overview.htm
Development of state courts

- The Massachusetts Bay Court was established in 1629.
- Each of the original colonies had individual courts that resolved both civil and criminal disputes.
- By the end of the Revolutionary War the earlier American colonial courts provided the organizational basis for the growth of the fledgling state court systems.
Jurisdiction

• Most frequently associated with a geographic area.

• **Original jurisdiction** is the lawful authority to hear or act on a case from beginning to end.
  – Authority in this sense may be over a geographic area much like what is in use in New Jersey with the 21 county courts.

• **Appellate jurisdiction** is the lawful authority to review a decision made by a lower court.
State Trial Courts

• This is where criminal cases begin, *de novo*, which means “new trial.”
  – There are several functions of the trail courts:
    • Bail
    • Pleas
    • Trials
    • Sentences

• **Courts of Limited Jurisdiction** or lower courts are authorized to hear less serious criminal cases, or misdemeanors.
  – Traffic
  – Small claims
The Federal Court System

• Created by the US Constitution.
  – Article III, § 1 provides for the establishment of “one supreme court.”

• The three-tiered federal courts consist of
  – District courts
    • One in each state, 94 in all
    • Have original jurisdiction over all cases involving violations of federal statutes.
  – Court of appeals
    • There are 12 regional circuit courts of appeal
    • Jurisdiction to hear appeals
  – Supreme court
The US Supreme Court

- There are nine justices;
  - The *Judiciary Act of 1789* authorized 6
  - The court’s justice increased with the expansion of the United States and has been subject to change over time.

- One is appointed as the chief justice;

- All justices are nominated by the president and confirmed by the Senate; and

- Their terms are for life.

- The Court’s greatest authority is in the capacity for judicial review of state and federal statutes.
Marbury v. Madison (1803)

- Chief Justice John Marshall established the Court’s authority as final interpreter of the US Constitution.
  - President John Adams appointed several new justices before his term expired.
  - The incoming president, Thomas Jefferson, did not allow the appointment for William Marbury.
  - John Marshall was Adams’ Secretary of State.
  - James Madison was Jefferson’s.
  - John Marshall was the newly appointed chief justice of the Supreme Court and wrote the decision.

http://www.landmarkcases.org/marbury/home.html
The Courtroom Working Group

• The courtroom involves a group of professionals that include the
  – Judge
  – Prosecutor
  – Defense attorney
  – Public defender
  – Other lay and legal persons
The Judge

• Either elected or appointed depending on jurisdiction.
  – New Jersey justices at all levels are appointed by the executive branch, with advice and consent of the legislature.

• The trial court judge has the primary duty of ensuring justice.

• The judge holds ultimate authority. They rule on
  – Matters of law
  – Weighing objections
  – Deciding admissibility of evidence
Prosecuting Attorney

• Has the official duty to conduct criminal proceedings on behalf of the people
  – State
  – Federal
• Depending on jurisdiction
  – District attorney
    • New York
  – State’s attorney
  – County attorney
  – Commonwealth attorney
  – Solicitor
Prosecutorial discretion

• The decision-making power to
  – Determine if sufficient evidence exists for trial
  – Determines charges
  – Determines if case will or will not proceed
    • The most important/significant
  – Scheduling of cases
  – Negotiate and accept/reject pleas.

New Jersey Attorney General

http://www.state.nj.us/lps/
The Defense Attorney

- Legal counsel that is hired or appointed to conduct the legal defense of a person accused of a crime.

- Three major categories of defense counsel
  - Private attorney or retained counsel
  - Court-appointed
  - Public defender

  - Employed by the government, state and federal, for the purpose of providing defense services to indigents.
Other participants

- **Bailiff** – the court officer whose duties include keeping order and maintaining custody if the jury.

- **Court Administrator**
  
  a lay person responsible for facilitating the smooth functioning of the court

- **Court reporter or stenographer**

- **Court clerk** – maintains the court records

- **Witnesses**
  
  - Lay witness
  
  - Expert

- **Juror**
  
  - Grand
  
  - Petit