

# Judicial Branch - Citizens and the Law – Criminal & Civil Law

## Content Review

### Chapter 9, 15 & 16

SS.7.C.3.3 – Illustrate the structure and function of the (three branches of government established in Articles I, II, and III of the Constitution with corresponding powers) of the government. SS.7.C.3.8 – Analyze the structure, functions, and processes of the legislative, executive, and judicial branches. SS.7.C.3.11 – Diagram the levels, functions, and powers of courts at the state and federal levels. SS.7.C.1.9 – Define the rule of law and recognize its influence on the development of the American legal, political, and governmental systems. SS.7.C.3.10 – Identify sources and types (civil, criminal, constitutional, military) law.

### Vocabulary to Know:

<p><b>Chapter 9</b> <b>Judicial Branch</b> Appellate jurisdiction Brief Caseload Concurrent jurisdiction Concurring opinion Constitutionality Dissenting opinion Docket Dual court system Exclusive jurisdiction Judicial review Jurisdiction Jurisdiction Litigant Nullify Opinion Original jurisdiction Precedent Ruling Stare decisis Subpoena Tenure Unanimous opinion Writ of certiorari</p>	<p><b>Chapter 15</b> <b>Citizen and the law</b> Administrative law Bail Bill of attainder Case law Common law Constitutional law Double jeopardy Due process Ex post facto law Exclusionary rule Lawsuit Miranda warning Search warrant Statute Writ of habeas corpus</p> 	<p><b>Chapter 16</b> <b>Civil and Criminal Law</b> Adjudication hearing Complaint Contract Crime Cross-examination Custody Damages Defendant Delinquent offender Detention hearing Discovery Disposition hearing Felony Juvenile delinquent Misdemeanor Negligence Penal code Plaintiff Plea bargaining Prosecution Rehabilitate Sentence Status offender Summons Tort</p>	<p><b>Judicial Branch – Article III of the Constitution</b> Courts make up the judiciary branch of government.</p> <ul style="list-style-type: none"> <li>Two Main Jobs – it tries to ensure that the laws are fairly enforced and it interprets the laws.             <ul style="list-style-type: none"> <li>Courts hear two types of cases: criminal cases and civil cases.</li> </ul> </li> <li>Created to solve the problem that each state has its own laws and its own courts and there was no way to guarantee that people would receive equal justice in all the states.             <ul style="list-style-type: none"> <li>Article III created a national Supreme Court and Congress the power to establish lower federal courts if Congress saw the need for them.</li> </ul> </li> </ul> <p><b>Dual Court System – federal court system and 50 state court systems</b></p> <p><b>Goals</b> – of this legal system is to treat every person the same. Each accused person is presumed, or assumed to be, innocent until proven guilty. Each person has the right to have their case reviewed if believed the law has not been applied fairly.</p> <p><b>What historical documents have influenced the United States and its laws?</b> <b>Code of Hammurabi</b> - a written code of rules that guided an ancient society around 1772 B.C., 282 laws that dealt with everyday life, it was a code that most likely inspired other civilizations <b>What is the connection between the Code of Hammurabi and the U.S. Constitution?</b> What words or phrases did you hear that helped you answer this question? “The fact that a society can be governed by a written legal code has been very influential to our legal system.” Out written laws have guided our society, just as the Code of Hammurabi guided the Babylonians. Law creates order and stability.</p> <p><b>Magna Carta</b> "No freeman shall be taken, imprisoned, ... nor will We proceed against or prosecute him, except by the lawful judgment of his peers and by the law of the land." "... to no one will We deny or delay, right or justice." Justice will not be denied to anyone.</p> <p>Magna Carta was used as inspiration for some of the individual rights we have today.</p>
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### Sources of Laws

- \* **Constitutional Law** - The Constitution is the supreme law of the land and states can only create laws that do not conflict with the Constitution. As a type of law, constitutional law deals with issues between the federal government and states, between two or more states, and between the government and citizens.
- \* **Statutory Law** - The Constitution gives Congress permission to pass laws about a limited number of topics. These laws are called statutes. These statutes apply to the entire United States.
- \* **Regulations** - The rules that an agency of the executive branch makes are called regulations.
- \* **Case law** - law established by the outcome of former cases.
- \* **Common law** - legal precedent based on customs and prior legal decisions; it is used in civil cases.



