

CONTENTS

Preface	xxi
Chapter I	
Courts, Crime, and Controversy	2
Courts and Crime	4
LAW AND POPULAR CULTURE: OVERVIEW	5
The Courts and the Criminal Justice System	7
An Interdependent Criminal Justice System	7
A Fragmented Criminal Justice Nonsystem	8
Tensions and Conflicts	9
Finding the Courthouse	9
Identifying the Actors in the Courthouse	10
Prosecutors	12
Defense Attorneys	12
Judges	12
Defendants and Their Victims	12
Following the Steps of the Process	12
Crime	14
Arrest	14
Initial Appearance	14
Bail	14
Preliminary Hearing	14
Charging Decision	15
Grand Jury	15
Arraignment	15
Evidence	15
Plea Negotiations	15
Trial	15

Sentencing	16
Appeal	16
Law on the Books	16
Law in Action	16
CASE CLOSE-UP: OVERVIEW	17
COURTS AND CONTROVERSY: OVERVIEW	18
Courts and Controversy	19
Crime Control Model	20
Due Process Model	21
Conclusion	21
Chapter Review	22

PART I

THE LEGAL SYSTEM

Chapter 2	
Law and Crime	26
The Basis of Law	28
The Common Law Heritage	29
Judge-Made Law	29
Precedent	29
Multiple Sources of Law	31
The Adversary System	32
Safeguards	32
Presumptions and Inferences	33
Burdens of Proof	33
CASE CLOSE-UP: CIVIL AND CRIMINAL PROSECUTIONS OF CELEBRITIES	35
The Rights of the Accused	36
Due Process	38
Bill of Rights	38
Civil Law	38
Basis for Filing a Civil Suit	38

- Remedies 41
- Using Civil Remedies to Fight Crime 42
- Civil Liability of Criminal Justice Officials 42

COURTS, CONTROVERSY, AND REDUCING
CRIME: SHOULD ASSET FORFEITURE BE
LIMITED? 44

Criminal Law 44

Elements of a Crime 46

- Guilty Act 46
- Guilty Intent 47
- Fusion of Guilty Act and Guilty Intent 47
- Attendant Circumstances 47
- Results 47

Legal Defenses 48

Effects of the Criminal Law on the Courts 49

- Criminal Law and Inconsistencies 49

LAW AND POPULAR CULTURE: *CHICAGO*
(2002) 50

- Criminal Law and Plea Bargaining 51
- Criminal Law and Sentencing 51

Conclusion 52

Chapter Review 52

Chapter 3

Federal Courts 56

Basic Principles of Court Organization 59

- Dual Court System 59
- Jurisdiction 59
- Differentiating Trial and Appellate Courts 62

COURTS, CONTROVERSY, AND THE
ADMINISTRATION OF JUSTICE: SHOULD THE
DOUBLE JEOPARDY CLAUSE PROHIBIT PARALLEL
STATE AND FEDERAL PROSECUTIONS? 62

History of the Federal Courts 63

- The Constitutional Convention 63

LAW AND POPULAR CULTURE: *A FEW GOOD MEN*
(1992) 64

- The Judiciary Act of 1789 65
- 1789–1891 65
- Court of Appeals Act of 1891 66
- Federal Courts Today 66

U.S. Magistrate Judges 66

- Caseload of U.S. Magistrate Judges 68

U.S. District Courts 69

- Caseload of U.S. District Courts 69
- Diversity Jurisdiction 70
- Federal Questions 70

U.S. Courts of Appeals 74

- Caseload of U.S. Courts of Appeals 76

U.S. Supreme Court 76

- Granting Cert: The Rule of Four 76
- Caseload of U.S. Supreme Court 77
- Circuit Justices 77

Specialized Courts 77

- Military Justice 79
- Enemy Combatants 79
- Foreign Intelligence Surveillance Court 80

CASE CLOSE-UP: WAS ZACARIAS
MOUSSAOUI THE 20TH HIJACKER 80

Federal Judicial Administration 82

- Chief Justice 82
- Judicial Conference of the United States 84
- Administrative Office of the U.S. Courts 84
- Federal Judicial Center 85
- Judicial Councils 85
- U.S. Sentencing Commission 85

