

The State Judicial System



Federalism in the Judicial Branch

-Two separate court systems

Federal: top of the federal/national court system →

-Guarantees people receive equal justice in all the states

They decide cases that involve:

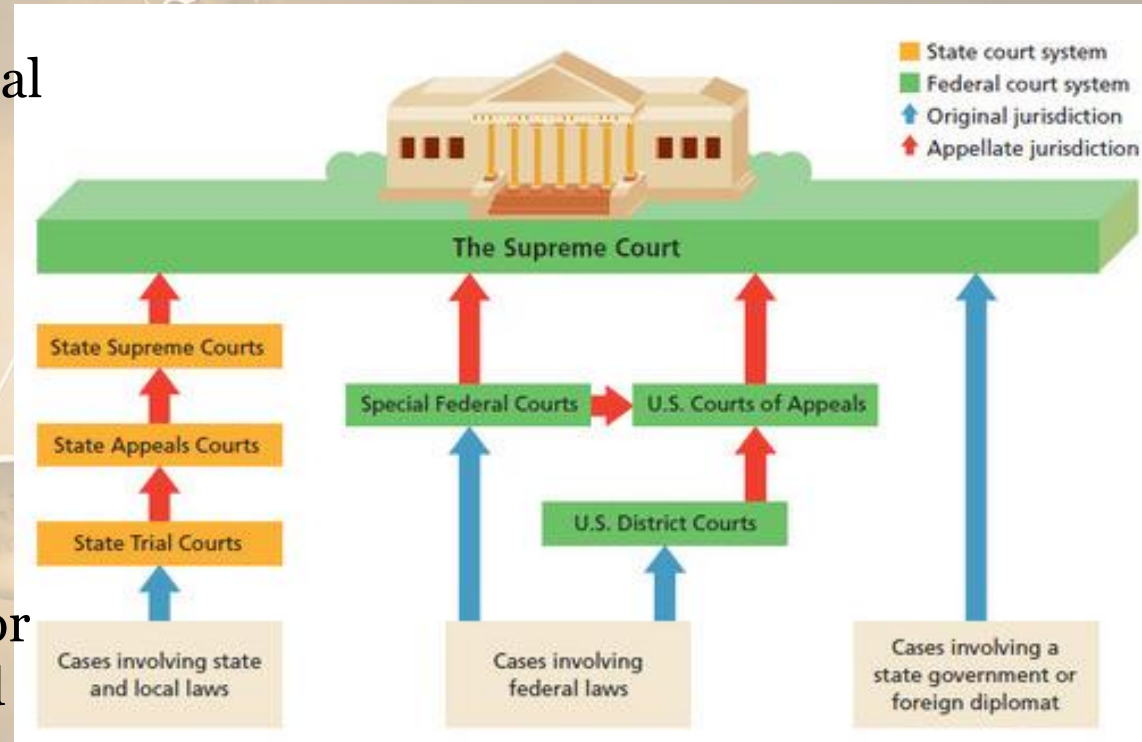
-The U.S. Government

-The U.S. Constitution

-Federal/national laws

-Controversies between states or between the United States and foreign governments

State – 50 separate state court systems; each state has its own laws and courts that get their power from the state constitution and laws



