

Name: \_\_\_\_\_ Class: \_\_\_\_\_ Date: \_\_\_\_\_

## **GUIDED READING**

### **Georgia Its Heritage and Its Promise**

#### **Chapter 5: Georgia's Judicial Branch**

##### **Section 1 Ensuring Justice**

**Directions:** Use the information from pages 109 - 111 to complete the following.

1. The role of the \_\_\_\_\_ branch is to interpret the \_\_\_\_\_ of Georgia and to ensure justice in the legal system. (page 109)
2. The guarantee of \_\_\_\_\_, which ensures fair treatment under the law, comes from the \_\_\_\_\_ and Fourteenth amendments to the U.S. Constitution and must be observed in all stage. (page 109)
3. In a nation that \_\_\_\_\_ by the law, government has a major role in settling \_\_\_\_\_.
4. The judicial branch of government - at the federal, state, and local levels - uses \_\_\_\_\_ systems to \_\_\_\_\_ matters. This means that both sides of a \_\_\_\_\_ argument are heard, and a decision is made - hopefully solving the \_\_\_\_\_ (in a civil case) or serving \_\_\_\_\_ (in a criminal case).
5. The laws of the state are divided into two \_\_\_\_\_. \_\_\_\_\_ laws protect society from the wrongdoing of an individual. \_\_\_\_\_ laws deal with the relationships between and among individuals.
6. A \_\_\_\_\_ is a serious offense, regarded as an injury to \_\_\_\_\_.
7. When a crime is committed, the state - in the person of a \_\_\_\_\_ - will start legal action against the person who is accused of the crime in a

\_\_\_\_\_ court.

8. In contrast, a \_\_\_\_\_ is an injury or wrong done to a person that can be \_\_\_\_\_ with the payment of money (called \_\_\_\_\_).
9. For example, someone may have been wronged in some way that does not involve the \_\_\_\_\_ of a criminal law or statute. In that case, the \_\_\_\_\_ individual is the one who must start the legal action (called a \_\_\_\_\_) in a *civil* court.
10. Sometimes, a single act may be both a \_\_\_\_\_ and a \_\_\_\_\_.
11. This driver [crashed into your family's front porch, causing roof to collapse] violated criminal statutes and must face \_\_\_\_\_.
12. Your family, as \_\_\_\_\_ of the property damaged in the incident, has a \_\_\_\_\_ of \_\_\_\_\_, or a civil case, against the driver.
13. Usually \_\_\_\_\_ covers the cost of repairing your front porch. If it does not, your family, as \_\_\_\_\_, can \_\_\_\_\_ (file a lawsuit against) the driver to recover repair costs in a civil court. The driver is called the \_\_\_\_\_.
14. \_\_\_\_\_ are sorted into categories, ranging from very \_\_\_\_\_ crimes, which carry \_\_\_\_\_ punishment and are tried by a \_\_\_\_\_, to those that are less serious and call for an appearance before a judge.
15. A \_\_\_\_\_ is a very serious crime. It is punishable by a \_\_\_\_\_ sentence of more than one year. Examples of felonies under Georgia law include arson, kidnapping, \_\_\_\_\_, rape, burglary, selling \_\_\_\_\_ substances(drugs), and motor vehicle theft.

16. A \_\_\_\_\_ felony is a crime that is punishable by \_\_\_\_\_.  
\_\_\_\_\_ is a capital felony.

17. All other \_\_\_\_\_ are misdemeanors. A \_\_\_\_\_  
carries less severe punishment: one to \_\_\_\_\_ months in jail and/or a  
\_\_\_\_\_ set by the court.

18. Examples of misdemeanors are trespassing, \_\_\_\_\_, cruelty to  
animals, and assault and battery (\_\_\_\_\_ fights) with minor injuries.

