



Criminal Courts

The Players

- Bailiff: Sheriff who keeps order, transfers prisoners, etc.
- Judge: Presides (conducts) over the trial, decides sentence
- Clerk of the Court: Judge's aid, maintains court records and docket (calendar)
- Witnesses: People who testify about the case or the defendant

The Players

- Court Reporter/Recorder: Transcribes the proceedings
- Jury: not always used, 12 peers listen and decide guilt or innocence (verdict), need unanimous agreement for guilt
- Defendant: Person on trial, “innocent until proven guilty”
- Defense Attorney: Represents Defendant, tries to create reasonable doubt
- Gallery: The public watching the trial

Steps in a criminal trial


- 1. Arrest
- 2. Preliminary Hearing
- 3. Indictment
- 4. Arraignment
 - A. Plea Bargain
 - B. Trial
- 5. Trial
 - Acquittal
 - Guilty

Criminal Law

- A fair trial is part of the 6th amendment, right to a “speedy and public trial”, and the 5th amendment right to “due process of the law”

Punishments (if convicted)

- Fines or Community Service
- House Arrest
- Prison time, with or without the possibility of parole
- Capital Punishment: Death Penalty
- One of the aims of punishment is to prevent recidivism

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- Most cases are settled with a plea bargain
 - Capital Cases: a death penalty case, special circumstances attached to felony, automatically get 3 appeals

Purposes of Punishment

- Punishment (eye for an eye): Retribution
- Paying back: Restitution
- Preventing recidivism: Deterrent
- Helping a person address their behavior: Rehabilitation