

# Essay on justice system in texas

[Law](#), [Criminal Justice](#)



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## **Abstract**

In the present paper, the issue of American Justice System is discussed in the framework of common and statutory law. Particular emphasis was placed on the differences between statutory law and case law on state and federal levels. The common features of the American common law system were outlined. The main system of justice in Texas was analyzed from the perspective of its differences from the common tendencies on the federal level.

Key words: system of justice, common law, precedence, death penalty, Texas.

## **Justice System in Texas**

System of justice in the United States has its origins in the British system based on the common law. By common law in this context is meant precedent or case law which is practically created through the judiciary rulings and particular decisions in certain cases. The case law is usually contrasted with the statutory or executive law. The main contrast is not in the sense of substitution but rather mutual supplement and explanation. The

problematic issue of general American common and statutory law is that each state has its own statutory law system based mainly on the Constitution of the state and incorporated federal laws which ideally should not contradict each other. On the other hand, states' case law and system of justice might vary greatly, resulting in collisions of interstate cases (Cole & Smith, 2007). Although federal law and local constitutions have the supremacy over the local case laws, courts decisions might still have entirely opposite practices in specific issues. The most prominent example is attitude to the death penalty, which is entirely abolished in 14 states, but still remains a common penalty in Texas and California (Anderson, 2005). Irrespective of the procedural difference, which would be mentioned further, American court system corresponds to the classical British common law courts structure. The main sides in the proceeding are plaintiff and defendant who explain their positions in front of the judge and jury as representatives of the justice system and authorities. The main principle of justice is the presumption of innocence (Cole & Smith, 2007). The main stages of proceeding begin with the pleading of trial from the plaintiff, defendant's response to it, and its efficiency from court's point of view. When the trial takes place each side represents facts helping them to defend their positions, final decision is made by the jury and the function of judge is to oversee that the whole process corresponds to the law. After the final decision, defendant can appeal the decision in courts of higher jurisdiction (Cole & Smith, 2007).

Although mentioned above structure generally describes all courts in US, each state and court of a specific jurisdiction has its own peculiarity of the

proceeding. The most elaborated court system in the US is in the state of Texas, particularly, San Antonio and other big cities. Generally, it is characterized by five-stage level and strictness of penalties, including death penalty. Another distinctive feature of the Texas justice system is that the last change of Texas Code of Criminal Procedure was in 1965, adding regulations which eliminated prosecuting violations (Anderson, 2005). The particular feature of the criminal trial in Texas is that an accused individual is asked a regular question of “ guilty or not guilty”, which is followed by phrase of nolo contendere, meaning no contest. The essence of the last case corresponds to the confession in quilt. The only difference is that the last one gives the defender an opportunity to avoid admission of guilt and financial burden connected to it (Anderson, 2005). Another feature of Texas criminal process is also connected with economy. In order to decrease costs connected to the trial proceeding, plea bargaining is preferable by both sides. This also is dictated by the amount of population and high caseload (Anderson, 2005).

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