Caseloads in the Federal Courts 85

- Increase the Number of Federal Judges? 85
- Reduce Federal Jurisdiction? 86

COURTS, CONTROVERSY, AND REDUCING
CRIME: SHOULD STATE CRIMES ALSO
BECOME FEDERAL VIOLATIONS? 86

Consequences of Federal Involvement in the Criminal Justice System 87

- Forum for Symbolic Politics 87
- Federal Dollars 88

Conclusion 88

Chapter Review 89

Chapter 4

State Courts 92

History of State Courts 94

- Colonial Courts 94
- Early American Courts 95
- Courts in a Modernizing Society 95

Trial Courts of Limited Jurisdiction: Lower Courts 95

Trial Courts of General Jurisdiction: Major Trial Courts 96

- Criminal Cases 97
- Civil Cases 97

LAW AND POPULAR CULTURE: *TRAFFIC* (2000) 98

Intermediate Courts of Appeals 99

Courts of Last Resort: State Supreme Courts 99

Court Unification 101

- Key Components 101
- Analysis 104

Problem-Solving Courts 104

CASE CLOSE-UP: *EWING V.
CALIFORNIA AND THREE STRIKES LAWS* 105

- Drug Courts 106
- Domestic Violence Courts 106
- Mental Health Courts 107

Consequences of Court Organization 107

- Decentralization and Choice of Courts 108
- Local Control and Local Corruption 108

COURTS, CONTROVERSY, AND REDUCING
CRIME: IS IT TIME TO END THE WAR ON
DRUGS? 108

Conclusion 109

Chapter Review 110

PART II

LEGAL ACTORS

Chapter 5

The Dynamics of Courthouse Justice 114

The Courthouse and the People Who Work There 116

- The Courthouse 117
- The Courtroom 117
- Behind the Scenes 118

Dynamics of Courthouse Justice 120

LAW AND POPULAR CULTURE: *LAW & ORDER* 121

Assembly-Line Justice 122

- Strengths of the Explanation 122
- Weakness of the Explanation 123

Discretion 124

The Courtroom Work Group 125

- Mutual Interdependence 125
- Shared Decision Making 125
- Socialization 126
- Normal Crimes 126
- Rewards and Sanctions 126
- Variability in Courtroom Work Groups 126

The Problem of Delay 127

- Consequences of Delay 127

COURTS, CONTROVERSY, AND
GENDER EQUITY: IS GENDER BIAS A
SIGNIFICANT PROBLEM IN THE COURTS? 128

- Assessing the Costs of Delay 129

Law on the Books Approach to Court Delay 130

- Speedy-Trial Laws 130
- Limits of Speedy-Trial Laws 130

CASE CLOSE-UP: *BARKER V. WINGO
AND THE RIGHT TO A SPEEDY TRIAL* 131

Law in Action Approach to Court Delay 131

- Case Scheduling 132
- Efforts at Coordination 132
- Variability in Courtroom Work Groups
Revisited 132

Legal Ethics 132

Conclusion 133

Chapter Review 134

Chapter 6

Prosecutors 136

Role of the Prosecutor 138

- Broad Discretion 138
- Decentralization 139

CASE CLOSE-UP: *BURNS V. REED AND
PROSECUTORIAL MISCONDUCT* 141

Prosecution in Federal Court 142

- Solicitor General 142
- Criminal Division of the Justice Department 143
- U.S. Attorneys 143

Prosecution in State Courts 144

- State Attorney General 144
- Chief Prosecutor 144
- Local Prosecutor 146

The Prosecutor's Office at Work 147

- Assistant District Attorneys 147
- Learning the Job 147
- Promotions and Office Structure 148
- Supervision 148
- Attempts at Greater Supervision 149

Prosecutorial Ethics 149

Prosecutors and Courtroom Work Groups 151

- Conflicting Goals and Contrasting Work Groups 151
- Political Styles and Contrasting Work Groups 152

LAW AND POPULAR CULTURE:
THE ACCUSED (1988) 153

The Expanding Domain of the Prosecutor 154

- Improving Police–Prosecutor Relationships 154
- Community Prosecution 154

COURTS, CONTROVERSY, AND GENDER EQUITY:
ARE SEXUAL ASSAULTS AGAINST WOMEN
UNDERPROSECUTED? 155

Conclusion 156

Chapter Review 156

Chapter 7

Defense Attorneys 160

CASE CLOSE-UP: *GIDEON V. WAINWRIGHT*
AND THE RIGHT TO COUNSEL 162

The Right to Counsel 163

- Nonfelony Criminal Prosecutions 163
- Stages of the Criminal Process 164
- Ineffective Assistance of Counsel 167
- Self-Representation 167

