

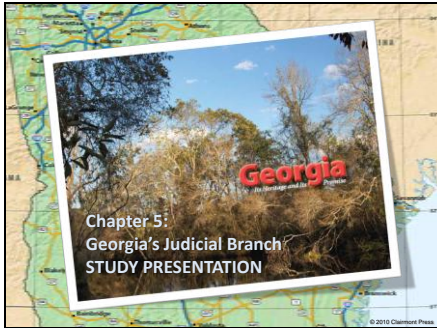
# Georgia: Its Heritage and Its Promise

## Chapter 5: Georgia's Judicial Branch

### QUICK NOTES

Name: \_\_\_\_\_

Slide 1



---

---

---


---

Slide 3

**Section 1: Ensuring Justice**

➤ Essential Question:

- How does Georgia's judicial system provide justice and protect the rights of its citizens?



---

---

---


---

Slide 4

**Section 1: Ensuring Justice**

➤ What terms do I need to know?

- criminal law
- civil law
- crime
- tort
- plaintiff
- defendant
- capital felony
- misdemeanor



---

---

---

---

Slide 5

**Disputes over Legal Rights**

➤ Since our government abides by rule of law, it has a major role in settling disputes.

➤ The judicial branch of government uses court systems to **adjudicate** matters:

- Both sides of a legal argument or question of law are heard by the court.
- A decision is made by the court.



---

---

---

---



# Georgia: Its Heritage and Its Promise

## Chapter 5: Georgia's Judicial Branch


### QUICK NOTES

Name: \_\_\_\_\_

Slide 6

**Criminal Law versus Civil Law**

- State laws are divided into two categories:
  - **criminal laws** (protect society from the wrongdoing of an individual)
  - **civil laws** (deal with relationships between and among individuals)
- When a **crime** is committed, the state starts legal action in a criminal court against the person accused.
- In contrast, a **tort** is an injury or wrong done to a person that can be compensated with the payment of money. A single act may be both a crime and a tort.
- If criminal statutes are violated, a person has a right of action, or a civil case, against the offender.
- If insurance does not satisfy person(s) in a civil case, he or she, as **plaintiffs**, can sue (file a lawsuit against) the offender (called the **defendant**).



---

---

---

---

---

---

Slide 7

**Felony versus Misdemeanor**

- A **felony** is a very serious crime punishable by a prison sentence of more than one year.
- Felonies include: arson, kidnapping, robbery, rape, burglary, selling illegal substances (drugs), and motor vehicle theft.
- A **capital felony** (e.g., murder) is a crime punishable by death.
- All other crimes are **misdemeanors** (e.g., trespassing, shoplifting, cruelty to animals, and assault & battery) and carry a less severe punishment.



---

---

---

---


---

---

Slide 8

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

- Essential Question:
  - How are Georgia's courts organized to protect and help its citizens?



---

---

---

---

---


---

Slide 9

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

- What terms do I need to know?

• jurisdiction	• state court
• jury	• probate court
• appeal	• magistrate court
• Supreme Court	• juvenile court
• Court of Appeals	• municipal court
• superior court	• judicial review



---

---

---

---

---

---

# Georgia: Its Heritage and Its Promise

## Chapter 5: Georgia's Judicial Branch

### QUICK NOTES

Name: \_\_\_\_\_


Slide

10

**Describing Courts**

➤ When a court has authority to decide a case, it has **jurisdiction** over it:

- Original jurisdiction usually means a trial complete with witnesses, evidence, a judge, and a **jury** (citizens determine the facts of the case).
- Courts of limited jurisdiction (handling criminal cases and some civil matters) deal with less serious cases or those involving specific issues.
- **Appellate** jurisdiction takes up where courts of original or limited jurisdiction leave off.
- **Note:** An **appeal** (take case to higher court for rehearing) may be made in a criminal or civil case.



---

---

---

---

---

---

Slide

12

**Appellate Courts**

➤ Georgia's **Supreme Court** is the state's highest court, and it is the only court in the state that rules on certain types of cases:

- All decisions are binding.
- All criminal cases resulting in a death sentence come before the Supreme Court.

➤ A code of conduct for state judges is outlined by the Supreme Court.

➤ Admission of attorneys to practice law in Georgia is regulated by the Supreme Court.


➤ Head of the Georgia Supreme Court is the chief justice.

➤ There are 7 judges on the court; and they are elected to 6-year terms in statewide elections.

➤ The **Court of Appeals** is the second-highest ranking court in the state:

- court of first review for many civil and criminal cases heard by trial courts
- has 12 judges assigned to one of four panels made up of three judges each
- judges elected to 6-year terms in statewide, nonpartisan elections

Appellate courts examine trial records for errors.



