

Unit 2 Review: The Constitution, Bill of Rights & Our System of Checks & Balances

Only 6 review sessions left!!!

- Warm Up:
 - Name four amendments and the rights they protect.
 - What are CHECKS AND BALANCES?
 - **GIVE EXAMPLES OF:**
 - The powers of Congress
 - Powers of the Executive Branch
 - Powers of the Judicial Branch
- **REVIEW PACKETS DUE THURSDAY!**
- Today's Plan:
 - Bill of Rights Review
 - Quiz / Kahoot: Constitution & Bill of Rights
 - Independent / Small group packet work
 - Quiz / Kahoot: Checks & Balances
- Review Groups (sit as assigned please):
 1. Christian, Brandon, Tyrik
 2. Daniel, Reggie, Mariah
 3. Juan, Nashanda, Tim
 4. Aaron, J. Scarborough, Tahj
 5. Best, J. Smith, Jeaven
 6. Jess, Keem, Guillermo
 7. Adella, Shamod, Mali
 8. Devin, Salenceo, Tahjir
 9. Skyler H., Isaiah
 10. Kelsha, Simone

Independent Work Time - Packets

1. Use website, notes, and other resources to complete Unit 2 review packet
2. www.mrggcivics.weebly.com; exam review
– Then move on to Unit 3
3. Kahoot Quiz on bill of rights & constitution at 11:45
4. Kahoot Quiz on powers of Congress, President, & Supreme Court at 12:30

Regarding Review Packets & Grades

1. Thursday at 11:16am – you will earn a zero if I haven't seen your packet.
 - COULD RAISE A (depends on each student's situation though):
 - 54 to a 68
 - 68 to a 73
 - 80 to an 83
 - could drop a:
 - 96% to a 73%
 - 81% to a 64%
- **Late work deadline was before the break.**
 - **If you have a zero on an essay or major project, turn it in and I'll provide 3/5 credit.**

STUDY RESOURCES:

- The packets I gave with info filled in
- **My website**
www.mrggcivics.weebly.com
 - **Notes and materials for each unit**
 - “Exam prep” tab has materials (packets) and jeopardy review games

Upcoming Schedule

- Friday – 2nd Period B Day Exams
 - 2nd period 7:30-9:30am
 - 4th period: 9:36-10:36
 - 3rd period & lunch
 - 1st period: 1:00-2:30
- **Mon June 1: 1st Period Exam 7:30-11:30am**
 - Lunch with 2nd period
 - **3rd period review: 1:36-2:30**
- Tues 6/2– 3rd period B Day exam
 - **7:30-9:30 – 3rd period review (for us)**
 - 9:36-10:36 – 1st period
 - LUNCH with 4th period
 - 2nd period: 1:00-2:30
- **Wed 6/3: 2nd period Exams: 7:30-11:30am**
 - Lunch with 3rd period
 - 4th period review: 1:36-2:30
- Thurs 6/4: 4th period B day exam
 - **7:30-9:30 – 4th period review**
 - 9:36-10:36 – 2nd period
 - LUNCH with 1st period
 - **3rd period: 1:00-2:30 (our FINAL REVIEW SESSION!)**
- **Fri 6/5: CIVICS & ECONOMICS FINAL EXAM**
 - 7:30-11:30am
- Mon 6/8 – 1st period B day Exams
- **Tue 6/9 – 4th period Final Exam**
- **Make Ups:**
 - Miss Friday, make it up Monday
 - Miss Monday, make it up Tuesday,
 - Etc.
- **NO RETAKES**
- **No exemptions**
- **EXAM GUIDELINES**
 - **No electronics – either don't bring them or be ready to place them in zip locks with your phones OFF.**
 - **You will be permitted to take an exam without proving to me that your phone is off and stowed.**
- **C&E Exam Format**
 - 120 minute testing period
 - 41 multiple choice
 - 2 Constructed Response (written) questions
- **Exam Content:**
 - **About 50% Economics & 50% civics**
 - **All testing is ONLINE, including written section**

Article 3-Judicial Branch



The Supreme Court

- 1 Chief Justice; 8 associate justices
- Lifetime terms
 - appointed by President; confirmed by Senate
 - Legal training **NOT** required



The Impartial Judiciary??

- Judges are supposed to be non-partisan
 - Job is to interpret the law, not make it
- BUT: presidents pick justices who share their views on the constitution
 - Republicans tend to favor strict construction
 - Democrats tend to favor the living document approach
 - <http://www.youtube.com/watch?v=itgB9XnKjQU>

How Presidents shape the Court

- presidents nominate Judges & Justices who share their views on the constitution
 - Republicans / conservatives favor strict construction
 - Democrats / liberals favor loose interpretation

Marbury v. Madison

- JUDICIAL REVIEW

- Right of the Supreme Court to decide whether laws are constitutional
- “It is emphatically the province of the Judicial branch to say what the law is.”
 - Majority Opinion written by Chief Justice John Marshall
- MARBURY V. MADISON = JUDICIAL REVIEW
- MARBURY V. MADISON = JUDICIAL REVIEW
- MARBURY V. MADISON = JUDICIAL REVIEW
- MARBURY V. MADISON = JUDICIAL REVIEW



Powers of Supreme Court

- **Judicial Review – power of the court to decide if laws are constitutional or unconstitutional**
 - “unconstitutional” means it violates the constitution
 - Courts can “strike down” Federal or State laws that are unconstitutional – meaning that those laws are illegitimate and no longer valid
 - Why can Federal courts strike down state laws?
 - Federal Supremacy Clause!



