

Misdemeanors and the courts



Misdemeanors and The Courts Henry G. is 18 years old and resides in the small town of Silverton, California. One night a few months ago, Henry and his buddies were partying at a friend's house.

They thought it would be a good idea to spray paint their names under the bleachers at

their high school football stadium. This was a great senior prank in their eyes!

Unfortunately, they were not planning on a local policeman being on the campus that

night. They were caught and cited for vandalism of school property. Now this type of

crime is punishable by up to no more than one year in jail and Henry had a court date last

week at the Silverton district court. He checked in at the magistrate court office and pled

not guilty to his charge in front of the judge. Because vandalism is a misdemeanor

offense and his first offense, he was not required to have a jury trial. He had a court trial

and was found guilty. The judge felt she had substantial evidence to find Henry guilty as

charged. However, he did not feel there was sufficient competent evidence and decided to

take the case a step further and appeal this decision made by the judge. He filed an

official appeal with the appellate department of the superior court of the

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State of

California. Henry hired an attorney to file a brief to the court on his behalf.

Once the

brief had been filed it was given to a panel of justices for review and an oral argument

was scheduled. During this oral argument the panel of justices asked Henry's attorney

questions about the night he was cited, evidence of innocence, etc. After hearing the

argument and reviewing the briefs they submitted a written statement to the court

claiming they believed Henry was guilty. He has now been found guilty by a trial judge

and the mid-level court. Because Henry's citation was a misdemeanor, it is likely he will

not be able to continue up the court system. He tried to file a claim with the State

Supreme Court of California but he was denied. Most cases that make it to that level

involve more criminal offenses such as assaults, abuse, misuse of firearms, etc. Family

disputes such as divorce, custody, and handling of estate issues are also more along the

lines of a State Supreme Court case. After this, there is the U. S. Supreme court which is

the highest court in the land. There are a few thousand cases that are

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requested for

review by the U. S. Supreme Court each year and less than 5% of those make it to court.

In order for a case to be heard by the U. S. Supreme Court, they must meet one of the

following criteria they:

must deal with diplomatic personnel or ambassadors to the United States originate from state supreme courts and generally involve a constitutional right dismissed by the state

may be cases appealed from lower federal courts if certain laws require the U. S. Supreme Court to hear them.

Unfortunately for Henry, he must settle his case at the 1st appellate court level. It is likely

he will only pay a fine and possible serve a few days in jail but his crime was not of

paramount importance in higher level court system of the United States.

Works Cited

McGuire. (2007). Understanding The U. S. Supreme Court. New York: AIPI

Sherman, R. R. (2006) The U. S. Supreme Court: The First Hundred Years.

Canada: Trafford Publishing.