Defense Attorneys and Courtroom Work Groups 168

- Rewards and Sanctions 168
- Variations in Cooperation 169
- An Assessment 170

The Criminal Bar 171

- Diversity and Stratification of the Legal Profession 171
- Environment of Practice 171

Providing Indigents with Attorneys 173

- Assigned Counsel 173

COURTS, CONTROVERSY, AND ECONOMIC
INEQUALITY: ARE WE SPENDING TOO LITTLE
OR TOO MUCH ON INDIGENT DEFENSE? 174

- Contract Systems 174
- Public Defender 176
- Assessing the Merits of Public Defenders 176

Lawyers and Clients 177

- Lawyers' Views on Their Clients 177
- Defendants' Views on Their Lawyers 178

Defense Attorney Ethics 178

LAW AND POPULAR CULTURE: *BOSTON LEGAL*
(ABC Television, 2004–2008) 179

Conclusion 180

Chapter Review 181

Chapter 8

Judges 184

The Position of Judge 186

- Powers of the Judge 186
- Benefits of the Job 188
- Frustrations of the Job 188

LAW AND POPULAR CULTURE: *JUDGE JUDY*:
JUSTICE WITH AN ATTITUDE OR JUST PLAIN
NONSENSE? 189

Judges within the Courtroom Work Group 190

Varying Roads to a Judgeship 190

- Executive Appointments 192
- Election of Judges 193
- Merit Selection 193

Consequences of Judicial Selection 194

- Which System Is Best? 194
- Similarities in Judges' Backgrounds 195
- Diversity and the Judiciary 195

CASE CLOSE-UP: *CHISOM V. ROEMER*
AND DIVERSITY ON THE BENCH 197

COURTS, CONTROVERSY, AND THE
ADMINISTRATION OF JUSTICE: IS JUDICIAL
INDEPENDENCE BEING UNDERMINED? 198

Judging the Judges 198

- Judicial Independence 199
- Judicial Misconduct 200
- State Judicial Conduct Commissions 201
- Federal Conduct and Disability Act 202

Judicial Ethics 204**Conclusion 205****Chapter Review 205****Chapter 9****Defendants and Victims 208****Characteristics of Defendants 210**

- Overwhelmingly Male 211

COURTS, CONTROVERSY AND RACIAL
DISCRIMINATION: CAN LATINOS GET
EQUAL JUSTICE UNDER THE LAW? 212

- Mostly Underclass 212
- Racial Minorities Overrepresented 213

Defendants in Court 214**Courts through the Eyes of Victims
and Witnesses 214**

- Frustrations in Coping with the Process 214
- Travails of Testifying 214
- Surprising Support for the System 215

**Victims and Witnesses through the
Eyes of the Court 215**

- Lack of Cooperation 215
- Witness Intimidation 217

Characteristics of Victims 217

- Prior Relationships between Defendants
and Victims 218
- Domestic Violence 218

LAW AND POPULAR CULTURE: *LAW AND ORDER:*
SPECIAL VICTIMS UNIT (NBC, 1999–PRESENT) 219

Aiding Victims and Witnesses 221

- Victim/Witness Assistance Programs 223
- Victim Compensation Programs 223
- Victims' Bill of Rights 224

COURTS, CONTROVERSY, AND REDUCING
CRIME: SHOULD THE VICTIMS' RIGHTS
AMENDMENT BE ADOPTED? 226

Aiding or Manipulating Victims 227

- The Victims' Rights Movement 227
- Differing Goals 228
- Do Victims Benefit? 228

CASE CLOSE-UP: *PAYNE V. TENNESSEE*
AND VICTIM IMPACT STATEMENTS 229

Conclusion 229**Chapter Review 230****PART III****PROCESSING THE ACCUSED****Chapter 10****Arrest to Arraignment 234****Crime 236****Arrest 236**