### Types of Laws

- \* **Civil laws** help settle disagreements between people. Civil laws deal with subjects such as: property, divorce, contracts, wills, personal injury, bankruptcy, employment, agriculture, and taxes.
- \* **Criminal law** makes certain actions a crime and comes from all three levels of government. Criminal law falls into two categories: felonies (serious crimes) and misdemeanors (less serious crimes). When someone breaks a criminal law, they are charged with a crime. When someone is brought to trial for a crime, the government is on one side charging the person with the crime and the person accused of the crime is called the defendant.
- \* **Juvenile law** is for people under the age of 18 who commit a crime. The juvenile system is usually more flexible than the adult system, so that juveniles have more chances for young people to learn from their mistakes. There are also laws about school attendance, curfews and child abuse.
- \* **Military laws** are special laws for people in the U.S. military. Congress created the Uniform Code of Military Justice, which is a set of criminal laws that apply to people in the military. This code also includes procedures for a military trial and punishments. It also includes laws that are not needed for non-military laws.

## The Federal and Florida State Court Systems

### The Federal Court Systems

#### The U.S. Supreme Court

Highest Court  
9 Justices

Appellate Court – hears appeals from U.S. Circuit Courts of Appeal and from state supreme courts.

Original Jurisdiction – over cases between two states, the president and Congress, or where a state is a party.

Receive about 10,000 appeals each year but only reviews around 75.



#### U.S. Circuit Courts of Appeal

12 circuit courts

Panels of three judges that hear cases

Appellate court – hears cases from the U.S. District Courts



#### U.S. District Courts

94 districts

Trial Courts – judge and jury

Civil and Criminal cases related to federal laws

### The Florida State Court System

#### The Florida Supreme Court

Highest court – located in Tallahassee  
8 justices

Appellate court – the power to hear appeals from the District Courts of Appeals as well as other cases as assigned from the FL Legislature



#### Florida District Courts of Appeal

12 Circuit courts in Florida - Panels of three judges hear the cases

Appellate courts – hears appeals from the Florida District Courts of Appeals



#### Florida Circuit Courts

20 circuit courts - Trial –judge and jury

Hear trials on cases not assigned to the county courts and appeals from county courts

Trial and Appellate courts



#### Florida County Courts

67 – with a judge – minor arguments between citizens and minor criminal offenses – trial courts



Rule of Law	
Order and Security	<ul style="list-style-type: none"> <li>• Citizens feel safe during daily activities.</li> <li>• Police have procedures for dealing with crime.</li> <li>• Criminals face consequences.</li> </ul>
Legitimacy	<ul style="list-style-type: none"> <li>• Citizens see the law as worthy of following.</li> <li>• Citizens have input in the lawmaking process.</li> <li>• Citizens respect the law and see laws as fair.</li> </ul>
Checks and Balances	<ul style="list-style-type: none"> <li>• Power is divided among branches of government.</li> <li>• All branches function effectively.</li> <li>• The Judicial system is independent from other branches.</li> <li>• Elected officials must answer to the people.</li> </ul>
Equal Application of the Law	<ul style="list-style-type: none"> <li>• Nobody is above the law, not even elected officials.</li> <li>• The Judicial system treats everyone the same.</li> </ul>
Procedural Fairness	<ul style="list-style-type: none"> <li>• The government has rules for legal proceedings.</li> <li>• The government follows those rules.</li> <li>• The rules for legal procedures are fair.</li> </ul>
Access to Justice	<ul style="list-style-type: none"> <li>• Citizens have a way to enforce their rights.</li> <li>• Citizens have the knowledge they need to get justice.</li> <li>• The justice system is available for people to use.</li> </ul>