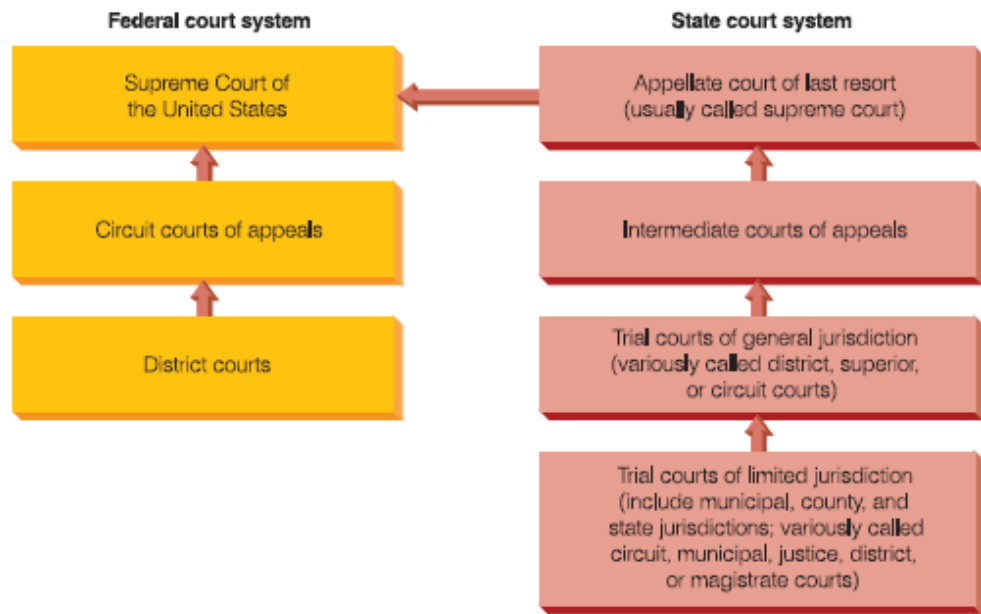


Figure 9.1 The Dual Court System of the United States and Routes of Appeal



FEDERALISM

Federal Criminal Courts

Limited range of criminal cases

State Criminal Courts

Handle violations of State Criminal Statutes

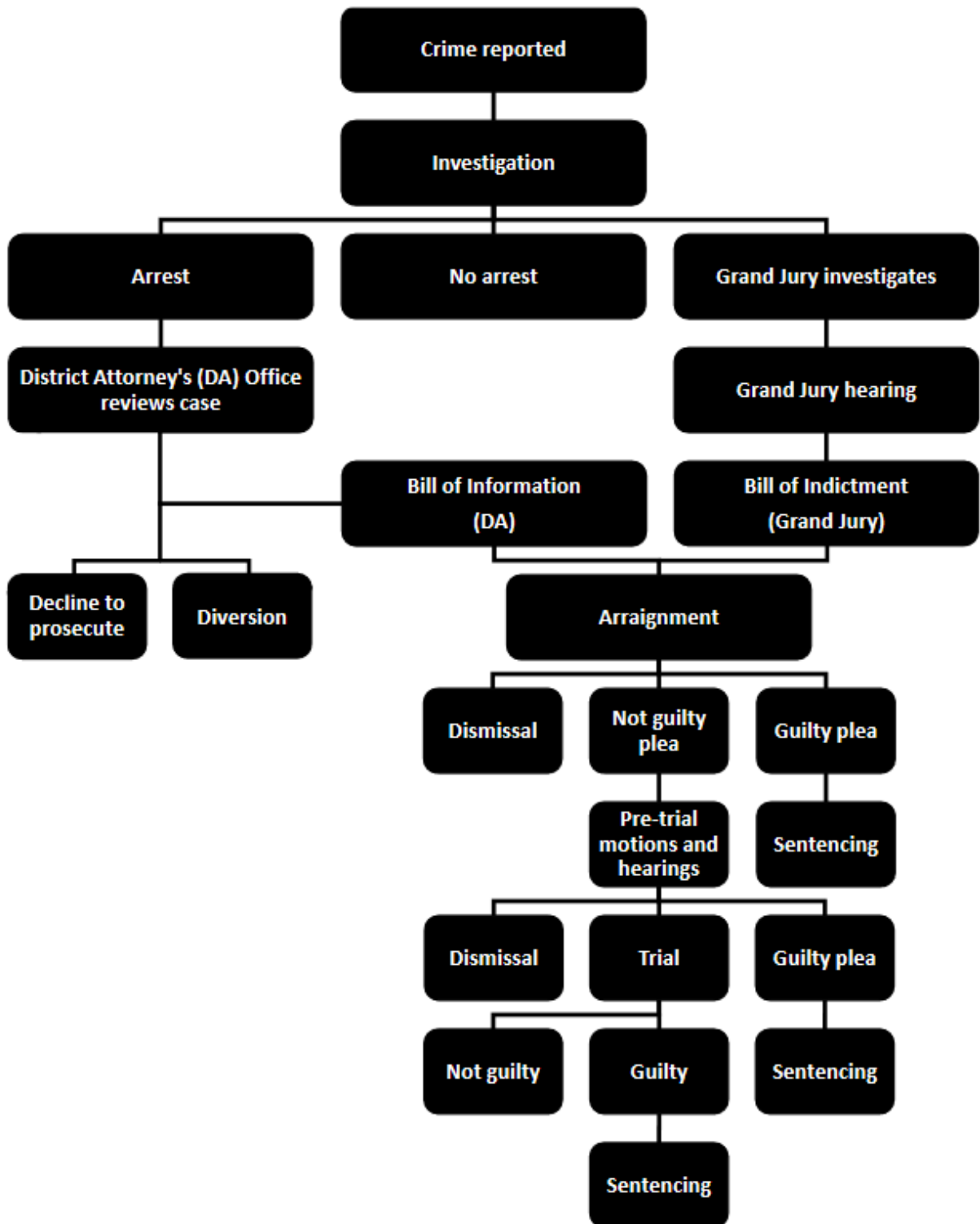
Why go Federal?

- Crime crosses State lines
- Involves Federal property
- Directly affects the Federal Government

