Unit 6: Law and Order

Essential Question:
What makes a law fair?

Conceptual Lens:
Justice

Main Ideas:
1. Analyze the adversarial nature of the criminal courts and how punishments are applied
2. Analyze the adversarial nature of the civil courts
3. Explain other forms of conflict resolution
4. Analyze state and federal courts by outlining their jurisdictions
5. Compare jurisdictions and methods of law enforcement applied at each level of government
6. Evaluate the extent to which we have the equal protection of the law

Unit Calendar
11/27- Why do we have laws?
11/28- Types of Laws
11/29- Protection and Limiting the Gov’t
11/30- Criminal Law
12/1- Civil law
12/4- Law Enforcement
12/5- Courts

I Can...:
1. I can explain how the due process clause of the 14th Amendment guarantees me a fair trial
2. I can explain how the 4th, 5th, 6th, and 8th Amendments protect the rights of people accused of a crime
3. I can define rule of law and explain how government power is limited in the legal system
4. I can define equal protection under the law and explain how court decisions have used the Equal Protection Clause to protect minority groups
5. I can describe how a bill becomes a law in Congress and the General Assembly of North Carolina
6. I can describe ways to block legislation
7. I can identify groups who influence the law-making process
8. I can identify the purpose characteristics of effective laws
9. I can explain how the Executive branch can create laws
10. I can explain how the Judicial Branch creates laws through judicial interpretation
11. I can identify different law enforcement agencies at the national, state, and local levels
12. I can identify different types of law
13. I can identify different methods of dispute resolution
14. I can differentiate civil and criminal proceedings in terms of the legal procedures, burden of proof, constitutional protections, and penalties of each
15. I can explain the special protections juveniles receive in the legal system
16. I can identify different methods of penalties for breaking criminal laws
17. I can identify different methods of penalties for breaking civil laws
18. I can explain why different levels of penalties are needed
19. I can explain how a criminal case moves through the court system
20. I can identify specific constitutional protections for people accused of a crime
21. I can identify how the courts have expanded rights of people accused of a crime
22. I can define the term adversarial and explain how the American legal system is adversarial in nature
23. I can explain how the adversarial nature of the American legal system protects individual rights
24. I can identify the structure of the federal and state court systems
25. I can describe the jurisdictions of federal and state courts
26. I can explain how a case is appealed up through the court system
Preview Questions:

1. List three ways rules can be changed.
2. How are laws different from rules? Why do we need both rules and laws?
3. Finish the quote “There ought to be a law…” How would you go about getting this law passed?
4. How has the 14th Amendment helped?
5. Why does NC have jurisdiction in some law cases and the US has it in others?
6. What is meant by the phrase “innocent until proven guilty?”
7. Why are juries important to people that have been accused of committing a crime?
8. What is meant by the phrase “beyond a reasonable doubt?”
9. What does the President have to think about when a bill comes to his desk?
10. What is justice? When are justice and fairness not the same?
11. How do citizens learn about new laws that are in place?
12. Do you believe in capital punishment?
13. List an example of an aggravating and mitigating factor.

Essential Standards:

CE.C&G.3.4 Explain how individual rights are protected by varieties of law (e.g., Bill of Rights, Supreme Court Decisions, constitutional law, criminal law, civil law, Tort, Administrative law, Statutory law and International law, etc.).

CE.C&G.3.5 Compare jurisdictions and methods of law enforcement applied at each level of government, the consequences of noncompliance to laws at each level and how each reflects equal protection under the law (e.g., Department of Justice, Regulatory Commissions, FBI, SBI, Homeland Security, Magistrate, State troopers, Sheriff, City police, Ordinance, Statute, Regulation, Fines, Arrest, etc.).

CE.C&G.3.7 Summarize the importance of the right to due process of law for individuals accused of crimes (e.g., habeas corpus, presumption of innocence, impartial tribunal, trial by jury, right to counsel, right against self-incrimination, protection against double jeopardy, right of appeal).