Marbury v. Madison

- Supreme court case that established the power of JUDICIAL REVIEW
 - Supreme court can “STRIKE DOWN” or throw out any law that it thinks violates the constitution
 - MARBURY V. MADISON = JUDICIAL REVIEW
 - MARBURY V. MADISON = JUDICIAL REVIEW
 - MARBURY V. MADISON = JUDICIAL REVIEW
 - MARBURY V. MADISON = JUDICIAL REVIEW

Precedents

- once a court issues an opinion, it is called a precedent
 - Once a precedent is set, it is like a final decision and is RARELY changed
- Supreme Court opinions create precedents that **MUST be followed & respected by:**
 - all other courts
 - the Executive branch
 - Congress
 - State & Local government

Supreme Court Opinions

Majority Opinions

- At least 5 justices
- Legally binding
- Sets court precedent

Concurring Opinions

- Agrees with majority opinion but for different reasons

Minority / Dissenting Opinions

- 1-4 justices
- Explains basis for disagreement with Majority opinion
- Sometimes leads to cases being re-considered later:
 - Plessy v. Ferguson was overturned by Brown v. Board

Interpreting the Constitution

- **Strict Construction**
 - The constitution means exactly what it says
 - We must limit government power
 - Laws that go beyond what the constitution says are unconstitutional
- **Examples of Strict construction**
 - **No right to privacy**
 - Constitution does not mention privacy
 - **No affirmative action**
 - Would be discrimination against white people
- **Loose Interpretation**
 - Constitution is designed to be flexible
 - Founders could not predict everything
 - **Constitution is a living document: its meaning can change with the times**
- **Examples of loose interpretation:**
 - There IS a right to privacy
 - Right is IMPLIED by 4th & 9th amendments
 - Affirmative Action IS constitutional
 - needed to correct historical injustices

Plessy v. Fergusson (1896)

- Court Ruling:
 - The Louisiana law is upheld.
 - Court rules that separation of the races is acceptable, as long as each race receives equal treatment.
 - Blacks and whites both had their own train cars, so the court said this was OK.
 - ESTABLISHED THE PRECEDENT OF SEPARATE BUT EQUAL

Brown v. Board of Education (1954)

- Overturned Plessy v. Ferguson
- Ruled that separate is not equal
- Ended school segregation in the U.S.

Tinker v. Des Moines (1969)

- Court rules that students have a right to free expression in school SO LONG AS that speech does not disrupt school activities

Korematsu v. U.S.

- **BACKGROUND:**

- Japan bombed Pearl Harbor in December of 1941.
- The U.S. government did not trust Japanese American citizens.
 - Government feared Japanese spies.
- President Roosevelt ordered that all Japanese Americans had to leave their homes and live in “Internment Camps” until the end of the war.

Korematsu v. U.S. (1944)

- Supreme Court says the internment camps are OK.
 - In a time of war, National security concerns are more important than individual liberties.

U.S. v. Nixon

- U.S. Government sued Nixon to force him to release records about Watergate
 - Nixon argued that the records were top secret and confidential, and refused to release them due to Executive Privilege
 - Supreme Court says: no dice
 - Executive privileges applies to national security issues
 - It does not make the President above the law

NY Times v. U.S. (1971)



- Nixon administration
 - charges Ellsberg with Treason for releasing national security documents
 - Orders NY Times to stop publishing the report
- Supreme Court rules in favor of NY Times
 - **1st Amendment**: we have a free press to help stop the government from keeping secrets and lying to its people

In your Interactive Notebook: Unit 3 - Lesson 1

U.S. Legal System: Core Legal Principles

LESSON ESSENTIAL QUESTION:

- What basic values shape the American Legal system?

ESSENTIAL Lesson VOCABULARY:

- Independent judiciary
- Habeas corpus
- Due process
- Exclusionary rule
- Double jeopardy
- Presumption of innocence
- Trial by jury
- Precedent & respect for it
- Penal code
- Criminal law
- Constitutional law
- Civil law
- Administrative law

Warm Up (In google doc):

- What is the difference between a good law and a bad law? Give Examples.



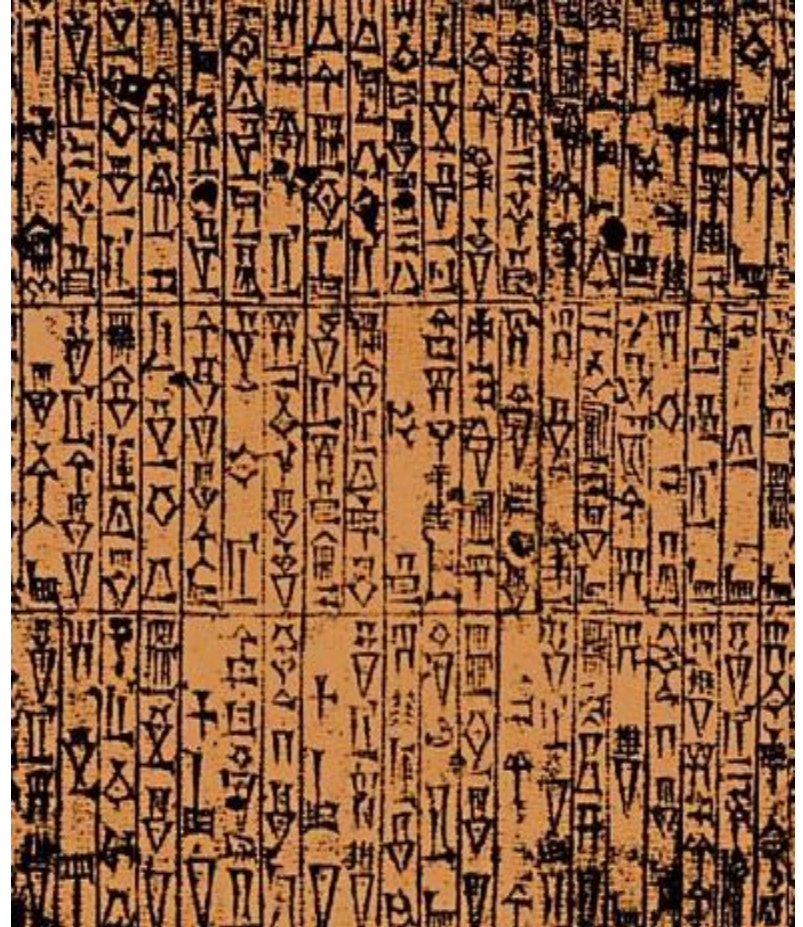
Values

- Laws must reflect the values of the people in the society
 - If they don't, they won't be followed