- Quality of Arrests 237
- Swelling Criminal Dockets 237

Initial Appearance 239**Charging 240**

COURTS, CONTROVERSY, AND
ECONOMIC INEQUALITY: ARE WHITE-COLLAR
CRIMINALS UNDERPROSECUTED? 240

- Law on the Books: Prosecutorial Control 242
- Law in Action: Police Influence 242
- Law in Controversy: Should Prosecutors Set High
Standards for Charging? 242

Preliminary Hearing 242

- Law on the Books: Weighing Probable
Cause 242

CASE CLOSE-UP: *COUNTY OF RIVERSIDE V. MCLAUGHLIN* AND A PROMPT HEARING BEFORE A MAGISTRATE 243

Law in Action: Variations in Using the Preliminary Hearing 244

Grand Jury 245

Law on the Books: Shield and Sword 245
Law in Action: Prosecutorial Domination 247
Law in Controversy: Reform the Grand Jury? 247

Arraignment 247

Law in Action Perspective: Case Attrition 249

Why Attrition Occurs 250

Legal Judgments 251
Policy Priorities 251
Personal Standards of Justice 251

The Criminal Justice Wedding Cake 251

Celebrated Cases 252
Serious Felonies 253
Lesser Felonies 253
The Lower Depths 253

LAW AND POPULAR CULTURE: THE NIGHTLY NEWS 253

Conclusion 255

Chapter Review 255

Chapter 11

Bail 258

Law on the Books: The Monetary Bail System 260

Bail Procedures 260
Forms of Bail 260
Conflicting Theories of Bail 261

Law in Action: The Context of Bail Setting 261

Uncertainty 262
Risk 263
Jail Overcrowding 263

The Process of Bail Setting 264

Seriousness of the Crime 264
Prior Criminal Record 264
Situational Justice 264

Bail Agents and Bounty Hunters 266

The Business Setting 266

Bail Bondsmen and the Courtroom Work Group 267

LAW AND POPULAR CULTURE: *DOG: THE BOUNTY HUNTER* (A&E TELEVISION, 1999–PRESENT) 268

Effects of the Bail System 269

Jail Conditions 269
Race and Ethnicity 270
Failure to Appear 270
Case Disposition 270

Bail Reform Based on the Due Process Model 271

Ten Percent Bail Deposit 271
Pretrial Service Programs 271

COURTS, CONTROVERSY, AND REDUCING CRIME: SHOULD DEFENDANTS BE FORCED TO TAKE A DRUG TEST? 272

Bail Reform Based on the Crime Control Model 272

Pretrial Crimes 273
Preventive Detention 274

CASE CLOSE-UP: *U.S. V. SALERNO* AND PREVENTIVE DETENTION 274

Conclusion 275

Chapter Review 276

Chapter 12

Disclosing and Suppressing Evidence 278

Discovery 280

Law on the Books: Rules Requiring Disclosure 280
Law in Action: Informal Prosecutorial Disclosure 283
Law and Controversy: Requiring Reciprocal Disclosure 284

Suppressing Evidence 285

The Exclusionary Rule 285
Fruit of the Poisonous Tree 285

Confessions 286

The Warren Court Changes the Rules 288

CASE CLOSE-UP: *MIRANDA V. ARIZONA* AND LIMITING POLICE INTERROGATIONS 289

- The Burger and Rehnquist Courts
- Limit *Miranda* 289
- The Roberts Court and *Miranda* 290

Search and Seizure 290

- Search Warrants 295

COURTS, CONTROVERSY, AND REDUCING
CRIME: SHOULD THE EXCLUSIONARY
RULE BE ABOLISHED? 296

- Warrantless Searches 298

LAW AND POPULAR CULTURE: *MINORITY
REPORT* (2002) 302

The Exclusionary Rule and the Courtroom Work Group 303

- Pretrial Motions 303
- Defense Attorney as Prime Mover 303
- The Defensive Posture of the Prosecutor 304
- Trial Judges as Decision Makers 304
- Police Testimony 304

Law and Controversy: Costs of the Exclusionary Rule 306

Conclusion 307

Chapter Review 307

Chapter 13

Negotiated Justice and the Plea of Guilty 312

Law on the Books: Types of Plea Agreements 314

- Charge Bargaining 315
- Count Bargaining 316
- Sentence Bargaining 316

Law in Action: Bargaining and Caseloads 316

Law in Action: Bargaining and Discretion 317

- Presumption of Factual Guilt 317
- Costs and Risks of Trial 317
- What to Do with the Guilty 318