CE.C&G.5.2 Analyze state and federal courts by outlining their jurisdictions and the adversarial nature of the judicial process (e.g., Appellate, Exclusive, Concurrent, Original, types of federal courts, types of state courts, oral argument, courtroom rules, Supreme Court, opinions, Court Docket, Prosecutor/Prosecution, Complaint, Defendant, Plaintiff, hearing, bail, indictment, sentencing, appeal, etc.).
<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
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<tbody>
<tr>
<td>Civil Law</td>
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<tr>
<td>Criminal Law</td>
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<td>Penal Code</td>
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<td>Jurisdiction</td>
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<td>Appellate Court</td>
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<td>Writ of Certiorari</td>
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<td>In Re Gault</td>
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<td>Adversary</td>
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<td>14th Amendment (how it relates to protection of law)</td>
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<td>Deterrant</td>
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<td>Recidivism</td>
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<td>Retribution</td>
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<td>Rehabilitation</td>
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<td>Docket</td>
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<td>Indictment</td>
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<td>Court Brief</td>
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<td>Subpoena</td>
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<td>TERM</td>
<td>Description</td>
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<tr>
<td>Warrant</td>
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<td>Perjury</td>
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<td>Stare Decisis</td>
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<td>Plea Bargain</td>
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<td>Verdict</td>
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<td>Due Process Clause</td>
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<td>Equal Protection Clause</td>
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<td>Indictment</td>
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<td>Grand Jury</td>
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<td>Petit Jury</td>
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<td>Ex Post Facto</td>
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<td>Bill of Attainder</td>
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<td>Extradition</td>
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<td>Preponderance of evidence</td>
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<td>Administrative Law</td>
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<td>Mandatory Sentencing</td>
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<td>Burden of Proof</td>
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</table>
Unit 6: Law and Order

Why do we have laws?

Social Contract:

Rule of Law:

Changing Laws

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<tr>
<th>Origins of Law</th>
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<tr>
<td>Ten Commandments</td>
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<td>Code of Hammurabi</td>
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<td>English Common Law</td>
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<td>Jurisprudence/Roman Law</td>
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<tr>
<td>Draconian Code</td>
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<td>Justinian Code</td>
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<td>Iroquois Nation Constitution</td>
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</tbody>
</table>

Why do laws and interpretation of laws change over time?

In our society, there are limits on the government:

- Rule of Law
- Equal Protection/Justice under the law
- Bill of Rights
- Managing Disputes- Property/Civil Law
- Federalism
- Due Process
- Judicial Review
Types of Laws

<table>
<thead>
<tr>
<th>Types of Law</th>
<th>What does it do?</th>
<th>How Protects Rights</th>
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</thead>
<tbody>
<tr>
<td><strong>Common Law</strong></td>
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<td><strong>Criminal Law</strong></td>
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<td><strong>Constitutional Law</strong></td>
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<td>Administrative Law</td>
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<td><strong>Statutory Law</strong></td>
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<td><strong>TORT</strong></td>
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<tr>
<td><strong>International Law</strong></td>
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</tbody>
</table>

Private Property Rights

Laws balance individual rights with common good.

**For Those Accused of Crimes**

Know your rights!

- Individual Responsibility to Know Rights and Law-
- Ignorance of Law is not a defense-

Rights in Bill of Rights

- Designed to protect against abuse of government
- Protection of Rights by Laws
- Types of Rights: Scope and Limits to a Right
  - Civil, Individual, Personal, Political, Economic.

Miranda Rights
Protection and Limit of Government

Adversarial Nature of Judicial Process

Due Process

Habeas Corpus

Presumption of Innocence

Impartial Tribunal

Right to Counsel

Right against Self Incrimination

Protection against double jeopardy

Right of appeal

Supreme Court Decisions

Due Process

Symbolic Speech

Establishment Clause

Supremacy Clause

Equal Protection Under the Law

Judicial Review

Federalism
Criminal Law

Criminal Court
Bailiff:
Judge:
Clerk of Court:
Witnesses:
Court Reporter:
Jury (if used):
Defendant:
Defense Attorney:
Prosecution:
Gallery:

Amendments associated with Criminal Courts:

Steps in a Civil Trial

1.