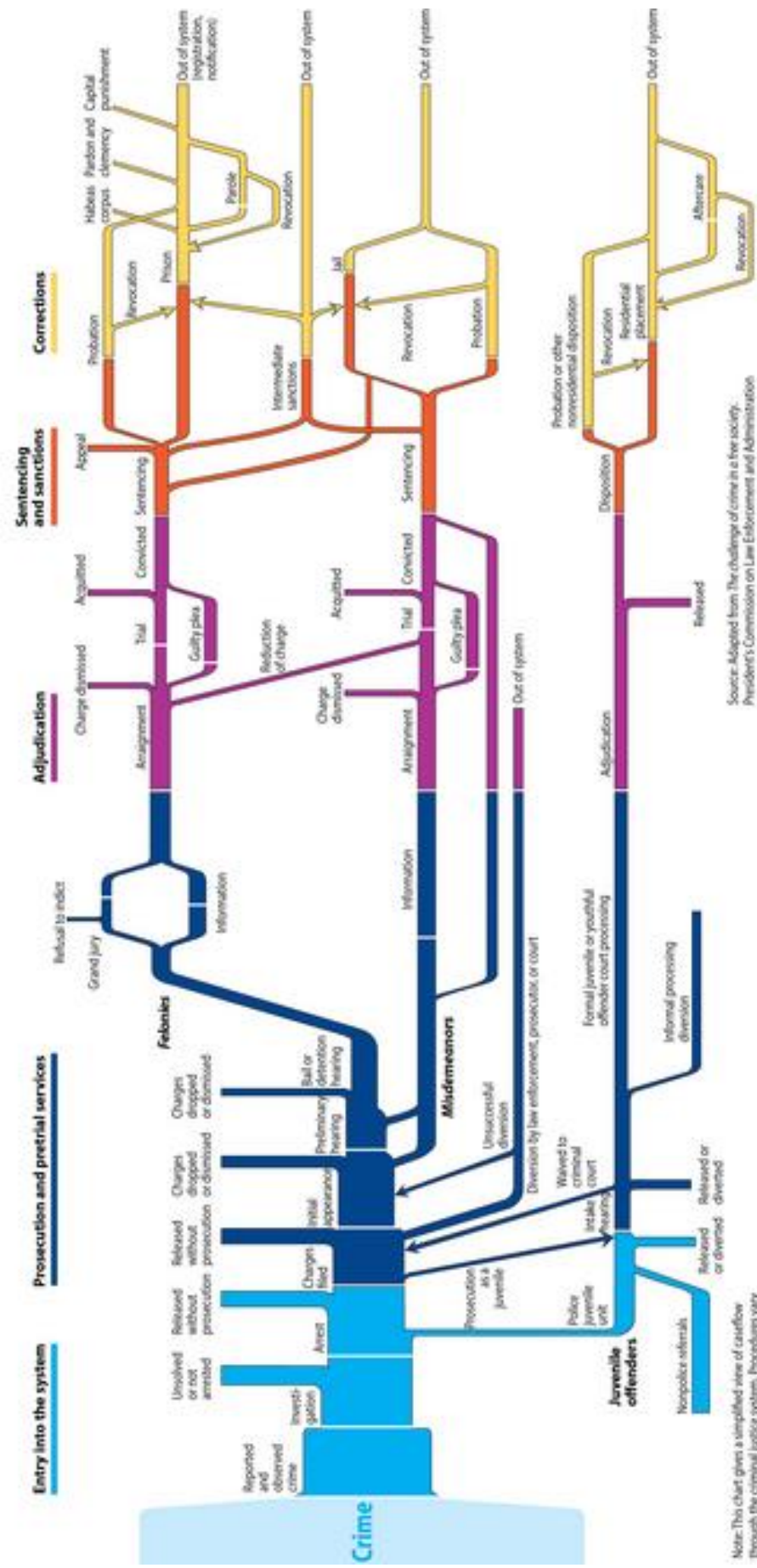
Examples: Counterfeiting, Terrorism, Drug trafficking, Major Financial Fraud

Case may be pursued by the Federal system if it was unsuccessful, but serious, at the State level (Murder) and also violates federal law

Criminal Justice System Process Flowchart