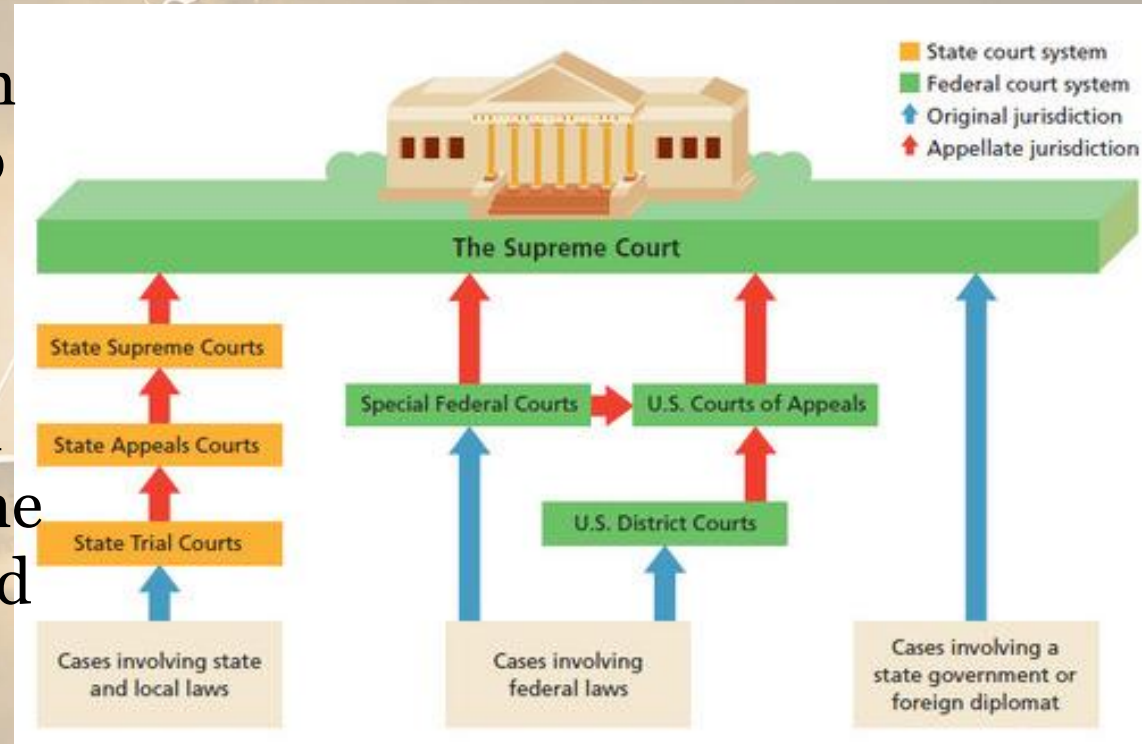
Jurisdiction

The authority to hear a court case in dispute

-Original Jurisdiction: belongs to the court which has the initial authority to hear a case

-Exclusive Jurisdiction: authority to hear a case in dispute belongs to only one court and will not be heard anywhere else

-Concurrent Jurisdiction (concur means to share): a case can be heard in one of several courts



North Carolina Judicial System Structure



N.C. Supreme Court
(Raleigh)
Appellate Court

N.C. Court of Appeals
(Raleigh)
Appellate Court

Superior Court
(Located across the state)
Trial Court

Criminal cases

- All felonies
- Misdemeanors appealed from District Court
- Examples: Murder, robbery or DWI appealed from District Court

Civil cases

- Cases involving \$25,000 or more and some other specialized matters
- Examples: \$500,000 lawsuit for breach of contract or a personal injury lawsuit

District Court
(Located across the state)
Trial Court

Criminal cases

- All misdemeanors (except those attached to a felony incident) and all juvenile cases
- Examples: DWI, larceny of less than \$1,000 or simple assault

Civil cases

- Cases involving less than \$25,000
- Family law
- Examples: Divorce, custody, lawsuit for \$10,000 for auto crash

Magistrate's Court

(Located across the state, often open 24 hours a day in heavily populated areas)

Criminal cases

- Determine probable cause for arrest and issue warrants
- Accept guilty pleas to minor infractions/crimes
- Set conditions of pretrial release in most cases

Civil cases

- Serve as child support hearing officers
- Perform marriage ceremonies
- Hear small claims cases

Duties at the State Levels



NC Supreme Court

- Highest court in NC, no jury, 7 justices

NC Court of Appeals

- Court used by individuals to attempt to get an original verdict overturned, no jury used, 3 judges hear case