2.

3.

4.

a.

b.

5.

a.

b.
Criminal law:

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

If convicted, punishment could include:
- __________ or community service
- __________ (Restricted freedom used as an alternative to prison time.)
- Prison time, with or without the possibility of __________. Parole = Release from prison before the scheduled end of your sentence.
- __________ punishment. The death penalty.

One of the aims of punishment is to prevent __________ (repeat criminal behavior.)

To alleviate the court’s docket (which is very busy):
- Most cases are settled with __________ before they ever reach trial.
- In a plea bargain, the defendant agrees to plead guilty to part of the charges, or to a lesser crime.
- In return, the court makes the punishment less severe.
- This saves the court time and money.

__________ case = a death penalty case. Again, the guilty verdict must be unanimous, but the decision for the death sentence must also be unanimous!

### Purposes of Punishment

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
<th>Example</th>
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<tbody>
<tr>
<td>Punishment as revenge - “eye for an eye”</td>
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<tr>
<td>Paying back / restoring what the victim lost</td>
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<tr>
<td>Preventing recidivism and discouraging others to commit crimes</td>
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<tr>
<td>Helping the person make improvements to address the cause of the behavior</td>
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</tbody>
</table>
Two main differences between the criminal and civil courtroom:

#1: The way the jury works, if a jury is used. The ______ amendment protects the right to a jury trial in civil cases exceeded $20. The jury still judges the facts and deliver the verdict. However, only ____ of 12 jurors must agree. Also, the standard of proof differs: Jurors must be convinced by a _________________ of the evidence in one side’s favor.

#2: There is no prosecutor in the case, because prosecutors work for the government — instead, there is a _________________. The plaintiff files a ________________ against the defendant, beginning the civil suit.
Civil law:

- Civil law involves disputes between __________________________

- When you think __________________, think civil law.

- Civil court does not determine guilt or innocence. The aim of civil law is to make the plaintiff “whole” again. Civil court determines whether the defendant is liable for wrongdoing, and what amount of __________________ should be paid.

- Lawsuits involving more than __________________ are heard in the N.C. Superior Court.

- Lawsuits involving less than __________________ are heard in the N.C. District Court.

- Lawsuits involving less than __________________ can be heard in small claims court instead of the District Court.

To alleviate the court’s docket (which is very busy):

- Most cases are settled before they ever reach trial. In a __________________, the defendant agrees to pay a certain amount, and in return the plaintiff drops the lawsuit.

Other forms of conflict resolution (besides court)

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>An impartial third party helps two adversaries reach their own decision</td>
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<tr>
<td>An impartial third party makes a binding decision</td>
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<tr>
<td>Two sides meet in the middle - both give up something, both gain</td>
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<td>Members of the public are allowed to voice opinions, with tight restrictions</td>
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<td>Discussion continues until widespread agreement is reached</td>
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<td>Back and forth discussions among all the parties involved</td>
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</table>
Law Enforcement

Role of government
Law Enforcement
Courts
Differences in levels of law enforcement agencies
  Federal
  State
  Local
  Cooperation occurs...

After one has been convicted of a crime, he/she is SENTENCED (judgment of the court concerning the defendant’s punishment)

Mitigating factors:
Aggravating factors:

Why do we punish those who do wrong???

  RETRIBUTION –
  INCAPACITATION –
  DETERRANCE –
  REHABILITATION –
  RESTITUTION –

JAIL:
PRISON:
RECIDIVISM:
Preventative detention:
Capital punishment:

Laws/Statutes to prevent discrimination:
  Failure to ensure equal protection under law leads to challenges of social order—
  Methods citizens can use?

