

# Court history and purpose



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Court history and purpose Court history and purpose Courts are places tribunals are presided over and duly constituted by a judge, judges or magistrates in civil and criminal cases. In courts, a jury may be added to ensure the hearings and sentences are fair and just. The main purpose of courts is deciding whether those arrested are legally guilty and if found guilty, determining the sentence.

Dual court system is an American court system, which is composed of two judicial systems. That encompasses the national court system (federal court system) and the state courts system found in each and every of the 50 states and the District of Columbia. The state and federal courts have different laws but certainly share some of them. Some acts such as selling of drugs are both crimes in the two of them, which means the accused can be tried in the two of them (Siegel, 2011).

#### Development of courts

Some of the criminal codes applied in the criminal court system, in America, are traceable back to some of the early legal codes used in different places, in the world, especially in the past centuries. Such codes include the Babylonian code of Hammurabi (2000 n. c. e) of lex talionis (an eye for an eye) that still guides proportionality in punishments. The Ten Commandments prohibition against theft, violence, and perjury still holds. The American criminal court system has adopted some of these codes, improved them and instituted certain laws according to the crimes committed (Siegel, 2011).

Common law, which originated from England, is based on the customs and traditions that evolved over the centuries as interpreted by judicial tribunals. The American legal system is such a case, which adapted the rule from the <https://assignbuster.com/court-history-and-purpose-essay-samples/>

English hence called the Anglo-American law except in Louisiana State that adapted French civil law. This is where a central government was formed, and it set its own rules and regulations and uses it to administer local courts. The adaption of this way of the court system is clearly brought out by the formation of a central government in America with a constitution, the U. S constitution. This guides the government decisions. All states have their own constitutions, with different laws.

Use of precedent, often referred to as stare decisis, is common in America. American judges make judgments from earlier similar cases to pass judgment on new cases that are similar. When such cases come up, judges look at earlier rulings to derive principles that apply to the case they are deciding, and this helps them to pass judgments. As new situations arose overtime, judges created new legal principles to address them and came up with a new set of laws, which were composed of principles and reasoning. The American court system adapted these English precedents and procedures, but the different states made changes to them after independence. The American judges currently create precedents when they interpret statues, state constitutions, the US constitution and prior judicial opinions.

The role of courts in criminal justice today

According to Cole & Smith (2009), the following are the roles of courts in the criminal justice today:

1. Defines and grades offences. The prosecutor defines the crime with the evidence presented and presents in court according to the damage done.
2. Sets levels of punishments. The court decides the nature of crime and applicable punishment according to the grade of the offence committed.

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3. Classifies crimes into categories. The courts, with the evidence provided, determine the different categories, ferocious crimes, weak crimes, murders or homicides.

4. Listens to pre-negotiations. These are proceedings of trial of the defendants depending on how that came to happen and fight the evidence.

5. Sentencing the accused or rather setting them free if the evidence is not sufficient enough to show the accused is guilty.

#### References

Cole, G. & Smith, C. (2009). American system of criminal justice, international edition. London: Cengage Learning. Edition 12.

Siegel, L. J. (2011). Essentials of criminal justice. Belmont, CA: Wadsworth Cengage Learning. 7th Edition.