Influences on U.S. Laws

- Code of Hammurabi
 - Harsh punishment
 - Protected the wealthy
- Roman Law
- The Torah / Bible
 - 10 commandments
- English Common Law
- Magna Carta
 - Right to Habeas corpus



Important Legal Principles

1. Rule of law
2. Independent judiciary
3. Presumption of Innocence
4. Due Process

Rule of Law

- We are a “nation of laws”
 - In our nation, **we are ruled by the law**
 - We are not ruled by rulers
- Government makes laws, but laws have to be in line with the Constitution



Rule of Law

- PRECEDENTS – court rulings that clarify the law and guide future court rulings
 - EXAMPLES:
 - Marbury v. Madison set a PRECEDENT that the supreme court has the power of judicial review
 - Brown v. Board set a PRECEDENT for school integration
 - Tinker v. Des Moines set a PRECEDENT that students have a right to express their political views at school, as long as they don't disrupt class

An Independent Judiciary

- Judges serve until death or retirement
 - If they had to get elected, they would pander to voters and might not always apply the law fairly
 - If they had to get re-appointed, Presidents would just replace judges they disagree with

Presumption of Innocence

- If the government wants to put you in prison, it must prove you committed a crime
 - It should not be easy to take away a person's freedom

BURDEN OF PROOF

- Government must present evidence that proves to the jury that the accused is:
 - guilty “beyond a reasonable doubt”
 - Based on the evidence, any reasonable person would conclude that the accused did what they are accused of doing

“beyond a reasonable doubt”

- Jury must reach a unanimous decision – every juror agrees
- Jurors must be convinced that the defendant committed the crime
- If juror has a REAL doubt that the person did what they are accused of, they must vote to acquit
 - Doubt must be reasonable, not imagined

What kind of laws are there?



- Civil
- Administrative
- Criminal
- Constitutional

Administrative Law

- Laws that govern how businesses and industries must operate
 - Minimum wage
 - Health codes
 - DMV regulations



Civil

- Disputes between two private parties
 - When someone sues someone else

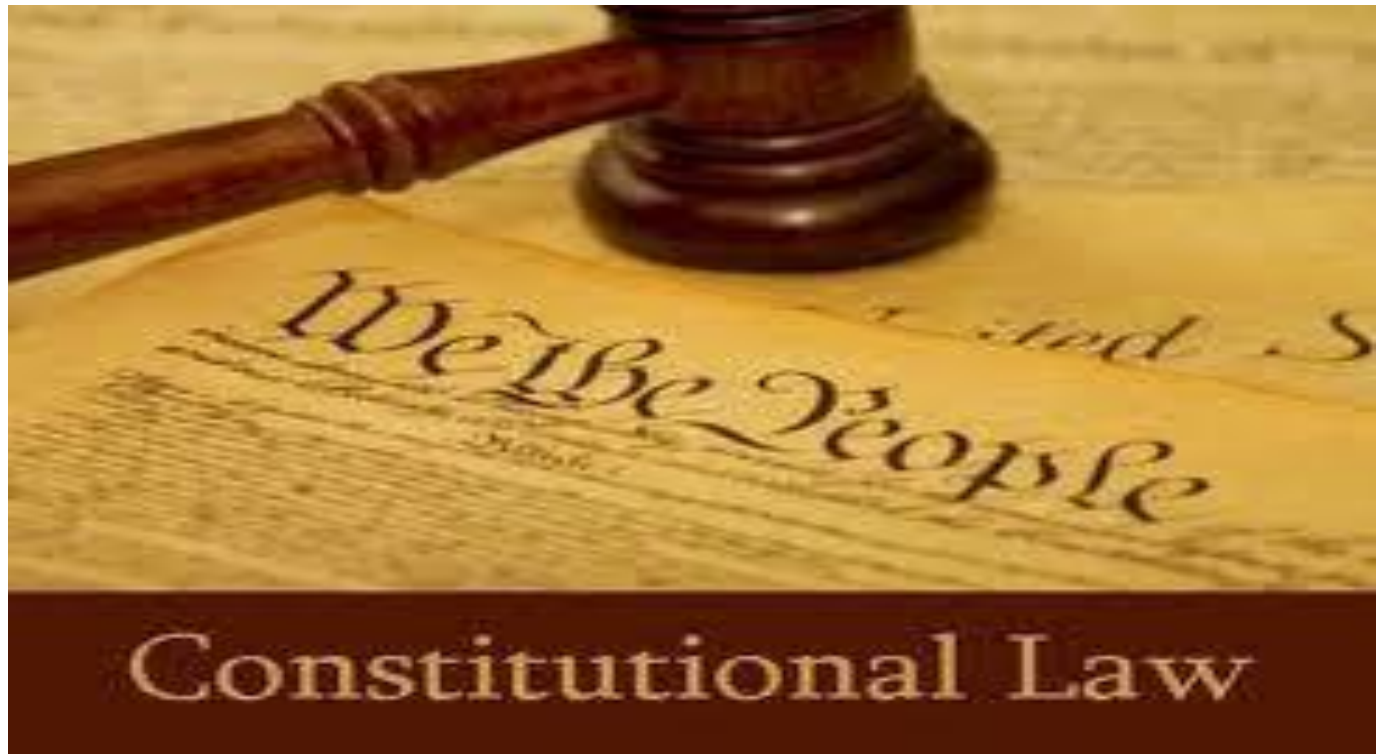


Civil Law Example

- Torts – law suits brought against a person who caused you an injury or other damage
 - Medical or legal malpractice
 - If the city sewer is not covered and you fall in and break a leg
 - If the YMCA lets you swim during a lighting storm and you get electrocuted

