

CHAPTER OVERVIEW

Chapter 7: Courts

Learning Objectives

After reading this section, students will be able to:

- Differentiate between what happens at trial and what happens on appeal and identify the procedural history of a criminal case by reading appellate opinions written in the case.
- Describe how a crime/criminal case proceeds from the lowest level trial court up through the U.S. Supreme Court. (i.e., students should understand the hierarchy of the federal and state courts).
- Discuss the function and selection of state and federal trial and appellate judges in the American criminal justice system
- Discuss the function and selection of state and federal prosecutors in the American criminal justice system.
- Discuss the importance of the criminal defense attorney in the American criminal justice system.
- Identify at what stages of the criminal justice process a defendant is entitled to the assistance of a court-appointed attorney.

This section examines the structure and function of the criminal courts in America. It examines the concept of jurisdiction and describes the dual court system (the federal court system and the various state court systems). This section also examines the role and function of the various courtroom participants—the people who work in the courts.

Critical Thinking Questions

1. Knowing what happens at trial and what happens on appeal, would you be more interested in being a trial judge or an appellate judge? Why?
2. Why is there a different standard of review for questions of fact and questions of law?
3. Do you agree that cases should be overturned only when there was a fundamental or prejudicial error that occurred during the trial?
4. Do you think it is easier to be a defense attorney than a prosecutor believing the defendant is guilty but knowing that the justice system has violated the defendant's rights?
5. Should the defendant ever waive the assistance of counsel?
6. Is there any position as a court staff that particularly interests you? Why?

[7.1: Introduction to the U.S. Court System](#)

[7.2: Jurisdiction](#)

[7.3: Structure of the Courts - The Dual Court and Federal Court System](#)

[7.4: Structure of the Courts- State Courts](#)

[7.5: American Trial Courts and the Principle of Orality](#)

[7.6: The Appeals Process, Standard of Review, and Appellate Decisions](#)

[7.7: Federal Appellate Review of State Cases](#)

[7.8: Courtroom Players - Judges and Court Staff](#)

[7.9: Courtroom Players - Prosecutors](#)

[7.10: Courtroom Workgroup- Defense Attorneys](#)

Template:HideTOC

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