Bargaining and the Courtroom Work Group 318

- Prosecutors 318
- Defendants 319

- Defense Attorneys 319
- Judges 320

Dynamics of Bargaining 320

- Decision-Making Norms 320
- Why Cases Go to Trial 321
- Jury Trial Penalty 321

LAW AND POPULAR CULTURE: *AMERICAN
VIOLET* (2008) 322

Copping a Plea 323

- Questioning the Defendant 323
- Accepting a Plea 324

CASE CLOSE-UP: *SANTOBELLO V. NEW YORK*
AND HONORING A PLEA AGREEMENT 325

- Placing the Plea Agreement on the Record 326

COURTS, CONTROVERSY, AND THE
ADMINISTRATION OF JUSTICE: WHO
BENEFITS FROM PLEA BARGAINING? 328

Law in Controversy: Abolishing Plea Bargaining 328

- Are the Changes Implemented? 328
- Is Discretion Eliminated or Just Moved
Elsewhere? 329
- Do Offsetting Changes Occur? 330

Conclusion 330

Chapter Review 330

Chapter 14

Trials and Juries 334

History of Trial by Jury 337

- English Roots 337
- Colonial Developments 337

Law on the Books: The Constitution and Trial by Jury 338

- Scope of the Right to a Trial by Jury 338
- Jury Size 340
- Unanimity 342

Law on the Books: Selecting a Fair and Unbiased Jury 342

- Master Jury List 342
- Venire 343
- Voir Dire 343
- Serving on a Jury 344

Law in Action: Choosing a Jury Biased in Your Favor 345

- Educating Jurors 345
- Jury Consultants 345

Overview of a Trial 345

The Prosecution Presents Its Case 349

- Starting Presumptions 349
- Burdens of Proof 349
- Evidence 350

LAW AND POPULAR CULTURE: *CSI CRIME SCENCE INVESTIGATION* (CBS, 2000–PRESENT) 354

The Defense Presents Its Case 356

- Reasonable Doubt 356
- The Defendant as Witness 356
- Alibi Defense 357
- Affirmative Defenses 357

Rebuttal 357

COURTS, CONTROVERSY, AND REDUCING CRIME: SHOULD THE INSANITY DEFENSE BE ABOLISHED? 358

Closing Arguments 358

Jury Instructions 359

Jury Deliberations 360

- Are Juries Biased? 360

The Verdict 360

Postverdict Motions 361

Law in Action: Trials as Balancing Wheels 361

- Popular Standards of Justice 361
- Uncertainty 361

Prejudicial Pretrial Publicity 362

- Limited Gag Order 362

CASE CLOSE-UP: *SHEPPARD V. MAXWELL* AND PREJUDICIAL PRETRIAL PUBLICITY 363

- Change of Venue 363

COURTS, CONTROVERSY, AND THE ADMINISTRATION OF JUSTICE: SHOULD CAMERAS BE ALLOWED IN THE COURTROOM? 364

- Sequestering the Jury 364

Conclusion 364

Chapter Review 366

PART IV

SENTENCING THE CONVICTED

Chapter 15

Sentencing Options 370

Why Do We Sentence? 372

- Retribution 372
- Incapacitation 373
- Deterrence 374
- Rehabilitation 375

COURTS, CONTROVERSY, AND REDUCING CRIME: SHOULD RESTORATIVE JUSTICE REPLACE REVENGE-BASED SENTENCING? 376

- Competing Sentencing Philosophies 377

Who Should Decide the Sentence? 378

- Legislative Sentencing Responsibility 378
- Judicial Sentencing Responsibility 379
- Executive Sentencing Responsibility 380

What Sentence Should Be Imposed? 381

Imprisonment 382

- Prison Overcrowding 382
- Conditions of Confinement Lawsuits 383
- High Costs 385

Probation 385

LAW AND POPULAR CULTURE: *DEAD MAN WALKING* (1995) 386

Fines 388

Restitution 389

Intermediate Sanctions 389

- Community Service 390
- Intensive Supervision Probation 390
- Boot Camp 390

The Death Penalty 390

- Eighth Amendment Standards 391

COURTS, CONTROVERSY, AND JUDICIAL ADMINISTRATION: SHOULD A MORATORIUM ON THE DEATH PENALTY BE IMPOSED? 392

- Contemporary Death Penalty Laws 393
- Narrowing Death-Eligible Cases 395
- Evolving Standards 397