What is the sequence of events in the criminal justice system?



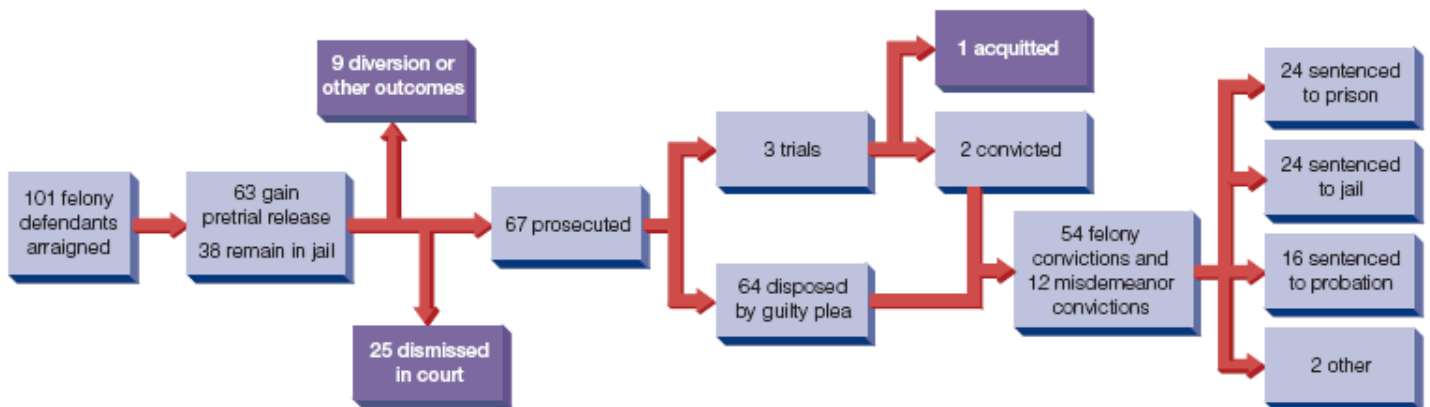
Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from "The challenge of crime in a free society. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