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##### **Section 2 The Structure of Georgia's Court System**

**Directions:** Use the information from pages 112 - 118 to complete the following.

1. When a court has the authority to decide a case, it is said to have \_\_\_\_\_ over it.
2. \_\_\_\_\_ jurisdiction describes the authority of courts to hear a case in the "first instance." This usually means a \_\_\_\_\_ complete with witnesses, evidence, a \_\_\_\_\_, and a jury.
3. A \_\_\_\_\_ is a group of citizens chosen to hear evidence in a legal case and make a decision based on that \_\_\_\_\_.
4. Courts of \_\_\_\_\_ jurisdiction handle less serious cases or cases that involve specific issues. They handle both \_\_\_\_\_ cases and some \_\_\_\_\_ matters.
5. \_\_\_\_\_ jurisdiction takes up where the courts of original or limited jurisdiction leave off. That is, the \_\_\_\_\_ in a criminal case or a civil case can be appealed.
6. To \_\_\_\_\_ means to take a case to a \_\_\_\_\_ court for rehearing.
7. The \_\_\_\_\_ [judges] in an appellate court review the decision of the lower court and determine whether that decision should be \_\_\_\_\_ or \_\_\_\_\_.
8. The Georgia \_\_\_\_\_ Court is the state's highest court.

9. It is an appellate court that \_\_\_\_\_ the decisions made in civil or criminal court by a \_\_\_\_\_ court or a Court of \_\_\_\_\_.
10. The Supreme Court is also the \_\_\_\_\_ court in the state that can \_\_\_\_\_ on certain types of cases. Two examples are cases about whether laws \_\_\_\_\_ by the legislature are constitutional and cases involving challenges to \_\_\_\_\_ held in the state.
11. In addition, all criminal cases that result in a \_\_\_\_\_ sentence come before the Georgia Supreme Court.
12. Decisions of the Supreme Court are \_\_\_\_\_. That is, they have the \_\_\_\_\_ authority on matters of law at the state level.
13. The Supreme Court also outlines a code of judicial conduct for the \_\_\_\_\_ of the state and regulates the admission of \_\_\_\_\_ to practice law in Georgia.
14. The head of the Supreme Court is the \_\_\_\_\_ justice.
15. There are \_\_\_\_\_ justices on the Georgia Supreme Court. They are elected to \_\_\_\_\_-year terms in statewide, \_\_\_\_\_ (not associated with any political party) elections.
16. The Court of \_\_\_\_\_ is the second-highest ranking court in the state. It is the court of first \_\_\_\_\_ for many civil and criminal cases heard by the trial courts.
17. The Court of Appeals has \_\_\_\_\_ judges who are assigned to one of four panels made up of three judges each.

18. The three-judge panel reviews the \_\_\_\_\_ (the written record) of the trial and the \_\_\_\_\_ (written arguments) submitted by the attorneys for the parties. Judges are \_\_\_\_\_ to six-year terms in statewide, nonpartisan elections.
19. In Georgia, the centerpiece of original justice is the trial court known as \_\_\_\_\_ court.
20. Superior court judges \_\_\_\_\_ over all felony trials.
21. This court has exclusive jurisdiction over cases of divorce and land \_\_\_\_\_ (ownership disputes).
22. There are \_\_\_\_\_ superior court \_\_\_\_\_ (regions), with \_\_\_\_\_ judges. Superior court judges are elected to \_\_\_\_\_-year terms. A candidate for superior court judge must be a lawyer who has \_\_\_\_\_ law for at least seven years.
23. \_\_\_\_\_ Courts exercise limited jurisdiction within one \_\_\_\_\_.
24. State court judges hear \_\_\_\_\_, including most \_\_\_\_\_ violations. They also issue search and \_\_\_\_\_ warrants and hold hearings in criminal cases. State court judges are \_\_\_\_\_ to four-year terms in countywide, nonpartisan elections.
25. When someone dies, the \_\_\_\_\_ submit the deceased person's \_\_\_\_\_ for probate. \_\_\_\_\_ is the process of establishing the \_\_\_\_\_ (legality) of the will.
26. Dealing with wills and the \_\_\_\_\_ (property and possessions) of deceased person is the role of the \_\_\_\_\_ court of each county.