CASE CLOSE-UP: *ROPER V. SIMMONS*: SHOULD JUVENILES BE SENTENCED TO DEATH? 398

Death Row Inmates 400

Lengthy Appeals 400

Cost Concerns 401

Conclusion 401

Chapter Review 402

Chapter 16

Sentencing Decisions 406

Courtroom Work Groups and Sentencing Decisions 409

Probation Officers 409

Prosecutors 411

Defense Attorneys 412

Judges 412

Normal Penalties and Sentencing Decisions 412

Seriousness of the Offense 413

Prior Record 414

Aggravating or Mitigating Circumstances 414

Law in Controversy: Uncertainty and Public Opinion 414

Discrimination and Sentencing 414

Imbalance versus Discrimination 415

Conflicting Findings 415

Discrimination and Economic Status 415

Discrimination and Gender 416

Why Are Women Increasingly Being Sentenced to Prison? 416

Are Women Sentenced More Leniently Than Men? 416

Discrimination and Race 417

COURTS, CONTROVERSY, AND EQUAL JUSTICE: SHOULD FEDERAL PENALTIES FOR CRACK BE LOWERED TO REMOVE RACIAL DISPARITIES? 418

Interaction Effects 419

Discrimination and Capital Punishment 420

Offender–Victim Dyad 420

Evidence of Discrimination since *Gregg* 420

Evidence of No Discrimination since *Gregg* 421

McCleskey v. Kemp Rejects Social Science Evidence 421

Disparities and Sentencing 422

The Geography of Justice 422

Judges' Backgrounds and Attitudes 422

LAW AND POPULAR CULTURE: *THE SHAWSHANK REDEMPTION* (1994) 424

Changing Sentencing Structures 425

Law in Controversy: Reducing Judicial Discretion 425

Law on the Books: Determinate Sentencing Returns 425

Law in Action: Diverse Impacts 425

Sentencing Guidelines 428

State Sentencing Guidelines 428

Federal Sentencing Guidelines 430

CASE CLOSE-UP: *KIMBROUGH V. UNITED STATES* AND FEDERAL SENTENCING GUIDELINES IN CRACK COCAINE CASES 431

Increasing the Severity of the Penalty 432

Law on the Books: Mandatory Minimum Sentences 432

Law in Action: Nullification by Discretion 433

Law in Controversy: Negative Side Effects 433

COURTS, CONTROVERSY, AND REDUCING CRIME: ARE “THREE STRIKES AND YOU’RE OUT” LAWS FAIR? 434

Conclusion 434

Chapter Review 436

PART V

APPELLATE, LOWER, AND JUVENILE COURTS

Chapter 17

Appellate Courts 440

Nature of the Appellate Process 443

The Purposes of Appeal 443

Limitations on the Right to Appellate Review 444

Appellate Standards of Review 445

Appellate Court Procedures 448

Notice of Appeal 448

Appellate Court Record 448

Appellate Briefs	448
Oral Argument	450
Written Opinion	450
Disposition	451
Reversible vs. Harmless Error	451
Rising Caseloads and Expedited Appeals	452

Criminal Appeals 452

Law on the Books: Expanded Opportunity to Appeal Criminal Convictions	452
Law in Action: Defendants Rarely Win on Appeal	453

Postconviction Review 455

How Postconviction Remedies Differ from Appeals	455
---	-----

LAW AND POPULAR CULTURE: REVERSAL OF FORTUNE: INSIDE THE VON BULOW CASE (1990) 456

CASE CLOSE-UP: *HOUSE V. BELL* AND FEDERAL COURT SCRUTINY OF STATE DEATH ROW INMATES 457

COURTS, CONTROVERSY, AND THE ADMINISTRATION OF JUSTICE: SHOULD FEDERAL COURTHOUSE DOORS BE CLOSED TO STATE PRISONERS? 458

Expansion under the Warren Court	458
Contraction under the Burger and Rehnquist Courts	458
Congress Greatly Restricts Federal Habeas	459

Wrongful Convictions 460

State Courts of Last Resort 460

Law on the Books: State High Courts and Discretionary Dockets	461
Law in Action: State High Courts as Policymakers	461