---

---

---

---

---

---

Slide

13

**Courts of Original Jurisdiction**

➤ The Superior Court hears both civil and criminal cases.

➤ Superior court judges preside over all felony trials – (sometimes serious violent juvenile offenders).

➤ Superior court judges are elected to 4-year terms in circuit-wide, nonpartisan elections.

➤ Candidates for judges must be a lawyer who has practiced law for at least 7 years.



---

---

---

---

---

---

Slide

14

**Courts of Limited Jurisdiction**

➤ **State courts:**

- misdemeanors are heard (most traffic violations)
- search and arrest warrants are issued

➤ **Probate courts:**


- deal with wills and estates of deceased persons
- issue licenses for marriage and to carry firearms
- appoint a legal guardian as needed, etc.

➤ **Magistrate courts:**

- issue warrants, hear minor criminal offenses, hear civil cases involving amounts of \$15,000 or less
- do not hold jury trials

➤ **Juvenile courts** were established to give attention to the treatment of juveniles:

- handle cases of deprived/neglected children
- see to delinquent/unruly child offenses
- supervise juvenile traffic violations



---

---

---

---

---

---



# Georgia: Its Heritage and Its Promise

## Chapter 5: Georgia's Judicial Branch

### QUICK NOTES


Name: \_\_\_\_\_

Slide

15

**Municipal Courts**

- **Municipal courts** have been established to:
  - handle traffic offenses and violations of local regulations
  - issue warrants, and, in some instances
  - hear misdemeanor cases (i.e., shoplifting)
- Municipal court judges are often appointed by the mayor, but some are elected.
- There are approximately 370 municipal courts operating in Georgia.

 Link: [Georgia's District and Circuit Courts](#)

---

---

---

---

---


---

Slide

16

**Federal Courts**

- The judicial branch of the national government administers federal courts in Georgia (the U.S. districts courts), and these include:
  - the U.S. Northern District Court ( in Atlanta)
  - the U.S. Middle District Court (in Macon)
  - the U.S. Southern District Court (in Savannah)
- Georgia, along with Alabama & Florida, are among 94 district courts throughout the U.S.



---

---

---

---

---


---

Slide

17

**Settling Disputes Peacefully**

- Laws must be respected and observed.
- Laws can be repealed under the doctrine known as **judicial review**.
- Ways to settle disputes peacefully include:
  - filing a lawsuit in a civil matter
  - mediation
  - arbitration
  - compromise
  - negotiation
  - collaboration
  - non-violent protest



---

---

---

---

---


---

Slide

18

**Section 3: Steps in the Criminal Justice System**

- Essential Question:
  - How are legal issues settled in our state?



---

---

---

---

---

---

# Georgia: Its Heritage and Its Promise

## Chapter 5: Georgia's Judicial Branch

### QUICK NOTES

Name: \_\_\_\_\_


Slide

19

**Section 3: Steps in the Criminal Justice System**

➤ What terms do I need to know?

- suspect
- grand jury
- indictment
- arraign
- plea
- verdict



---

---

---

---


---

Slide

20

**Pretrial Proceedings**

1. arrest (**suspect** taken into custody)
2. booking (official record of the arrest)
3. initial appearance (by suspect) before magistrate judge
4. preliminary hearing (magistrate judge determines if crime was committed and probable cause or causes)
5. a **grand jury indictment** (a formal accusation of a serious crime)
6. an **arraignment** before superior court judge (suspect may enter a **plea** of guilty or not guilty)
7. possible plea bargaining (process of negotiating for a less serious charge)



---

---

---

---

---

Slide

21

**The Trial**

1. jury selection (trial process begins, has 12 jurors, at least one alternate)
2. opening statements (prosecutor and defense attorney speak to the jury; state expectation to be proved)
3. presentation of evidence and cross-examination of witnesses
4. closing statements (final arguments by defense attorney and prosecutor are made to the jury)
5. jury deliberation/**verdict** (jurors discuss among themselves the case and reach a decision)
6. sentencing (judge discloses length of time to be served in prison if verdict is guilty; sets amounts of payment for restitution; or dismisses defendant if not guilty)



---

---

---

---

---

Slide

22


**The Appeal**

➤ There are several actions that can take place after a trial:

- If the defendant was found guilty, his/her lawyer may file a motion for a new trial.
- The defense lawyer can then file a notice of appeal to the appellate court giving reason(s) why the case should be reviewed.

➤ If the appellate court reverses the previous decision, the case goes back to superior court.

➤ If the court upholds the guilty verdict, the sentence is carried out.



---

---

---

---

---

Additional Notes:

