

2.3: The Court System

Learning Objectives

1. Compare federal and state courts.
2. Define jurisdiction.
3. Compare original and appellate jurisdiction.
4. Identify the federal courts and determine each court's jurisdiction.
5. Identify the state courts and determine each court's jurisdiction.

Every state has *two* court systems: the *federal* court system (which is structured the same in each state) and the *state* court system (which varies slightly in each state). Federal courts are fewer in number than state courts. Because of the Tenth Amendment, discussed earlier in [Section 2.1](#), most laws are state laws and therefore most legal disputes go through the state court system.

Federal courts are exclusive; they adjudicate only *federal* matters. This means that a case can go through the federal court system only if it is based on a federal *statute* or the federal *Constitution*. One exception is called **diversity of citizenship**. [28 U.S.C. § 1332](#). If citizens from different states are involved in a civil lawsuit and the amount in controversy exceeds \$75,000, the lawsuit can take place in federal court. All federal *criminal prosecutions* take place in federal courts.

State courts are nonexclusive; they can adjudicate state or federal matters. Thus, an individual who wants to sue civilly for a federal matter has the option of proceeding in state or federal court. Additionally, someone involved in a lawsuit based on a federal statute or the federal Constitution can remove a lawsuit filed in state court to federal court. [28 U.S.C. § 1441 et. seq.](#) All state *criminal prosecutions* take place in state courts.

Jurisdiction

Determining which court is appropriate for a particular lawsuit depends on the concept of **jurisdiction**. Jurisdiction has two meanings. A court's jurisdiction is the power or authority to hear the case in front of it. If a court does not have jurisdiction, it cannot hear the case. Jurisdiction can also be a geographic area over which the court's authority extends.

Definition: Jurisdiction



There are two prominent types of court jurisdiction. **Original jurisdiction** means that the court has the power to hear a trial. Usually, only *one* opportunity exists for a trial, although some actions result in both a criminal and a civil trial, discussed previously in [Section 1.3](#). During the trial, evidence is presented to a **trier of fact**, which can be either a judge or a jury. The trier of fact determines the facts of a dispute and decides which party prevails at trial by applying the law to those facts. Once the trial has concluded, the next step is an appeal. During an appeal, *no evidence is presented*; the appellate court simply reviews what took place at trial and determines whether any major errors occurred.

Definition: Original and Appellate Jurisdiction



The power to hear an appeal is called **appellate jurisdiction**. Courts that have appellate jurisdiction review the **trial record** for error. The trial record includes a court reporter's **transcript**, which is typed notes of the words spoken during the trial and pretrial hearings. In general, with exceptions, appellate courts cannot review a trial record until the trial has ended with a *final judgment*. Once the appellate court has made its review, it has the ability to take three actions. If it finds no compelling or prejudicial errors, it can **affirm** the judgment of the trial court, which means that the judgment remains the same. If it finds a significant error, it can **reverse** the judgment of the trial court, which means that the judgment becomes the opposite (the winner loses, the loser wins). It can also **remand**, which refers to sending the case back to the trial court, with instructions. After remand, the trial court can take action that the appellate court cannot, such as adjust a sentence or order a new trial.

Some courts have only original jurisdiction, but most courts have a little of original and appellate jurisdiction. The U.S. Supreme Court, for example, is primarily an appellate court with appellate jurisdiction. However, it also has original jurisdiction in some cases, as stated in the [Constitution, Article III, § 2, clause 2](#): "In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate jurisdiction."

✓ Example 2.3.1

Original and Appellate Jurisdiction

Paulina is prosecuted for the attempted murder of Ariana. Paulina is represented by public defender Pedro. At Paulina's trial, in spite of Pedro's objections, the judge rules that Paulina's polygraph examination results are admissible, but prohibits the admission of certain witness testimony. Paulina is found guilty and appeals, based on the judge's evidentiary rulings.