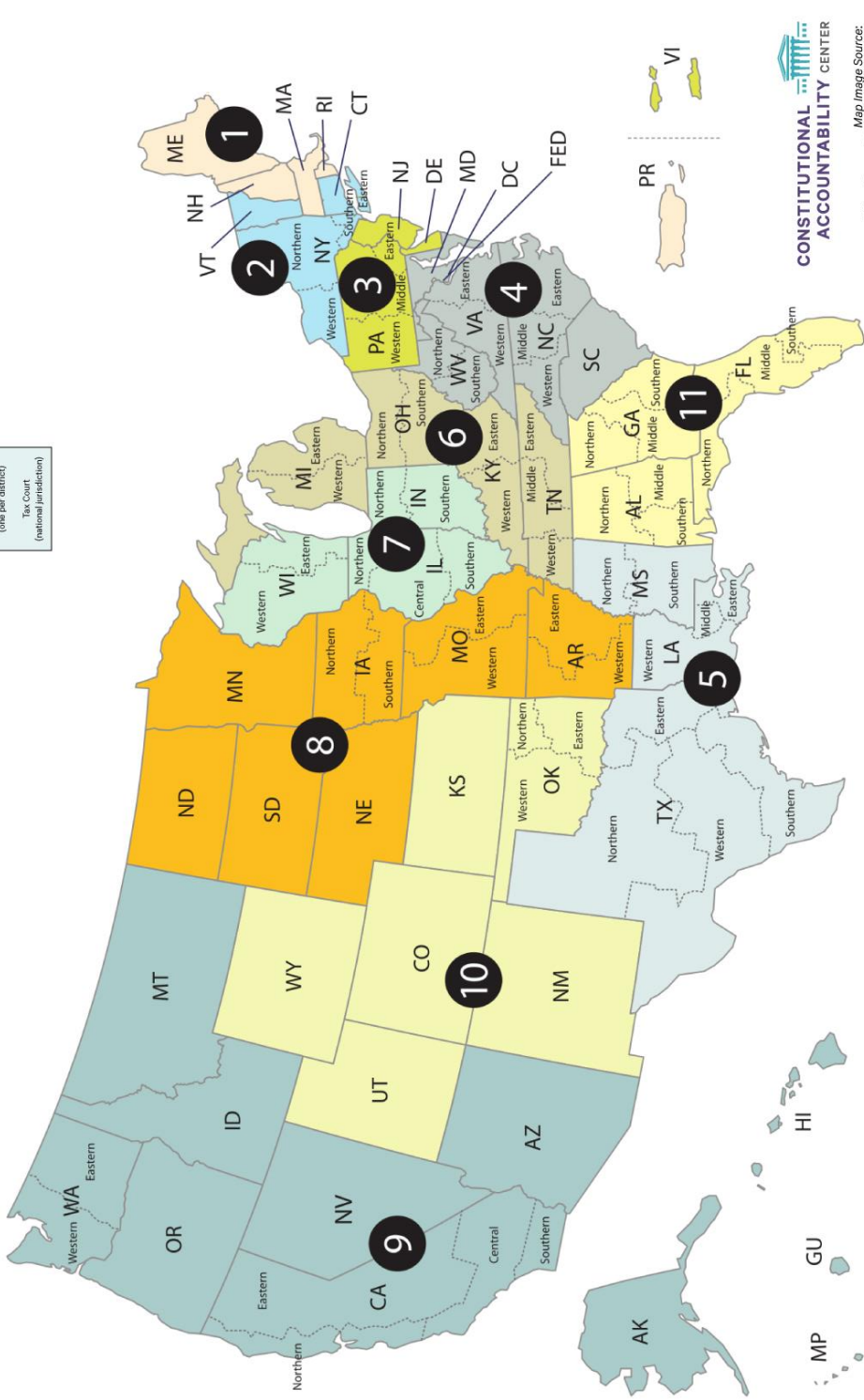
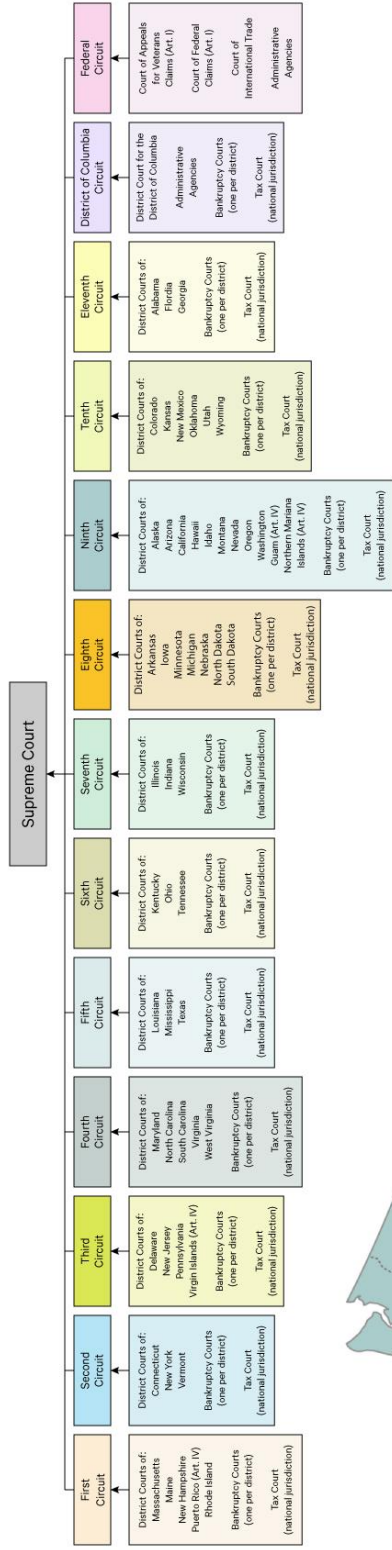
Legal process in State Courts