8th Amendment: Bail – a sum of money that the accused may be required to post as a guarantee of presence in court
  “No excessive bail”:
  “No cruel and unusual punishment”: 
Federal Courts

U.S. Supreme Court

U.S. Court of Appeals

U.S. District Courts

State Courts

N.C. Supreme Court

N.C. Court of Appeals

General Trial Courts

What makes something a federal case?

- ________________
- ________________ laws (kidnapping, tax evasion, counterfeiting, bankruptcy)
- Disputes between ____________ or ________________
- Terrorism or ________________

Types of Jurisdiction

- ________________ jurisdiction: Means federal cases are heard only in federal courts. **Federal courts** have exclusive jurisdiction over federal cases.

- ________________ jurisdiction: The authority to review cases from a lower court (that is, appealed cases.) All **supreme and appellate courts** have appellate jurisdiction. The N.C. Superior Court also hears appeals from the N.C. District Courts

- ________________ jurisdiction: The authority to hear a case for the first time. **District and superior courts** have original jurisdiction — **supreme courts** can also exercise original jurisdiction over certain cases.
Types of Law

Use your technology or textbook to define each type of law. Then search the news to find a real life example that exemplifies the law. Give a brief description of HOW the story exemplifies the type of law and post the story and explanation on the class Canvas discussion forum. Respond to at least two classmates with a possible form of punishment that you think should be used for the crime/form of law.

Common Law

Common Law Example:

Criminal Law

Criminal Law Example:

Civil Law

Civil Law Example:

Constitutional Law

Constitutional Law Example:

Administrative Law

Administrative Law Example:

Statutory Law

Statutory Law Example:

International Law

International Law Example:
<table>
<thead>
<tr>
<th>Severity of crimes</th>
<th>How serious is the crime?</th>
<th>What is the punishment?</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital offense:</td>
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<tr>
<td>Felony:</td>
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<td>Misdemeanor:</td>
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<td>Infraction:</td>
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<td>Not a crime:</td>
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</table>

**Are these people guilty of a crime? If so, what type?**

<table>
<thead>
<tr>
<th></th>
<th>Cap.</th>
<th>Fel.</th>
<th>Mis.</th>
<th>Inf.</th>
<th>NAC</th>
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<tbody>
<tr>
<td>Robert sells crack cocaine and uses the proceeds to support his mother, who is on welfare.</td>
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<td>Marley is a passenger in a car she knows is stolen, although she did not participate in the theft of the car.</td>
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<td>A corporate executive gives a million dollars to a candidate for the U.S. Senate.</td>
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<td>A wife finds out her husband is having an affair and runs over him with her car.</td>
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<td>Paulina is caught with a pound of marijuana.</td>
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<td>Ted robs a liquor store at gunpoint.</td>
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<td>Ellen leaves a store with change for a $10 bill, knowing that she gave the cashier a $5.</td>
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<td>Lily approaches a man for the purposes of prostitution.</td>
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<td>The president of the United States lies under oath.</td>
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<td>Ming refuses to wear a helmet while riding a motorcycle.</td>
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<td>A company pollutes a river with waste from its automobile factory.</td>
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<td>Pat gets drunk and hits a child while speeding through a school zone.</td>
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<td>Shane observes his best friend shoplifting but does not turn him in.</td>
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* Be able to state which court would have original jurisdiction in each case.

**Comparing Responsibilities of Law Enforcement Agencies**
Consider who would handle the law enforcement responsibilities in each area of criminal activity.

<table>
<thead>
<tr>
<th>Criminal Activity</th>
<th>CIA</th>
<th>Secret Service</th>
<th>FBI</th>
<th>DEA</th>
<th>SBI</th>
<th>Hwy Patrol</th>
<th>Sheriff</th>
<th>Local Police</th>
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</thead>
<tbody>
<tr>
<td>Speeding down Main Street</td>
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<td>Speeding down I-77</td>
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<tr>
<td>Bank robbery in Charlotte</td>
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<tr>
<td>Bank robberies across the South</td>
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<tr>
<td>Counterfeiting</td>
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<tr>
<td>Drug smuggling from South America</td>
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<tr>
<td>North Korea developing nuclear weapons</td>
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<td>Illegal campaign spending in a presidential race</td>
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<tr>
<td>Illegal campaign spending in a governor’s race</td>
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<td>Break in at Rite Aid drug store</td>
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<td>Trucks carrying too much cargo through the state</td>
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<td>Serial killer in the nation</td>
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<td>Communist threat in Africa</td>
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<td>Fraud in the State Agriculture Department</td>
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<td>Shoplifting at Harris Teeter</td>
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<td>Attempting to assassinate the president by someone from Iraq</td>
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<td>Production of fake Social Security cards</td>
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**JURISDICTION Again:** In the following cases indicate in which court the conflict will be heard