Constitutional Law

- Involve interpretation of the constitution
 - suits can be brought if your constitutional rights are violated



Constitution requires Due Process

- The government must use proper legal procedures before taking away a persons freedom or property
 - Must have evidence of a crime before getting a warrant
 - Must ensure that constitutional rights are provided to those accused of crimes
 - 4th, 5th, 6th, 8th amendments
 - Everyone has a right to use the legal system
 - 7th amendment

Warrants & Probable Cause

- When police are ready to make an arrest, they get a judge to sign a warrant.
 - Police must have a warrant to arrest a person
- UNLESS they have PROBABLE CAUSE
 - Clear visual evidence that you did the crime
 - Example: the cop saw johnny breaking into a car
 - The cop saw Ricky trying to hide a laptop under his coat and walk out of the store

Due Process: Exclusionary Rule

- Government cannot use evidence if the evidence was obtained illegally
 - illegal searches make evidence “inadmissible”
 - That means it cannot be used in court

Due Process: Miranda Rights

- **Miranda v. Arizona**
 - Supreme Court case
 - Police have to inform people they arrest of their rights to:
 - Remain silent (5th amendment)
 - Have an attorney (6th amendment)
 - Have an attorney you don't have to pay for (6th amendment)

Criminal Law

- Laws to protect people and their property
 - Prosecuted by the State or Federal government
 - Violations can result in prison or fines



Types of Felonies

Crimes against *People*

- Violent or potentially violent crimes such as Murder, Manslaughter, Assault, Rape, and Kidnapping

Crimes against *Property*

- Burglary, Robbery, Theft, Vandalism, and Fraud

Misdemeanors

- Less serious than felonies
- Still a criminal violation
- EXAMPLES
 - Minor theft
 - Disorderly conduct
 - Public intoxication
 - Some traffic offenses

In your Interactive Notebook: Unit 3 - Lesson 2

Jurisdiction: State v. Federal and Original v. Appellate

LESSON ESSENTIAL QUESTION:

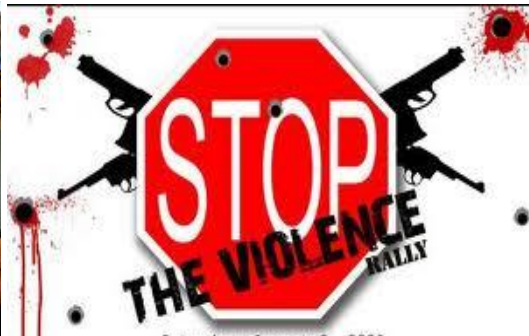
- *What are the differences between Federal courts and North Carolina Courts?*

ESSENTIAL Lesson VOCABULARY:

- Federal District Court
- Federal Appeals Court
- U.S. Supreme Court
- State jurisdiction
- Federal jurisdiction
- Original jurisdiction
- Appellate jurisdiction
- North Carolina court system: District, Superior, & Supreme Court
- Appeal, remand, uphold, overturn

Warm Up (In google doc):

- What is the difference between state & federal court?
- What is an appeal?
- What does it mean if a court “remand’s” a case?



JURISDICTION

Jurisdiction is one way state and federal courts are different.

It means **the kinds of cases that a court can hear.**



JURISDICTION

State Courts

state law

most criminal cases

state constitution

citizens of

the state

family issues

Federal Courts

-Cases about a national or federal law

-Cases about the U.S. Constitution

-Cases that involve citizens from two different states

Ahh... I see!
State and federal
courts hear different
types of cases!



APPEALS

One definition of “appeal” is to request that a higher court change the decision of a lower court.



APPEALS

In the U.S., several different courts may hear the same case. But they have to hear the case in the right order!



Original v. Appellate Jurisdiction

- District Courts

- ORIGINAL Jurisdiction

- First Federal court to hear a case (it might have already been to a state level court)

- Trier of facts – all evidence is considered in district courts

- Appeals Courts

- Appellate jurisdiction

- Only reviews cases already decided at district level

- Constitutional issues:

- Were the rights of the accused violated by police or the district court?
- Was the trial fair at the district level?
- Did the District court properly apply legal precedent?

State v. Federal Jurisdiction

State

- Most crimes
- Most civil cases

Federal

- Constitutional issues
- Federal law
- Disputes between states
- Dispute between citizens from different states
- Dispute about Federal treaties
- If the Federal government sues you

United States District Courts

- Trials in federal district court are usually heard by a judge.
- Jury trials can also happen in district court
- **Federal Court Jurisdiction:**
 - Bank robbery
 - Counterfeiting
 - Mail fraud
 - Kidnapping
 - Civil rights abuses

The United States Supreme Court

- Reverse the decision of the lower court, requiring no further court action.
- Reverse the decision of the lower court and remand the case to the court of original jurisdiction, for either retrial or resentencing.

True or False...