<i>After an arrest...</i>	Law enforcement present information about a case to the prosecutor who determines if charges will be filed or pursued.	
<i>Initial appearance (typically within 48 hours)</i>	Suspect charged with a crime must be brought before a judge or magistrate without unnecessary delay. Accused is informed of charges and judge decides if there is probable cause to proceed.	If offense is minor, determination of guilt and assessment of penalty may also occur at this stage
	Defense counsel assigned. Indigent defendants will be assigned a defense attorney by the court (they must apply for a public defender/court appointed attorney)	Pretrial release and bail may also be determined at this stage
<i>Preliminary hearing</i>	Probable cause hearing – did the accused commit the crime within the jurisdiction of the court (typically conducted if the arrest was done without a warrant)	Judge may dismiss the case (no probable cause) Judge/magistrate may find probable cause Accused may waive right to a preliminary hearing and case will be bound over for a grand jury to determine probable cause Accused may also waive right to a grand jury and a prosecutor may issue an information (same thing as an indictment)
<i>Grand Jury</i>	Evidence presented by the prosecutor (only)	Yes – sufficient evidence – an indictment is submitted which is a statement of the essential facts of the offense charged against the accused
<i>Arraignment – often the first FORMAL meeting of the Prosecutor and Defense Attorney</i>	<ul style="list-style-type: none"> • Accused informed of the charges • Advised of their rights as a defendant in a criminal court • Accused enters a plea 	Pleas: Guilty Nolo contendere/No contest (Often – there is negotiation between Prosecution and Defense which precipitates a guilty plea – 90-95% of cases) Not guilty Not guilty by reason of insanity Guilty or nolo contendere - Judge sentences offender at same court hearing or at a hearing at another date Not guilty - Trial date set
<i>Trial</i>	Serious offenses – defendant granted a trial by jury, but may ask for bench trial (judge is	

