**Steps in Pursing Justice**

**General Timeline**

I**f You Are the “Bad Guy” Watch Out!**

* ­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + Did the arresting officer read you your \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_?
    - The Miranda Rights
      * You have the right to remain silent. Anything you say can and will be held against you in the court of law. You have the right to an attorney. If you cannot afford an attorney one will be provided for you. Do you understand the rights I have just read to you?
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + Basic info, photo, fingerprint
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + Being brought before a judge within 72 hours
* Pleas
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + *Nolo contender* (no contest)
    - Only in criminal cases – does not deny facts, but does not admit any crime – accepts punishment

**How Do You Plea?**

|  |  |  |
| --- | --- | --- |
| * Preliminary hearing * No jury * Prosecution presents * Defense can too * Judge passes sentence | * Preliminary hearing * No jury * Judge decides if there is enough evidence to stand trial * If so, gets trial date * Determines bail | * Very specific procedures * Defendant has to prove convincing evidence that at the time of the offense they were unable to appreciate the nature of the crime |

\*\*\* REMEMBER…\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

It is up to the prosecution to find substantial proof\*\*\*

**The Grand Jury**

* Use instead of a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Often in the case of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Consists of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ citizens
* They will determine if there is enough to go to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Only the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ presents
* No cross-examination allowed
* Decided by majority vote
  + If 16 citizens make up the grand jury, the majority vote is \_\_\_\_\_\_\_\_\_\_
  + If 23 citizens make up the grand jury, the majority vote is \_\_\_\_\_\_\_\_\_
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – if the accused is formally charged – a trial date will be set

**What is evidence…specifically?**

* There are actual rules as to what can be classifies as evidence
  + Must be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + Must \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (probative)
  + Must \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the crime (material)
  + Person who presents must be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – no admissible in criminal court – only civil
    - It is not considered reliable since it is not taken under oath, nor subject to cross-examination

**Court Cases to Determine How Courts Should Run**

* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + Commonly known as the “general acceptance” test
  + Scientific evidence is admissible at trail only if the scientific principle law sufficiently gain acceptance in the scientific community
  + After presentation by the expert witness, the jury decides of the evidence has any significance
  + Applies only to “new” or “novel” methodologies