1. The Supreme Court is a trial court. F
2. There is only one judge in a trial court. T
3. The Supreme Court can strike down an unconstitutional law. T
4. When you first begin a trial, you will be in an appellate court. F
5. A jury decides the case in a bench trial. F
6. The Supreme Court must take every case that gets appealed to it. F
7. If you break a state law, your case will probably be in a state court system. T
8. The Supreme Court's power to decide if something is constitutional is called judicial review. T
9. It would be easy to prove a case without evidence. F
10. If the Court of Appeals remands a case, that means the court says the verdict was right. F
11. The federal court system was created by Congress. T
12. State court systems were created by the Constitution of the United States. F
13. When you ask a higher court to review your case, you are making an appeal. T
14. When the Court of Appeals affirms a case, it sends the case back to the trial court. F
15. The Supreme Court gets the last word about what the Constitution really says. T

Courts of Appeals

- 3 outcomes in the Court of Appeals
 1. Uphold the District Court ruling
 - District court was correct; no action taken.
 2. Reverse the District Court ruling
 - District court was wrong
 - Appeals court changes the decision
 3. Remand to the District Court
 - Sends it back to lower court for a do-over

The United States Supreme Court

- Hears very few cases
 - at least 4 justices must vote to hear the case.
 - If Supreme Court does not agree to hear a case, the lower court ruling stands

In your Interactive Notebook: Unit 3 - Lesson 3

Investigating Crimes: Police, Sheriffs, & Law Enforcement

LESSON ESSENTIAL QUESTION:

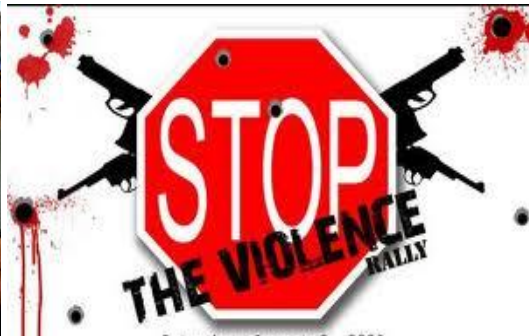
- *How does law enforcement investigate criminal accusations?*

ESSENTIAL Lesson VOCABULARY:

- Jurisdiction
- Probable cause
- Warrant
- Arrest
- Extradition
- Complaint
- Bail
- Hearing
- Indictment
- FBI
- SBI
- Local police
- County sheriff
- State Police

Warm Up (In google doc):

1. What different responsibilities do “law enforcement” agencies have?
2. Does it make sense for law enforcement agencies supervised by the executive, legislative, or judicial branch?





Who “enforces” the law?



- Each law enforcement agencies has a different **jurisdiction**
 - Local / city police – investigate crimes & maintain order within the CITY
 - Chief of police is appointed by the Mayor & City Council
 - County Sheriff – responsible for:
 - Unincorporated areas of Durham County
 - County buildings: schools, court house, etc.
 - Sheriff is ELECTED by Durham county voters
 - State Police
 - State highways & interstates
 - State buildings: courts, legislature



Who “enforces” the law?



- **State Bureau of Investigation (SBI)**
 - Helps local police and sheriff’s
 - Analyzes DNA evidence
 - Original jurisdiction over:
 - **Drug investigations**
 - **Arson investigations**
 - **Election law violations**
 - Child sexual abuse in day cares
 - Theft/misuse of state property
 - Computer crimes against children

Who “enforces” the law?

- **Federal Bureau of Investigation (FBI)**

- Can assist state law enforcement agencies

- **Original jurisdiction over:**

- **Terrorist threats & attacks**

- Killings of state law-enforcement officers

- **White collar crime / fraud**

- Identity theft, money laundering, etc.

- **Organized crime** (gangs, the mob, etc.)

- National/ international drug trafficking

- Civil rights violations by state governments

- Government corruption

- **Director is appointed by President & confirmed by the Senate**



On Thursday, President Obama announced that he would be allowing the FBI to “take their time” in closing the Guantanamo Bay detention camp. “These are hard-working, dedicated men and women, with sweet hats,” read an excerpt from the press release.

Law enforcement officials MUST RESPECT:

1. Rule of law

- Follow & respect due process & correct police procedures

2. Independent judiciary

- Law enforcement:
 - Gathers evidence
 - makes arrests
- Prosecutors decide what to charge a defendant with
- Courts & juries determine guilt/non-guilt

While investigating...

- Police are required to follow the constitution
 - 4th amendment: cannot conduct search without warrant or probable cause
 - 5th amendment: cannot force a suspect to confess
 - 6th amendment:
 - Must tell a suspect what they are arrested for
 - cannot prevent suspect from having access to a lawyer
- IF POLICE FAIL to respect the constitution?
 - Case should get thrown out
 - This is NOT designed to cut suspects a break.
 - It is designed to keep police honest & limit government power



The role of Police



1. Gather evidence

- Physical evidence: finger prints, DNA, foot prints, weapons matching, etc.
- Witnesses & interviews: eye witnesses; corroborating witnesses; establishing motive

2. Get arrest warrant: once police have enough evidence to make an arrest, they ask a judge to sign an arrest warrant.

- State judges available at all times to sign warrants
- Must have warrant or probable cause to make an arrest



The role of Police

3. Make arrest & inform suspect of the charge & his/her Miranda rights
 - **Extradition (IF NECESSARY):** If a person is wanted for a crime here, and they are caught in Mexico, Mexico will send them back to the U.S. for trial.
 - States have extradition agreements too: New Jersey police will arrest wanted for a crime in Georgia, and extradite them back to GA

In your Interactive Notebook: Unit 3 - Lesson 4

Criminal Trials & Courtroom Procedures

LESSON ESSENTIAL QUESTION:

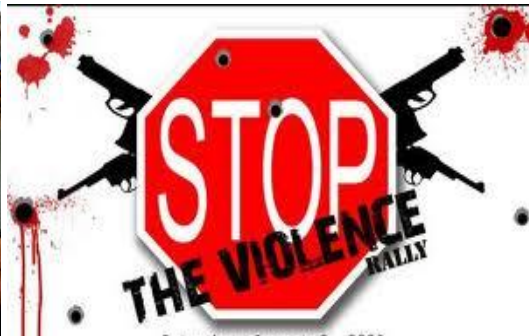
- *What are the procedures of a criminal trial?*

Warm Up (In google doc):

ESSENTIAL Lesson VOCABULARY:

- Defendant
- Prosecutor
- Judge
- Jury
- Defense attorney
- Witness
- Subpoena
- Public defender
- Plea bargain
- Sentencing guidelines
- Verdict
- Hung jury
- Appeal
- Guilt beyond a reasonable doubt
- Incarceration
- Fine
- Probation
- Parole
- Capital punishment

- *What sorts of cases would the State Bureau of Investigation work on?*
- *What sorts of cases would the FBI focus on?*



Adversarial

- Adversarial = Conflict
- 2 sides present opposing arguments



What are the two sides?



Prosecution and Defense

- **Defendant** → Person charged with a crime
- **Defense attorney** → Tries to prove that the defendant is not guilty
 - Public defender – defense attorney provided by the government
- **Prosecution** → Tries to prove that the defendant is guilty



Key players in the court room

- Prosecutor
- Defense attorney
- Judge – oversees case to make sure the law is applied correctly and that the trial is fair
- Jury – reviews evidence & determines guilt/non-guilt of the accused
- Court Reporter – transcribes everything that is said to create a written record of the case



The role of Prosecutors

- **Prosecutor – lawyer for the government**
 - Uses evidence gathered by police to try and prove a person is guilty of the crime they are accused of
- **Pre-Trial Steps a prosecutor must take:**
 - 1. Review the evidence** & decide if there is enough to charge the suspect with a crime
 - 2. Determine appropriate charge & issue indictment**
 - is the evidence consistent with 1st or 2nd degree murder? Manslaughter?
 - Indictment in some states requires grand jury; in NC it does not



The role of Prosecutors

- Pre-Trial Steps a prosecutor must take:
 3. Arraignment / initial hearing
 - Suspect goes before judge to hear official charge
 - Prosecutor recommends for or against bail;
 - judge decides
 4. Discovery – government must share all of the evidence it plans to use with the defendant/ defense attorney
 - Physical evidence, witnesses, etc.
 5. Plea-Bargaining
 - Prosecutor decides whether or not to offer a deal for a guilty plea
 - Defendants may admit guilt & skip a trial in exchange for a reduced sentence
 - Not guilty plea – defendant will go to trial

North Carolina State Court System

ALL NC Judges / Justice are ELECTED

1. NC District Court

- Trial court; original jurisdiction
- Judge only; no jury

2. NC Superior Court

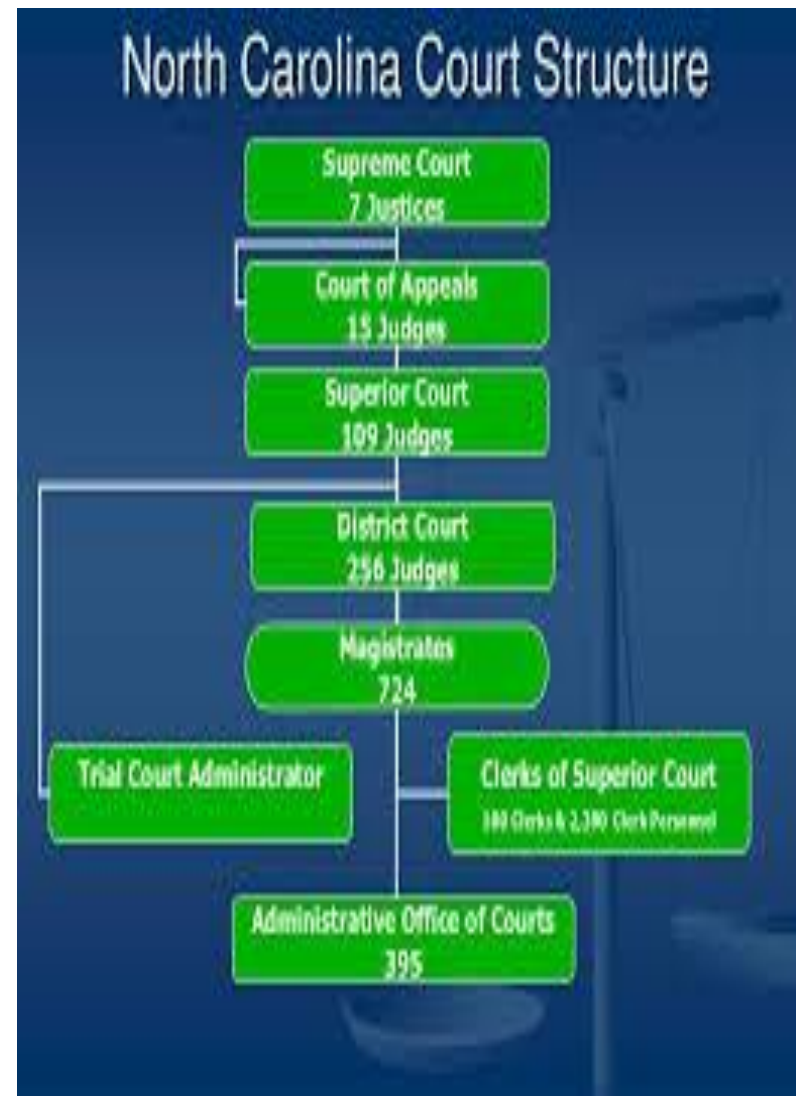
- Trial court; Original jurisdiction
- Jury trials

