

Judiciary Quiz Study Guide

Structure

Jurisdiction – The right or authority of a court to hear certain kinds of cases.

Original Jurisdiction - When a court gets to hear a case *first*.

Appellate Jurisdiction - Only getting to hear a case AFTER it has gone through a lower court.

Dual Court System - Having two separate court structures, one state and one federal

Article III – Where the Supreme Court is described in the Constitution.

Principles

Presumption of Innocence - Places the “burden of proof” on the prosecution to show guilt

Adversary System - Expresses the idea that courtrooms are an arena in which two sides compete before an impartial judge

Crime and Punishment

Hung Jury - When a jury cannot agree on a verdict

Mandatory Minimum Sentences - A system of fixed, required terms of imprisonment

Extradition - Being returned to the state in which a crime was committed

Halfway House - A facility that assists offenders reintegrate into society

House Arrest - Requires a person to stay at home except for certain functions the court permits

Probation/Parole - When an offender is released from prison but is still supervised

Prosecutor - State official who brings charges against defendants in criminal cases

Defendant - The person charged in a court case

Plaintiff - The person who brings charges in a civil case

Docket - The list of upcoming cases on a court's schedule

Public Defender - A state provided lawyer free of charge to a defendant

Federal vs. State Cases

Federal Cases	State Cases
Involve Federal Law Involve US Constitution Maritime Law (stuff on the high seas) Crime committed on Federal Property Involve a state as a party.	Involve State Law Involve a State Constitution Happen within a state

Some cases can be either a Federal or a State case. Like the DC Sniper case. It could have been a Federal case or a state case. Ultimately, Virginia took the case.

Degrees of Murder

First Degree or Capital Murder - Willful, premeditated, murder with malice. Sentence guidelines will vary by state but typically life without possibility of parole or death penalty.

Second Degree Murder - "Crime of passion," cannot prove premeditation. Twenty to thirty years. Sometimes less. Possibility of parole.

Felony Murder - When a murder is committed and is "logically connected" to a felony. ~~in some states, it is necessary to be the trigger man to be convicted under felony murder charges.~~ Sentence will vary by state.

Involuntary Manslaughter - Accidental, unintended. Killing a pedestrian because you were texting while driving. 1-5 years...

~~You will be expected to describe one problem in the US justice system identified by the Frontline Documentary Prison State and provide one solution to that problem.~~

USVA Government Unit 9: Judicial Branch Courtroom Terms

- **Defendant-** an individual, company, or institution sued or accused in a court of law.
- **Prosecutor-** a public official who institutes legal proceedings against someone – the lawyer trying to convict someone.
- **Plaintiff-** a person who brings a case against another person in a court of law. The person with the complaint.
- **Indictment-** a formal written statement charging a person with an offense. Written by a prosecuting authority and found to have merit by a jury (such as a grand jury)
- **Public defender** -a lawyer employed at public expense in a criminal trial to represent a defendant
- **Docket** - a calendar or list of cases for trial or people having cases pending
- **Presumption of Innocence-** the burden of proof is on the one who declares, not on one who denies, is the principle that one is considered innocent unless proven guilty.
- **Arraignment-** A criminal proceeding where the defendant is officially called before a court informed of the offense charged in the complaint, information, indictment, and asked to enter a plea
- **Conviction** – finding someone guilty of a crime
- **Acquittal** – finding someone not guilty of a crime, when the burden of proof has not been met
- **Mandatory Minimum Sentences-** Judges are bound by law; these sentences are produced through the legislature, not the judicial system. ... Mandatory sentences are typically given to people convicted of certain serious and/or violent crimes, and require a prison sentence.
- **Extradition** -process by which the physical custody of a person charged with committing a crime or convicted of a crime whose punishment has not yet been fully served, is formally transferred, by authorities of one jurisdiction to those of another at the request of the
- **Hung Jury-** a judicial jury that cannot agree upon a verdict after extended deliberation
- **House Arrest-** a person is confined by the authorities to a certain residence
- **Probation-** the release of an offender from detention, subject to a period of good behavior under supervision.
- **Half-way house-** a center for helping former drug addicts, prisoners, psychiatric patients, or others to adjust to life in general society.
- **Legal Remedy-** also judicial relief or a judicial remedy, is the means with which a court of law, usually in the exercise of civil law jurisdiction, enforces a right, imposes a penalty, or makes another court order to impose its will. Basically, when a court tells someone to do something.