

After reading page 1 of your packet, describe the difference between a Criminal Case and a Civil Case:

After reading page 1 of your packet, describe the difference between a felony and a misdemeanor:

Read Page 2 of your packet, then complete the following exercise.

Steps in a Criminal Trial

Directions: Listed are the basic steps in criminal due process. Number the steps 1 to 7 in logical order for the criminal process.

- _____ The accused appeals the sentence.
- _____ The accused is indicted
- _____ The accused is arrested
- _____ The accused receives the verdict.
- _____ The accused is informed of his or her right to counsel and his or her right to remain silent.
- _____ The accused receives the sentence.
- _____ The accused is tried by a jury.

IN YOUR OWN WORDS, what is the purpose of Bail?

After reading page 5 of your packet, what is the major difference between the 5th and 14th amendment?

The Supreme Court

How many justices sit on the Supreme Court? _____

How long can a person serve on the Supreme Court? _____

In very simple terms, how does a person become a member of the Supreme Court? (we used the phrase in Econ too)

The Supreme Court does not decide if someone is guilty or not guilty. Their job is to make sure a trial was conducted fairly, and all laws were applied correctly. The court decides which party in a case is correct under current law. The court votes and the side receiving 5 or more votes is deemed to be the correct version of the interpretation of the law. The judges write their thoughts, and this is called the "Majority Opinion." The whole country is bound by the majority opinion in deciding future cases. Justices that do not agree with the majority can write their own thoughts on the case. This "Dissenting Opinion" can be the basis of deciding future cases and changing law.

Due Process in Criminal Proceedings

Directions: Each of the following statements describes the importance of one of the terms from this course. Match the terms from the list with the descriptions that follow by writing the letter of the term in front of the appropriate statement.

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|---------------------------------|------------------------------|
| A. bail | K. indictment |
| B. capital punishment | L. jury |
| C. Contempt of court | M. Miranda Rule |
| D. Cruel and unusual punishment | N. Probable cause |
| E. Double jeopardy | O. Right of confrontation |
| F. Due process of law | P. Right to compel witnesses |
| G. Exclusionary rule | Q. Right to counsel |
| H. Ex post facto law | R. Self-incrimination |
| I. Grand jury | S. Speedy and public trial |
| J. Writ of habeas corpus | T. Search warrant |

- ____ 1. A defendant has the right to face their accusers.
- ____ 2. A person cannot be held in custody or jailed without a legal basis or charge.
- ____ 3. Evidence discovered during an illegal search cannot be used at trial
- ____ 4. Our society no longer condones the barbaric punishments of earlier eras, like torture.
- ____ 5. Police must have a reason for detaining or searching an individual.
- ____ 6. The accused deserves an expert defense to get a fair trial.
- ____ 7. The state needs to determine if the police have sufficient evidence against the accused to justify a felony charge and inconvenience of a trial.
- ____ 8. Defendants can require a witness to testify on their behalf.
- ____ 9. For the individual to gain a fair and just trial, the state must adhere to specific guidelines from arrest to sentencing.
- ____ 10. Only after the grand jury has determined that there is sufficient evidence can the state charge an individual with a crime.
- ____ 11. People judged innocent cannot be tried again for the same crime.
- ____ 12. Police cannot, at will, invade people's privacy.
- ____ 13. The court can release a defendant if that person provides a monetary promise to return for trial.
- ____ 14. The state cannot enact a law, then use the law to punish violations that occurred before the law was enacted.
- ____ 15. The state is given a limited time period to begin prosecution and cannot do so secretly.
- ____ 16. Judgement by one's peers is perceived to offer the fairest form of justice.
- ____ 17. Since the burden of proof rests outside the accused, a defendant is not obligated to testify in his or her own trial.
- ____ 18. Some states use death to deter others from performing violent crimes.
- ____ 19. The individual should be informed that he or she need not incriminate himself or herself and may have the counsel of a lawyer.
- ____ 20. To insure a fair trial that is not disrupted or disturbed, the court can enforce certain rules of conduct.