The Two Systems of Criminal Courts

But there is one way in this country in which all men are created equal — there is one human institution that makes a pauper the equal of a Rockefeller, the stupid man the equal of an Einstein, and the ignorant man the equal of any college president. That institution, gentlemen, is a court. It can be the Supreme Court of the United States or the humblest J.P. court in the land, or this honorable court which you serve. Our courts have their faults, as does any human institution, but in this country our courts are the great levelers, and in our courts all men are created equal.

– Harper Lee, *To Kill a Mockingbird* (1960)

In the United States, the criminal courts belong to two separate systems — the state and federal. The state courts try defendants charged with state crimes and the federal system deals with those charged with federal crimes. Far more criminal trials take place in state courts, because states have traditionally handled most criminal offenses. In recent years, however, the federal government has created more federal crimes and, as a consequence, has increased the workload of the federal courts.

The Federal Courts

The federal court system consists of three basic levels. On the first level are the District Courts, which handle trials in the federal system.

A single judge presides over a criminal trial. The Sixth Amendment to the U.S. Constitution gives every criminal defendant the right to a trial by jury. For many criminal trials, defendants choose to have a jury, but often they waive this right and let the judge hear the case alone. In jury trials, the jury listens to testimony by witnesses and views other evidence presented. The judge rules on the law — ruling what evidence can be admitted, ruling on different motions from defense and prosecution, and instructing the jury on the law in the case.

If a defendant is convicted in a federal trial court, the defendant may appeal to the next level of courts — the U.S. Courts of Appeals. There are 13 of these courts, each usually having jurisdiction over a particular part of the United States. Each court has from six to 30 judges. The courts normally hear appeals in panels of three judges.

Appeals courts, also known as **appellate courts**, do not try cases. They review what the trial court has done and rule on matters of law. They rely on the record of evidence presented in the trial court and usually receive written legal arguments, known as briefs, from attorneys for

Criminal Court Systems

STATE	FEDERAL
State Supreme Court	U.S. Supreme Court
Intermediate Court of Appeal	Circuit Court of Appeals
State Trial Court	District Court

The federal judicial system, and most state systems, have three levels of courts.

the prosecution and defense. In cases that concern important legal issues, an appeals court might also receive *amicus curiae* (friend of the court) briefs from groups interested in the outcome. The appeals court often hears oral arguments from both sides. Then the judges retire and discuss the case among themselves. They vote and one judge is assigned to write the **opinion of the court**, which states the facts of the case, the issue, the court's decision (known as the **holding**), and the reasons for the holding. If a judge disagrees with the holding, he or she may write a **dissenting opinion**. Sometimes judges may also write **concurring opinions** when they agree with the holding but disagree with the court's reasoning or want to add something that is not in the opinion of the court.

On the highest level is the nine-member U.S. Supreme Court. It hears appeals from the prosecution or defense on federal appellate court decisions. It also can hear appeals of state supreme courts' decisions on issues of U.S. constitutional law.

The U.S. Supreme Court has what is known as discretionary jurisdiction. This means that the court does not have to take every appeal. Parties must petition to have their appeals heard by the court. If four of the nine justices agree that the court should hear a case, then the court grants what is called a **writ of certiorari**, and the court will hear the appeal. The court grants few appeals. Of the thousands of petitions filed each year, the Supreme Court typically grants fewer than 100.

In making their decisions, appeals courts and ultimately the U.S. Supreme Court interpret what the Constitution and other federal laws mean. Decisions can actually overturn laws if the court believes they conflict with the Constitution. Their written opinions add to the body of law.

The State Systems

Each state has its own criminal court system. Many states have two types of trial courts — courts of limited and unlimited jurisdiction. Courts of limited jurisdiction try only misdemeanors and lesser offenses. They may also hold pretrial felony hearings. They are often called municipal, magistrate, or police courts. Courts of unlimited jurisdiction commonly hear felony cases. Depending on the state, these courts are usually called superior, district, circuit, or general-sessions courts.

If convicted, defendants may appeal their cases to appellate courts. Most states have two levels of appeals courts — an intermediate level and the state supreme court. But some states have only a state supreme court. Like the U.S. Supreme Court, many state supreme courts have discretionary jurisdiction. They choose which cases they will hear by granting writs of certiorari.

If a state supreme court hears an appeal, it has the last word on interpretations of state law and the state constitution. Defendants cannot appeal further unless they charge violations of the U.S. Constitution. Then they may ask the U.S. Supreme Court to hear their cases.

FOR DISCUSSION

1. "We don't have two systems of criminal justice. We have 51." Do you agree? Explain.
2. What is discretionary jurisdiction? Why do you think the U.S. Supreme Court and many state supreme courts have this type of jurisdiction?
3. Under what circumstances could the U.S. Supreme Court overrule a state supreme court's interpretation of its state's law? Explain.