3. NC Court of Appeals

- 15 judges
- Appellate jurisdiction

4. NC Supreme Court

- 7 justices
- Appellate jurisdiction



Components of a Trial

1. Jury Selection
2. Opening Arguments
3. Witnesses Testify
4. Cross-Examination
5. Closing Statements
6. Jury Deliberation
7. Verdict
8. Sentencing (Only if found guilty)

Procedure in a Criminal Case

Arrest

- ★ Police arrest and book suspect

Preliminary Hearing

- ★ Suspect appears before a judge
- ★ Bail is set

Indictment

- ★ Grand jury (or judge) hears evidence and formally charges the suspect with the crime

Arraignment

- ★ Defendant pleads not guilty
- ★ Defendant pleads guilty and accepts a plea bargain
- ★ Trial date is set

Trial

- ★ Prosecution and defense present cases to jury (or judge)
- ★ Jury (or judge) reaches verdict

Acquittal

- ★ Defendant found not guilty and goes free

Sentencing

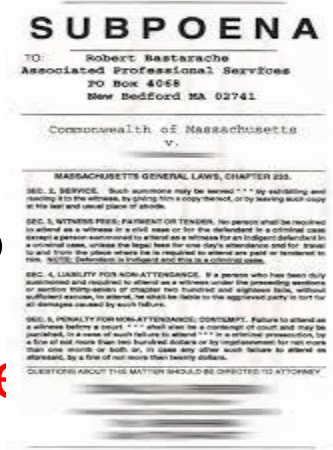
- ★ Defendant found guilty
- ★ Judge sentences defendant

Witnesses

- People who testify under oath during the trial
 - **Expert witnesses**: scientists, police officers, or others who can testify about how to interpret or explain evidence
 - **Eye witnesses**: people who saw a crime happen
 - Has been proven to be fairly unreliable.
 - **Character witnesses**: people who testify that the defendant is a good/bad person to help create an image of that person for the jury

Witness Testimony

- What if a person doesn't want to testify?
 - **SUBPOENA** – official court order that require person to show up at court as a witness
 - “you’ve been served”
- **Perjury -- Lying under oath** during the trial
 - If you don't tell the truth during the trial, you can be held in contempt of court or sent to prison.



Who decides the case?

THE JURY

The Verdict

Verdict – the decision of the jury

- 3 options:
 - Acquittal: not enough evidence to prove the accused person committed the crime
 - Guilty: evidence is sufficient to prove **beyond a reasonable doubt** that the accused person did what they are accused of doing
 - Hung Jury: jurors are divided and cannot reach a verdict
 - Verdicts must be unanimous – all jurors agree

Mistrial

- If something happens during the trial that the Judge believes will prevent jurors from giving a fair trial to the defendant, the Judge can order a Mistrial.
 - They have to start over with a new set of jurors

Sentencing

- **JUDGE DECIDES on the punishment**
- Made worse if you are a repeat offender
 - **3 Strikes laws** → Three time felons usually get a much more severe punishment
 - (even for non-violent 3rd offence)



Sentencing Guidelines

- Laws that say what punishments fit which crimes
 - Limits the authority of judges **BUT the judge is final decision maker on length of the sentence**
- Racial implications:
 - Crack v. powder cocaine

Punishment Options

- Probation

- A period of time where someone who is convicted gets monitored on a regular basis rather than sent to jail



- Restitution

- Sometimes a convicted person has to pay money to the victim of a crime



Or you could get **capital punishment** (the death penalty)



Juveniles and Delinquents

- **Juvenile** ~ Anyone under age 18 in most states that is not yet considered a legal adult
- **Juvenile Delinquent** ~ young people who commit crimes

Purpose of the Juvenile Court

- Primary goal is to rehabilitate or correct a young person's behavior

Juvenile courts handle two types of cases:

1. Neglect

2. Delinquency

- Juveniles do NOT have the right to jury trials
- Judges attempt to keep proceedings and the identity of juveniles secret

In your Interactive Notebook: Unit 3 - Lesson 5

Civil \$uits and \$\$\$\$\$ Damages

LESSON ESSENTIAL QUESTION:

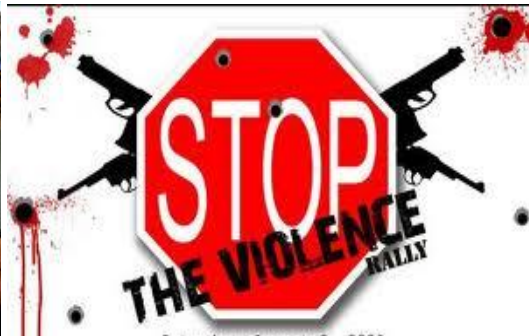
- *What are the legal and procedural differences between civil and criminal cases?*

ESSENTIAL Lesson VOCABULARY:

- Civil Law
- Tort
- Plaintiff
- Defendant
- Complaint
- Summons
- Damages
- Settlement
- Preponderance of the evidence
- Family court

Warm Up (In google doc):

- What can happen if you get sued?
- What are the differences between criminal and civil trials?



Civil Lawsuits

Plaintiff ~ the person/organization that files the lawsuit claims that a loss has occurred and demands damages

VERSUS

Defendant ~ the person/organization being sued argues that they are not responsible for the damage or loss

What can be won in a civil case?

- Damages – money paid to offset a loss



- Injunction – requires the defendant (the government or a company to change a policy)



Tort Law

- A “tort” occurs when a person suffers a legal wrong that results in damage to their property or an injury to themselves
 - Examples of torts:
 - Slip and fall into an uncovered sewer
 - Restaurant gives you a to go cup of coffee and the lid isn’t tight, and it spills and burns you
 - A car accident someone else caused

Civil Case Procedure

① Plaintiff's attorney files a complaint.