While Pedro is writing the appellate brief, he discovers case precedent barring the admission of polygraph examination results. Pedro *can include* the case precedent in his appellate brief but *not the prohibited witness testimony*. The appellate court has the jurisdiction to hold that the objection was improperly overruled by the trial court, but is limited to reviewing the trial record for error. The appellate court *lacks* the jurisdiction to admit new evidence not included in the trial record.

The Federal Courts

For the purpose of this text's discussion of federal courts, the focus is on the federal trial court and the intermediate and highest level appellate courts because these courts are most frequently encountered in a federal criminal prosecution. Other federal specialty courts do exist but are not discussed, such as bankruptcy court, tax court, and the court of military appeals.

The federal trial court is called the **United States District Court**. Large states like California have more than one district court, while smaller states may have only one. District courts hear all the federal trials, including civil and criminal trials. As stated previously, a dispute that involves only state law, or a state criminal trial, cannot proceed in district court. The exception to this rule is the diversity of citizenship exception for civil lawsuits.

After a trial in district court, the loser gets one **appeal of right**. This means that the intermediate appellate federal court *must* hear an appeal of the district court trial if there are sufficient grounds. The intermediate appellate court in the federal system is the

United States Court of Appeals (referred to as **Circuit Courts**). There is less federal law than state law, so only thirteen U.S. Courts of Appeals exist for all fifty states. The U.S. Courts of Appeals are spread out over [thirteen judicial circuits](#).

Circuit Courts have appellate jurisdiction and can review the district court criminal and civil trials for error. The Circuit Court reviews only trials that are federal in nature, with the exception of civil lawsuits brought to the district court under diversity of citizenship. As noted in [Chapter 1](#), the federal Constitution governs criminal trials such that *only a guilty defendant* can appeal. In general, with exceptions, an appeal of a not-guilty verdict (also called an **acquittal**) violates a defendant's double jeopardy protection.

After a Circuit Court appeal, the loser has one more opportunity to appeal to the highest-level federal appellate court, which is the **United States Supreme Court**. The U.S. Supreme Court is the highest court in the country and is located in Washington, DC, the nation's capital. The U.S. Supreme Court has eight associate justices and one chief justice: all serve a lifetime appointment.

The U.S. Supreme Court is a **discretionary court**, meaning it does not have to hear appeals. Unlike the Circuit Courts, the U.S. Supreme Court can choose which appeals it wants to review. The method of applying for review with the U.S. Supreme Court is called filing a petition for a [writ of certiorari](#).

Any case from a Circuit Court, or a case *with a federal matter at issue* from a state's highest-level appellate court, can petition for a writ of certiorari. If the writ is granted, the U.S. Supreme Court reviews the appeal. If the writ is denied, which it is the majority of the time, the ruling of the Circuit Court or state high court is the final ruling. For this reason, the U.S. Supreme Court reverses many cases that are accepted for review. If the U.S. Supreme Court wants to "affirm" the intermediate appellate court ruling, all it has to do is deny the petition and let the lower court ruling stand.

The State Courts

For the purpose of this text, a representative state court system is reviewed. Slight variations in this system may occur from state to state.

Most states offer their citizens a "people's court," typically called small claims court. **Small claims court** is a civil court designed to provide state citizens with a low-cost option to resolve disputes where the amount in controversy is minimal. A traditional small claims court only has the jurisdiction to award money damages. This means that it cannot adjudicate criminal matters or family court matters such as granting a petition for divorce. Small claims courts also limit the amount of money damages available, typically less than \$10,000.

Small claims court has special rules that make it amenable to the average individual. Small claims court proceedings are relatively informal, and usually no court reporter types what is said, except if there is a trial in the small claims court.

States generally have a **state trial court** that can also be the appellate court for small claims court appeals. This trial court is usually called a circuit court, county court, or superior court. State trial courts are generally all-purpose and hear civil litigation matters, criminal trials, and nonlitigation cases including family law, wills and probate, foreclosures, and juvenile adjudications. States can, however, create "specialty courts" to hear special matters and free up the trial courts for basic criminal prosecutions and civil litigation trials. Some states divide their trial courts into lower and higher levels. The lower-level trial court adjudicates infractions and misdemeanors, along with civil lawsuits with a smaller amount in controversy. The higher-level trial court adjudicates felonies and civil lawsuits with a higher amount in controversy.