- US Supreme Court
- US Court of Appeals
- US District Court
- NC Supreme Court
- NC Court of Appeals
- NC Superior Court
- NC District Court
- Magistrate
- Family Court

1. A Charlotte, NC man is charged with stealing a car in Gastonia, NC.
2. A woman sues her local grocery store for $6,000 in medical expenses which were accumulated for treatment of a broken hip received when she slipped on the wet floor of the store.
3. The final appeal for Mary Beth Tinker to have the right to express herself by wearing armbands in school in memory to those killed in the Vietnam War.
4. Joe Teacher in Charlotte is sued by a Florida film producer for illegally showing a copyrighted movie in class.
5. North Carolina sues South Carolina to share the tax revenue from Carowinds since the park sits on the border between the states.
6. Frank is convicted of murder in NC Superior Court and his sentence is the death penalty. He begins his appeal where?
7. Larry’s landlord refuses to return his damage deposit of $450 when Larry moves out of his apartment, even though the apartment is in excellent condition. Larry sues the landlord.
8. Kelly is 15 and has been cited for disruptive behavior on a city bus.
9. Paige is 16 and was cited for disruptive behavior on the same bus.
10. Regina is charged with misdemeanor assault.
11. The US District Court rules that the state initiative to terminate mandatory busing violates the Equal Protection Clause of the 14th Amendment. The state of North Carolina appeals.
12. Inmates ask this court to review their case from the NC Court of Appeals, claiming that the jail failed to provide them with basic human needs.
13. The NC Court of Appeals overturns Austin’s conviction for selling drugs, based on an illegal search and seizure. The state asks which court to review the case?
14. A Hearing is held to determine bail in an assault case.

**15. LIST ALL THE COURTS WITH JURIES**

**16. LIST ALL THE COURTS WITHOUT JURIES**
Types of Law: In the following cases indicate which type of law is involved

- Civil Law
- Criminal Law
- Statutory Law
- International Law
- Administrative Law
- Constitutional Law
- Common Law

1. The final appeal for Jane Roe to have abortion legalized.
2. The NC Supreme Court overturns Joey’s conviction for possession of a firearm, based on an illegal search and seizure. Which court can review the case?
3. A Matthews, NC man is charged with stealing a car in Mint Hill, NC.
4. South Carolina sues North Carolina to share money made from fishing licenses used on Lake Wylie which sits on the border between the two states.
5. Ellie May of NC is sued by New York author Dr. Seuss for infringement of copyright laws.
6. Suzie is charged with a misdemeanor battery charge.
7. Sharon sues Sarah for $300 for breaking her iPod at a party when she dropped it into the pool.
8. The US District Court rules that a new state law violates the supremacy clause of the US Constitution. The state of NC appeals.
9. A man sues Starbucks for $3000 in medical expenses which were accumulated for treatment to burns on his hand from failing to use a cup cover/jacket.
10. Aaron is 16 and has been cited for disruptive behavior in public.
11. Teachers ask this court to review their case from the NC Supreme Court, claiming that the school system failed to pay them earned bonuses.
12. Bob is convicted of murder in a superior court and his sentence is the death penalty. Where does Bob begin his appeal?
13. A hearing is held to determine bail in an assault case.

