

State judicial system



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Running Head: THE US JUDICIAL SYSTEM The US Judicial System The US Judicial System I The Courts Generally, state courts can be classified into trial courts and appellate courts. Trial courts can be classified as follows: the lowest level courts which include the small claims courts, municipal courts, city courts, justice courts or traffic courts; the superior courts which has jurisdiction over larger civil cases, serious criminal cases, most divorce and other domestic cases; special trial courts with jurisdiction over juvenile or domestic cases. There are usually two appellate courts: the court of appeal which reviews cases decided by lower courts, and; the state supreme court which is the highest state court. Jurisdiction is conferred by laws and therefore cannot be waived or subject to agreement by parties. A defendant has the right to appeal a trial court's decision, usually once, to the next immediate appellate court. Any other appeal from the initial appeal is discretionary and may be done only through a writ of certiorari or discretionary review. The appellate courts review only the law applied by the lower courts, leaving the findings of facts intact, and no new issues can be considered. They rely solely on the trial briefs of the parties and the records of the proceedings in the trial court. A discretionary review or review via a certiorari is accepted only if the issue at hand is novel or of such general importance. The final resort that a defendant can avail of, after showing state-level exhaustion, is with the federal courts on a petition for a writ of certiorari or petition for a writ of habeas corpus (Acker & Brody 2003 pp 26-29).

II The Federal Court System

The lowest court level in the federal court system is the federal district court, of which every state and US territory has at least one. In addition to violation

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and issues of the US Constitution, federal laws, treaties, diversity of citizenship jurisdiction, these courts have jurisdiction over petitions for habeas corpus that state prisoners may file on the ground that their convictions or sentences violate the US Constitution. Moreover, there must be actual disputes and controversy for federal jurisdiction to apply. On the other hand, the US federal Courts of Appeal can entertain only appeals from federal district courts within their respective circuits as the federal district courts are divided into circuits and assigned an appeals court. Additionally, Fig. 1 The US Court System

certain limits of the amounts in dispute are considered before an appeal can be had to the circuit courts. In civil cases, for example, the amount involved must be more than \$50 and in admiralty \$300. An appeal is initially considered by three of the 10 to 15 judges. However, a losing party may ask for a reconsideration of his case by the court sitting en banc. The last court of resort for federal cases is with the US Supreme Court on a writ of error or a writ of appeal. Aside from its appellate jurisdiction, the US Supreme Court has also original jurisdiction over disputes involving different states regarding state boundaries and other property concerns (Acker & Brody 2003 pp 30-32).

. References

Acker, James & David C. Brody (2003). *Criminal Procedure: A Contemporary Perspective*, Ed2, illust. Jones & Bartlett Publishers.