The intermediate appellate court for the state court system is usually called the **state court of appeals**, although some smaller or low-population states may have only *one* appellate court called the **state supreme court**. The state courts of appeal provide appeals of right, meaning they *must* hear an appeal coming from the state's trial court if adequate grounds are present. Appeals can be of any case adjudicated in the state trial court. In state criminal prosecutions, as stated earlier in the discussion of federal appeals, only a guilty defendant can appeal without violating the protection against double jeopardy. At the appellate level, the state court of appeal simply reviews the trial court record for error and does not have the **jurisdiction** to hear new trials or accept evidence.

The highest appellate court for the state court system is usually called the state supreme court. In states that have both intermediate and high-level appellate courts, the state supreme court is a discretionary court that gets to select the appeals it hears, very similar to the U.S. Supreme Court. The state supreme court generally grants a petition for writ of certiorari, or a **petition for review**, if it decides to hear a civil or criminal case coming out of the state court of appeal. If review is denied, the state court of appeal ruling is the final ruling on the case. If review is granted and the state supreme court rules on the case, the loser has one more chance to appeal, *if there is a federal matter*, to the U.S. Supreme Court.

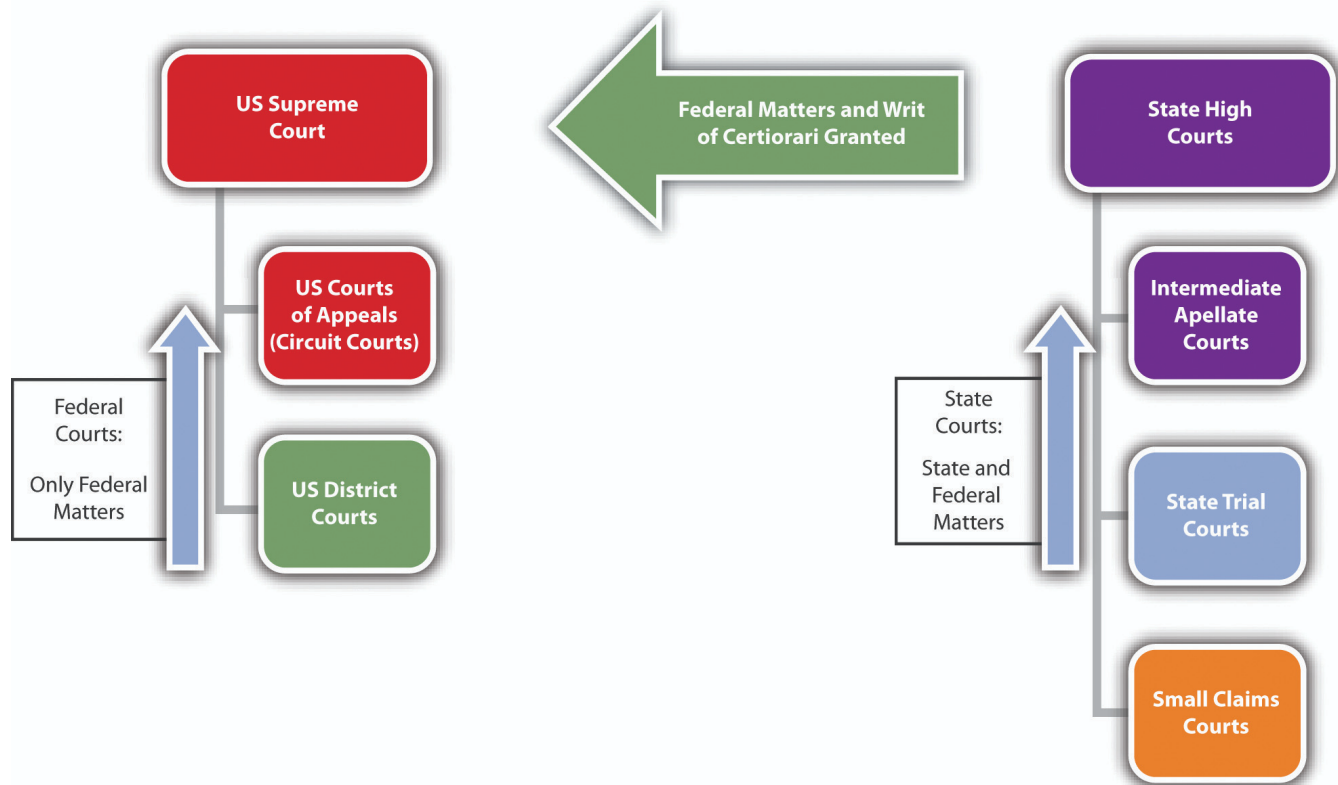


Figure 2.3 Diagram of the Court System

Key Takeaways

- Federal courts are exclusive and hear only federal matters or cases involving diversity of citizenship. State courts are nonexclusive and can hear state and federal matters. All federal criminal prosecutions take place in federal court, and all state criminal prosecutions take place in state court.
- Jurisdiction is either the court's power to hear a matter or a geographic area over which a court has authority.
- Original jurisdiction is a court's power to hear a trial and accept evidence. Appellate jurisdiction is a court's power to hear an appeal and review the trial for error.
- Three federal courts adjudicate criminal matters: the trial court, which is called the United States District Court; the intermediate court of appeal, which is called the United States Court of Appeals or Circuit Court; and the high court of appeal, which is called the United States Supreme Court. The district court has original jurisdiction; the Circuit Court and U.S. Supreme Court have primarily appellate jurisdiction.