1. The NC Court of Appeals overturns Joey’s conviction for possession of a firearm, based on an illegal search and seizure. The state asks which court to review the case?
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<table>
<thead>
<tr>
<th>Civil Law</th>
<th>Constitutional Law</th>
<th>Rule of Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What is the name of the person who files a lawsuit?</td>
<td>1. Define writ of certiorari</td>
<td>1. How does the rule of law protect people from the government?</td>
</tr>
<tr>
<td>2. What is the name of the person who is being sued?</td>
<td>2. How do cases get added to the Supreme Court docket?</td>
<td>2. What are the 5 basic principles of the Rule of Law?</td>
</tr>
<tr>
<td>3. If you’re sued, are you guaranteed a lawyer? Why or why not?</td>
<td>3. Roughly how many cases does the Supreme Court hear each year? How many are appealed to it? Why is the number they hear so low?</td>
<td></td>
</tr>
<tr>
<td>4. What are the 2 decisions a jury can reach in a civil suit?</td>
<td>4. How many justices must agree to hear a case before it is added to the docket?</td>
<td>3. Other than eye for an eye, what was important about Hammurabi's Code?</td>
</tr>
<tr>
<td></td>
<td>5. How many Supreme Court Justices are there? How does one become a Supreme Court Justice?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. What kind of cases with the Supreme Court choose to hear?</td>
<td>4. Why do we include some of the Ten Commandments in our laws in America?</td>
</tr>
<tr>
<td></td>
<td>3. List and describe the steps of the Supreme Court.</td>
<td>5. Why was the Napoleonic Code important?</td>
</tr>
<tr>
<td></td>
<td>4. Describe the differences between the types of opinions listed here</td>
<td>6. What are the 4 qualities that make a law good?</td>
</tr>
<tr>
<td></td>
<td>- Majority</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>- Concurring</td>
<td>-</td>
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<tr>
<td></td>
<td>- Dissenting</td>
<td>-</td>
</tr>
<tr>
<td>8. Which forms of conflict resolution are..</td>
<td></td>
<td>7. Which quality is most important? Why?</td>
</tr>
<tr>
<td>- The least formal?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Types of Law

1. What is the difference between civil and criminal law when it comes to the jury and how they reach a verdict?

2. Which branch of the government creates and enforces administrative law?

3. Why is international law so hard to enforce?

4. What is the difference between a statute and an ordinance?

5. What is common law passed on? Where did it come from?

6. List 3 examples of Civil Law.
   - 
   - 
   - 

7. List 3 examples of international law.
   - 
   - 

Jurisdiction

1. What type of jurisdiction does the US Supreme Court have? What type of cases does it hear?

2. What types of crimes would the US District Court consider?

3. Why does North Carolina have 2 levels of district courts? What is the difference between them?

4. Define misdemeanor.

5. Define felony.

6. Mark is charged with arson of a school house.

7. An American who gave up his citizenship to join Al Qaeda is up for terrorism.

8. Jessica, a 9th grader, painted graffiti on an abandoned building.

9. Mr. Gideon’s last case to prove his constitutional right to a lawyer.

10. Florida sues Georgia for taking too much water from a river the states share.

11. Cheryl has been convicted of murder and wants her case to be heard again because she feels like she was denied due process.

Criminal Law

1. Who brings charges against citizens in the courtroom? (Who represents the state?)

2. What is the name of the person who is being charged with a crime?

3. List and describe the 5 steps of a criminal trial.
   - 
   - 
   - 
   - 
   - 

4. What does burden of proof mean?

5. Why could OJ Simpson not be tried for the murder of his ex-wife again? Why did the jury find him not guilty?

6. Describe the theories of punishment below.
   - Retribution:
   - Restitution:
   - Rehabilitation:

7. What is the difference between indeterminate sentences and mandatory sentences?

8. Why does recidivism happen so often in the American penal system?
Doodle Review: Using this space, create a colorful Mind Map that includes all of the main ideas (in BOLD!) that we studied. You may use drawings, symbols, words, or/and patterns that will help you visualize how these main ideas are connected! This is to help YOU and you may use it on your test!