NC Superior Courts

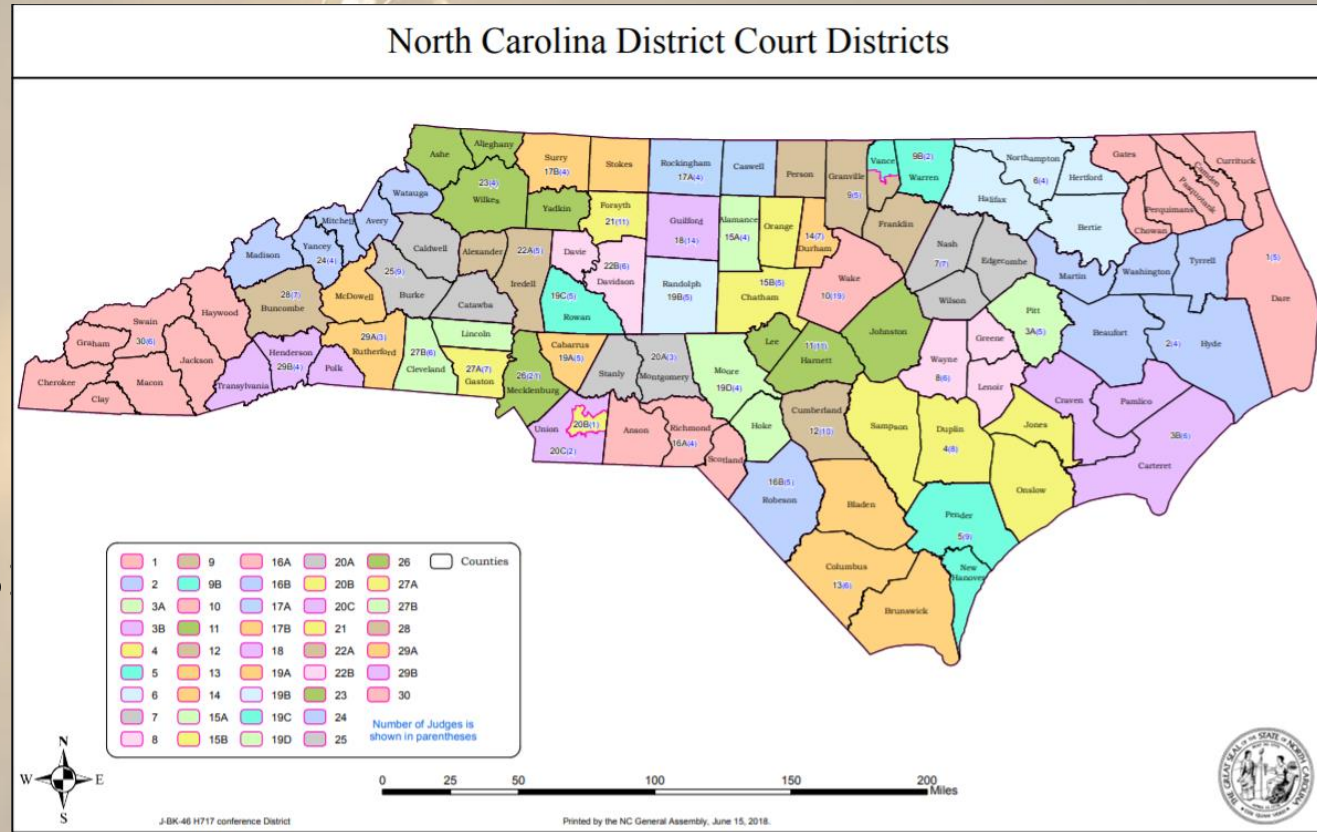
- Tries felonies (severe crimes) and large civil cases, ONLY NC court to use a jury, 1 judge

NC District Courts

- Tries misdemeanors (smaller crimes) and small civil cases, no jury used, 1 judge

NC State Judges

- Elected by the people
- No specific qualifications
- District judges: 4-year terms
- All other judges 8-year terms
- Can be impeached and removed from office



State Law Enforcement Agencies

- Police: the primary purpose is to uphold the laws of their jurisdiction, patrol to deter crime, and investigate local crimes
- County Sheriff: deputies commonly run the local jail, serve warrants and court summons, and respond to calls for service in areas outside local police jurisdictions