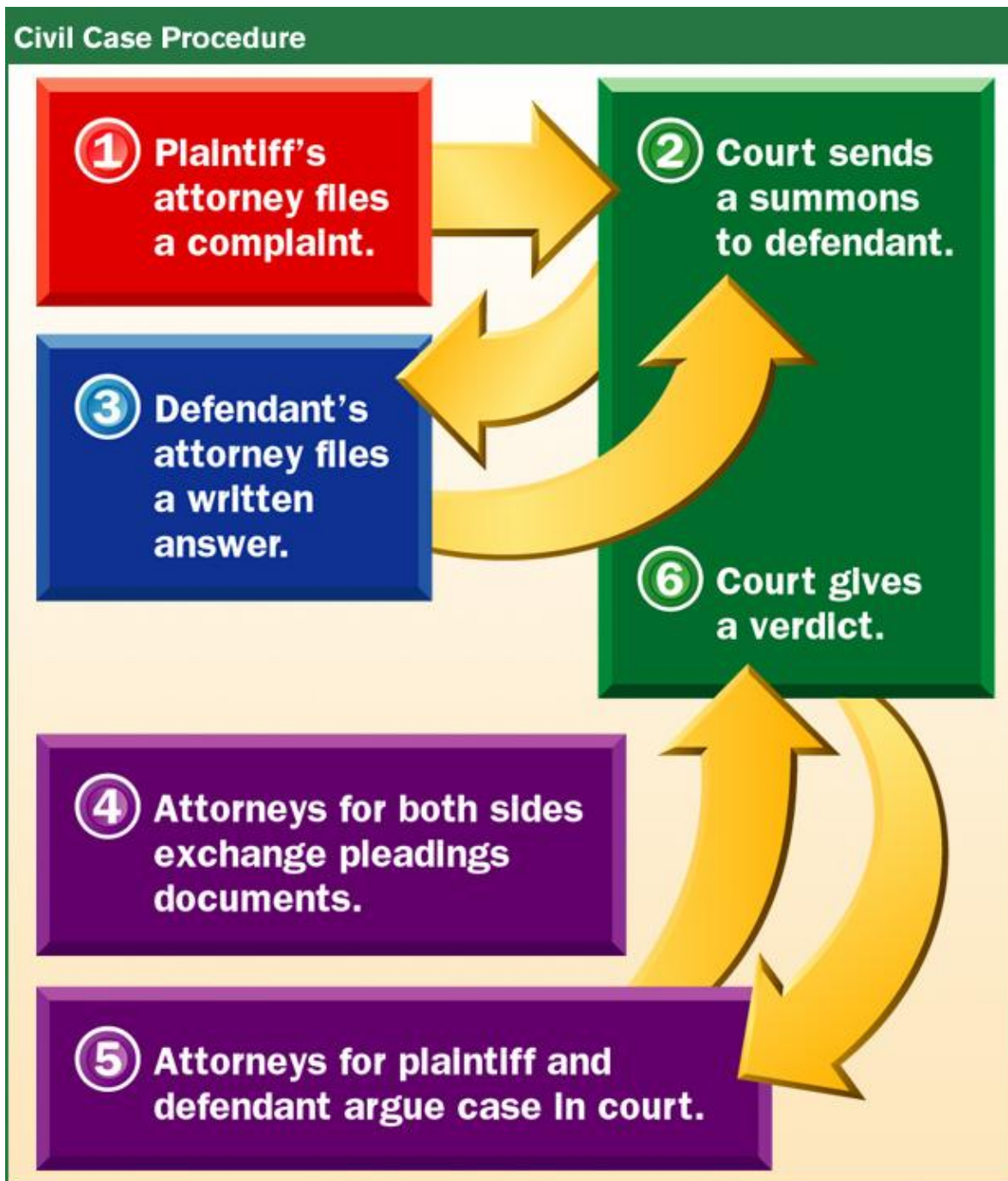
② Court sends a summons to defendant.

③ Defendant's attorney files a written answer.

⑥ Court gives a verdict.

④ Attorneys for both sides exchange pleadings documents.

⑤ Attorneys for plaintiff and defendant argue case in court.



What are the **Steps in a Civil Case?**

1. Hire a lawyer
2. **Plaintiff's lawyer files a complaint**
3. Court sends the defendant a **summons** to appear in court at a given date and time
4. **Defendant responds** to the charges by filing an **answer** to the complaint
5. **Discovery phase – evidence is shared**
6. Plaintiff then the Defendant present their sides of the case in **court**
7. **Court issues a verdict**

Preponderance of the Evidence

- “preponderance of the evidence”
 - Legal Standard required to win in a civil case
 - Means it is more likely than not that a person did what they are accused of
 - Based on the evidence, if the person PROBABLY did it, they lose the case
- **DIFFERENT THAN CRIMINAL CASES**
 - Criminal cases requires guilt “beyond a reasonable doubt”

Settlement – an agreement to drop the lawsuit & resolve things outside of court

- Most civil cases are settled and never reach trial because:
 - Outcomes of trial are hard to predict
 - Courts move slowly so reaching a deal outside of court is MUCH FASTER
 - Trials and legal assistance are expensive; that both sides likely want to end the spending

Question	A	B
When someone is accused of a crime, the type of case is		Criminal
If you appeal a case, you are going to	Appellate court	
The court that gets to decide what is constitutional	Supreme Court	
If the appellate court thinks a decision was wrong, it will		Reverse the decision
If a group of people gives the verdict after a trial, that trial was a	Jury trial	
A word that means —relating to the rights of citizens		Civil
The Supreme Court has		Nine justices
If an appellate court sends a case back to the trial court, it has		Remanded the case
If you go to the Court of Appeals, you will see	Three judges	
The decision in a case is called the		Verdict
If you break a law of the United States, your case will probably be in		State court
At trial, lawyers try to prove their case using		Evidence
State courts were created by		State constitutions