	<p>determiner of guilt instead of a jury) Prosecution and defense present evidence and question witnesses; Judge decides on issues of law</p> <p>Results: Acquittal or conviction on original or lesser included charges</p>	
<i>Sentencing</i>	<p>Judge or jury determines sentence – determined by state’s procedural law</p> <p>Mitigating or aggravating circumstances may be considered at sentencing</p>	<p>Mitigating = reduces culpability of defendant Aggravating = enhances culpability of defendant</p> <p>Presentence investigation reports often important in identifying both types of circumstances – include backgrounds of defendant and sentencing recommendations considered to be the most appropriate given sentencing guidelines and risk/needs of defendants</p> <p>Victim impact statements are a part of sentencing hearings as well – opportunity for victim or victim’s families/loved ones to impart the impact of the offense</p>
<i>Appeal</i>	Appellate review of conviction or sentence by the defendant	

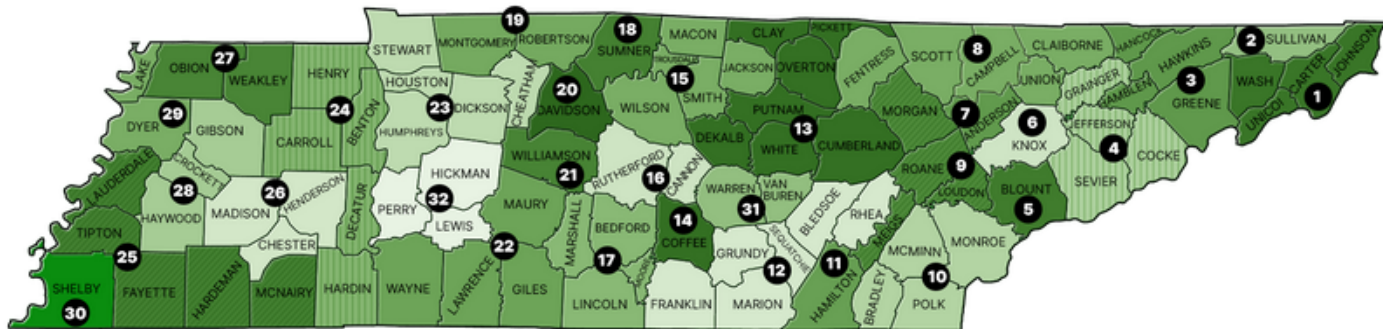


United States Federal Court System



Local Rules of Practice

This page provides the local rules of practice for trial courts. However, please note that this listing may not comprise the entirety of local rules of practice, but reflect only the rules that have been provided by the listed districts. Additional rules may be obtained from the court clerks' offices in each district or county.





Supreme Court

Court of Last Resort

Court of Appeals

Court of Criminal Appeals

Intermediate Appellate Courts

Probate Courts

Chancery Courts

Circuit Courts

Criminal Courts

Trial Courts

Juvenile Courts

General Sessions Courts

Municipal Courts

Courts of Limited Jurisdiction

Administrative Office of the Courts