27. Probate courts also issue \_\_\_\_\_ licenses and licenses to carry \_\_\_\_\_ . Probate court \_\_\_\_\_ are elected to four-year terms in countywide, nonpartisan elections.
28. \_\_\_\_\_ courts are limited jurisdiction county courts that issue \_\_\_\_\_ , hear minor criminal offenses, and hear civil cases involving amounts of \_\_\_\_\_ or less.
29. No \_\_\_\_\_ trials are held in magistrate court.
30. There is a magistrate court in every \_\_\_\_\_. A \_\_\_\_\_ magistrate is either elected or appointed, as determined by local \_\_\_\_\_. Other magistrates \_\_\_\_\_ be appointed by the chief magistrate.
31. In Georgia, a distinction is made between \_\_\_\_\_ and youthful \_\_\_\_\_ in the criminal justice system.
32. \_\_\_\_\_ courts were established to concentrate attention on the treatment of juveniles. Juvenile courts have \_\_\_\_\_ (jointly held) jurisdiction with superior courts in child custody and child support matters that arise from \_\_\_\_\_ cases.
33. There is a juvenile court in each \_\_\_\_\_. Juvenile court judges are \_\_\_\_\_ by superior court judges of the judicial circuit to four-year terms of office.

34. In addition to the courts that serve people within the county or circuit, Georgia's cities and towns have established \_\_\_\_\_ courts to handle traffic offenses and violations of local \_\_\_\_\_, to issue warrants, and in some instances, to hear misdemeanor cases such as \_\_\_\_\_ and possession of \_\_\_\_\_.
35. Municipal court judges are often appointed by the \_\_\_\_\_, but some are elected.
36. In addition to Georgia's court system, the judicial branch of the U.S. government administers \_\_\_\_\_ courts in Georgia. There are \_\_\_\_\_ district courts in Georgia.
37. These courts conduct trials in civil cases that fall under the U.S. \_\_\_\_\_ and federal laws, \_\_\_\_\_ cases brought by federal prosecutors on behalf of the United States, \_\_\_\_\_ actions in which the United State is a party, and other cases and controversies.
38. Federal judges in each of these courts are appointed by the \_\_\_\_\_, subject to \_\_\_\_\_ by the U.S. Senate. Unlike state court judges, federal judges are eligible to serve for \_\_\_\_\_.
39. The constitutionality of a law can be appealed to the Georgia Supreme Court, under the doctrine of \_\_\_\_\_.
40. Filing a \_\_\_\_\_ in a civil matter is one way to settle a \_\_\_\_\_ peacefully.
41. \_\_\_\_\_ is a way to resolve disputes in which a neutral third party meets with the \_\_\_\_\_ (or more) opposing sides and helps them reach an agreement.



42. With \_\_\_\_\_, the opposing parties designate a neutral third party (called an \_\_\_\_\_) and agree in advance to accept the arbitrator's solution to the disagreement.

43. In a \_\_\_\_\_, each of the opposing parties gives up something in order to settle the dispute.

44. \_\_\_\_\_ is the process of discussing an issue with the intention of resolving it.

45. \_\_\_\_\_ occurs when the opposing parties work together to identify common ground or objectives.

46. Finally, \_\_\_\_\_ is a method of seeking change that specifically rejects \_\_\_\_\_.

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### **Georgia Its Heritage and Its Promise**

#### **Chapter 5: Georgia's Judicial Branch**

##### **Section 3 Steps in the Criminal Justice Process**

**Directions:** Use the information from pages 120 - 122 to complete the following.

1. Suppose that your \_\_\_\_\_ is broken into [offices are trashed and equipment stolen] over the weekend when no one is in the building.
2. When the break-in is discovered, \_\_\_\_\_ and security personnel come immediately.
3. Crime scene investigators \_\_\_\_\_ the area carefully, collecting and recording evidence.
4. From the \_\_\_\_\_ (fingerprints and shoeprints) and from the reports of \_\_\_\_\_ (joggers on the athletic field behind the school), police officers arrest three \_\_\_\_\_ (people who are thought to have committed the crime).
5. When the suspects are arrested, law enforcement authorities take the suspects into \_\_\_\_\_.
6. Once the suspects are in custody, law enforcement authorities make an official \_\_\_\_\_ of the arrest and place the suspects in a holding \_\_\_\_\_. This is called \_\_\_\_\_.
7. The suspects make a first appearance before a \_\_\_\_\_ judge.
8. The judge makes sure that \_\_\_\_\_ (the rules established by the courts to protect a person's rights) is followed for each suspect.