COURTS, CONTROVERSY, AND THE ADMINISTRATION OF JUSTICE: INNOCENT ON DEATH ROW? 462

Law in Controversy: State High Courts and Death Penalty Cases	462
---	-----

The U.S. Supreme Court and Criminal Justice Policy 463

The Warren Court (1953–1969)	463
The Burger Court (1969–1986)	464
The Rehnquist Court (1986–2005)	465
The Roberts Court (2005–)	465
The Supreme Court in Broad Perspective	467

Conclusion 467

Chapter Review 468

Chapter 18

The Lower Courts 472

Scope of the Lower Courts 474

Felony Criminal Cases	474
Nonfelony Criminal Cases	475
Civil Cases	477

Problems of the Lower Courts 477

COURTS, CONTROVERSY, AND TRAFFIC FINES: DO TRAFFIC FINES IMPROVE SAFETY OR MERELY RAISE REVENUE? 478

Inadequate Financing	478
Inadequate Facilities	478
Lax Court Procedures	479
Unbalanced Caseloads	479

Rural Justice 480

Lower Caseloads	480
-----------------	-----

LAW AND POPULAR CULTURE: THE CONSPICUOUS ABSENCE OF THE LOWER COURTS ON TELEVISION AND IN FILM 481

Lack of Resources	483
Familiarity	483
Assessing Rural Justice	483

Justice of the Peace Courts 484

Abolition of the JP System	484
Upgrading the Quality of the Personnel	485

CASE CLOSE-UP: *NORTH V. RUSSELL* AND NONLAWYER JUDGES 485

Municipal Courts 486

The Assembly Line	486
The Courtroom Work Group	487
Sentencing	488
Broken Windows Theory and the Lower Courts	489

Court–Community Collaboration 489

COURTS, CONTROVERSY, AND REDUCING CRIME: SHOULD DRUNK DRIVING PROSECUTIONS BE INCREASED? 490

Alternative Dispute Resolution	492
Community Courts	492

Conclusion 492**Chapter Review 493****Chapter 19****Juvenile Courts 496****Juvenile Courts 100 Years Ago 499**

Industrialization, Cities, and Crime 499

The Child Savers and the Progressive

Movement 499

Parens Patriae 499**How Juvenile Courts Differ from Adult Courts 500**

Emphasis on Helping the Child 500

Informal Proceedings 500

Proceedings Based on Civil Law 500

Secret Proceedings 501

Absence of Jury Trials 501

The Organization of Juvenile Courts 501

Juvenile Court as a Separate Court 501

Juvenile Court as Part of Family Court 501

Juvenile Court as a Unit of Trial Court 502

Law in Action: The Impact of Structure 502

Juvenile Court Jurisdiction: Age 502

No Consensus on Age of Juveniles 502

Transfer to Adult Court 502

Juvenile Court Jurisdiction: Subject Matter 504

Juvenile Delinquency 505

Status Offenses 505

Child-Victim 505

Law in Action: One-Pot Jurisdiction 505

Due Process in Juvenile Courts 505

COURTS, CONTROVERSY, AND REDUCING CRIME:
SHOULD JUVENILES BE TRIED AS ADULTS? 506

Key Court Decisions 506

Important Congressional Acts 507

CASE CLOSE-UP: *IN RE GAULT* AND DUE PROCESS
IN JUVENILE COURTS 508

Courtroom Work Group 509

Judges 510

Hearing Officers 510

Prosecutors 510

Defense Attorneys 510

LAW AND POPULAR CULTURE: *THE CLIENT*
(1994) 511

Probation Officers 512

Steps of the Juvenile Court Process 513

Delinquency (Crime) 513

Summons (Arrest) 513

Intake (Initial Hearing) 513

Detention Hearing 516

Petition 516

Conference 516

Evidence: Gathering and Suppressing 518

Plea Bargaining 518

Adjudicatory Hearing 518

Disposition 518

Appeal 519

Juvenile Courts: The Next 100 Years 519

Crime Control Model: More Adult Penalties 519

Due Process Model: More Youth Crime

Prevention 520

Conclusion 520**Chapter Review 520****Appendix A: Criminal Court Landmarks 525****Appendix B: Overview of the Constitution of the United States of America 530****Appendix C: Constitution of the United States 534****Appendix D: Legal Reasoning 545****Glossary 555****References 568****Case Index 605****Index 609**