- State courts are usually limited to four, and only three adjudicate criminal matters. Small claims court is a "people's court" and hears only civil matters with a low threshold of damages. The state trial court, often called superior, circuit, or county court, is the trial court for the state system. Some states have an intermediate court of appeal, which is generally called the state court of appeals. Some states have a high court of appeal, which is generally called the state supreme court. The trial court has original jurisdiction; the state court of appeal and state supreme court primarily have appellate jurisdiction.

Exercises

? Exercise 2.3.1

Jenna sues Max for \$25,000, based on a car accident that occurred in Indiana. Jenna lost at trial and appealed to the highest state appellate court in Indiana, where she lost again. If Jenna files a petition for a *writ of certiorari* with the U.S. Supreme Court requested the Court to hear her appeal, will the Court grant the petition and hear the appeal? Why or why not?

Answer

Jenna cannot appeal to the U.S. Supreme Court because she does not appear to have a *federal* issue. Parties can appeal from a state's highest level appellate court directly into the U.S. Supreme Court, but the U.S. Supreme Court is a federal court and only has the jurisdiction to hear federal matters. Jenna cannot meet the criteria of diversity jurisdiction or diversity of citizenship because even if she and Max are citizens of different states, the amount in controversy is too low (it needs to be at least \$75,000).

? Exercise 2.3.2

Read *United States v. P.H.E., Inc.*, 965 F.2d 848 (10th Cir. 1992). In *P.H.E., Inc.*, the defendant never went to trial but was *indicted*. The defendant challenged the indictment, which was upheld by the trial court. The government claimed that the Court of Appeals for the Tenth Circuit could not hear an appeal of the trial court's decision, because there was never a "final judgment." Did the Circuit Court agree? Why or why not?

Answer

The U.S. Court of Appeals for the Tenth Circuit held that there *was jurisdiction*, in spite of the absence of a trial. The court also held that the extraordinary circumstances compelled a reversal of the district court order denying a motion to dismiss the defendants' indictment. The court essentially ruled that the defendants had a right not to be tried.

? Exercise 2.3.3

Read *Hertz Corp. v. Friend*, 559 U.S. 77 (2010). How did the U.S. Supreme Court determine the citizenship of a *corporation* for the purpose of diversity jurisdiction?

Answer

The U.S. Supreme Court held that a corporation is a citizen of its state of incorporation *and* the state in which its *principal place of business* is located. The principal place of business is the "nerve center state," which is the state that houses the corporate headquarters.

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