

# Law Day 2012

## Criminal Courts

Every court case is tried based on either civil or criminal law. Criminal law involves a duty owed by an individual to society as a whole. Most of the court cases we see in the movies and on television dramas are examples of criminal cases. In criminal trials, a government prosecutor brings suit on behalf of society (“The People”) against a person who is believed to have broken the law, violating a duty owed to society. “The People” (of the State or of the United States) are represented by the prosecutor and the accused person is the defendant.

### **Du-ty** [doo-tee] *noun*

1) The responsibility of persons or legal entities to abide by the rules and regulations laid by the law of land to maintain the constitutional rights of its citizens.

A crime is classified as either a misdemeanor or a felony. A misdemeanor is a lesser offense and is generally punishable by a fine and/or imprisonment of up to one year in jail. Examples of misdemeanors are petty theft (cash or items valued under \$1,000), disorderly conduct and vandalism (damages less than \$250). A felony is a more serious crime and punishment exceeds one year of imprisonment. Felonies include arson, kidnapping, and murder.

In order to search a person or their property, or to make an arrest, the police must have probable cause, a reasonable belief that an individual committed a crime. Someone arrested on suspicion of breaking the law, prior to questioning or interrogation, must be informed of certain basic constitutional rights, referred to as Miranda rights. These include:

- that he or she has the right to remain silent, and that anything the person says can be used against that person in court
- that he or she has the right to consult with an attorney and to have that attorney present during questioning and
- that if he or she cannot afford an attorney, one will be provided at no cost to represent him or her

Once charges are filed an arraignment is held. An arraignment is a court proceeding where the accused (defendant) is informed of the crime with which he or she is charged. Bail may be set to allow the accused to remain out of jail prior to the trial. In a criminal case, the defendant is presumed to be innocent and the government must prove the defendant is guilty beyond a reasonable doubt.

If the defendant is convicted, he or she may have to serve time in jail, pay a fine or both. Anyone convicted of a crime has the right to appeal.

### **Newspaper Activity:**

Look through the newspaper for news about a current criminal court case. Based on the facts provided in the newspaper coverage and other sources, try to determine the outcome of the trial.

Continue to follow the reports to see if your prediction of the verdict agrees with that of the court.

### **Student Assessment:**

Complete this statement:  
I was surprised to learn...