9. Each suspect has the right to an \_\_\_\_\_. The \_\_\_\_\_ against each suspect (burglary, vandalism) are explained, and the judge decides whether or not to allow a suspect out on \_\_\_\_\_ (money paid to ensure a suspect's appearance in court at a later date).
10. Next is the \_\_\_\_\_ *hearing*. In this hearing, the magistrate judge determines if there was, in fact, a \_\_\_\_\_ committed. and if there is \_\_\_\_\_ cause(sufficient reason) to believe that each suspect committed the crime.
11. The \_\_\_\_\_ is a group of citizens chosen from among eligible \_\_\_\_\_ in a county or judicial circuit.
12. Their [grand jury] job is to examine the case record and evidence that may link the \_\_\_\_\_ to the crime committed.
13. The grand jury \_\_\_\_\_ whether there is sufficient evidence to charge the suspect with a crime. If it does, the grand jury issues an \_\_\_\_\_ (a formal accusation of a serious crime).
14. Someone who is indicted by the grand jury is then \_\_\_\_\_, called before a superior court judge who reads the charges and allows the suspect to enter a \_\_\_\_\_ of guilty or not guilty.
15. If the plea is \_\_\_\_\_, the next step is \_\_\_\_\_.
16. If the accused person agrees to \_\_\_\_\_ guilty to a less serious charge, and the \_\_\_\_\_ agrees, there will be no \_\_\_\_\_.
17. This process of negotiating is called *plea* \_\_\_\_\_.

18. If the suspect pleads not guilty, he or she becomes the \_\_\_\_\_ (the person who answers the charges) in a criminal trial.
19. The trial process begins with the \_\_\_\_\_ *selection*.
20. \_\_\_\_\_ jurors and at least one \_\_\_\_\_ are selected to hear the case.
21. In determining who will serve on the jury, the judge, the prosecutor, or the \_\_\_\_\_ for the defendant may ask \_\_\_\_\_ of the potential juror. This process is called \_\_\_\_\_.
22. Once a jury is selected, the prosecutor and the attorney for the defendant \_\_\_\_\_ directly to the jury and state what they expect to prove. These are called *opening* \_\_\_\_\_.
23. Next is the *presentation of* \_\_\_\_\_. The \_\_\_\_\_ (the attorney for the state) goes first.
24. Most of the evidence is presented by witnesses who \_\_\_\_\_ under oath.
25. The judge then calls upon the \_\_\_\_\_ attorney to \_\_\_\_\_ - \_\_\_\_\_ (question) the witnesses.
26. Once all the witnesses have testified and been cross-examined, the defense attorney and the prosecutor make *closing* \_\_\_\_\_ (or final arguments) to the jury.
27. Next, the judge will \_\_\_\_\_ the jurors and point out the question they must decide.
28. The jurors then \_\_\_\_\_ (discuss among themselves) the case and reach a \_\_\_\_\_ (decision).

29. If the verdict is guilty, the judge proceeds with \_\_\_\_\_ (the length of time to be served in prison) and sets the amount of any fine or \_\_\_\_\_ (payment for damages).
30. There are several \_\_\_\_\_ that can take place after a trial.
31. If the defendant was found guilty by the jury, his or her lawyer may file a \_\_\_\_\_ for a new trial. This motion is usually \_\_\_\_\_ granted except in unusual circumstances.
32. The defense attorney can then file a notice of \_\_\_\_\_ to the appellate court and give reasons why the case should be reviewed.
33. If the appellate court \_\_\_\_\_ (reverses the previous decision), the case goes back to superior court.
34. If the court \_\_\_\_\_ the guilty verdict, the \_\_\_\_\_ (prison term and restitution) is carried out.