State Law Enforcement Agencies

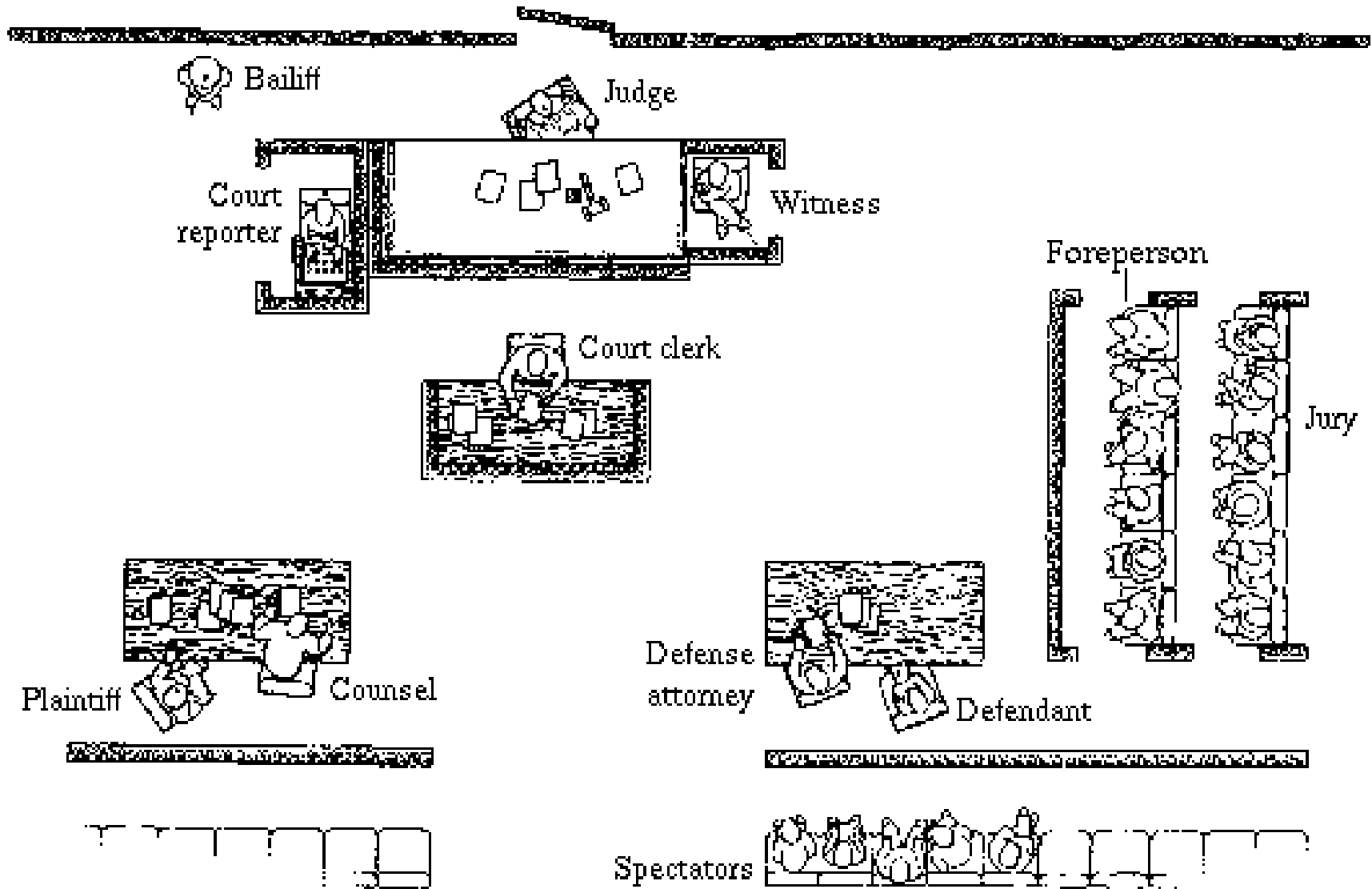
-NC State Highway Patrol:
enforcing the state's traffic laws,
state troopers also guide traffic
during hurricane evacuations, re-
route traffic around hazardous
chemical spills, and they stand
ready, should any act of terrorism
occur



-State Bureau of Investigation
(SBI): state law enforcement
agency; have original jurisdiction
in the following areas - drug and
arson investigations,
environmental crimes, election law
violations, human trafficking,
weapons of mass destruction, child
sexual abuse in day care centers,
computer crimes against children
and crimes involving state property
(often called upon by local agencies
to assist them when and where
needed)



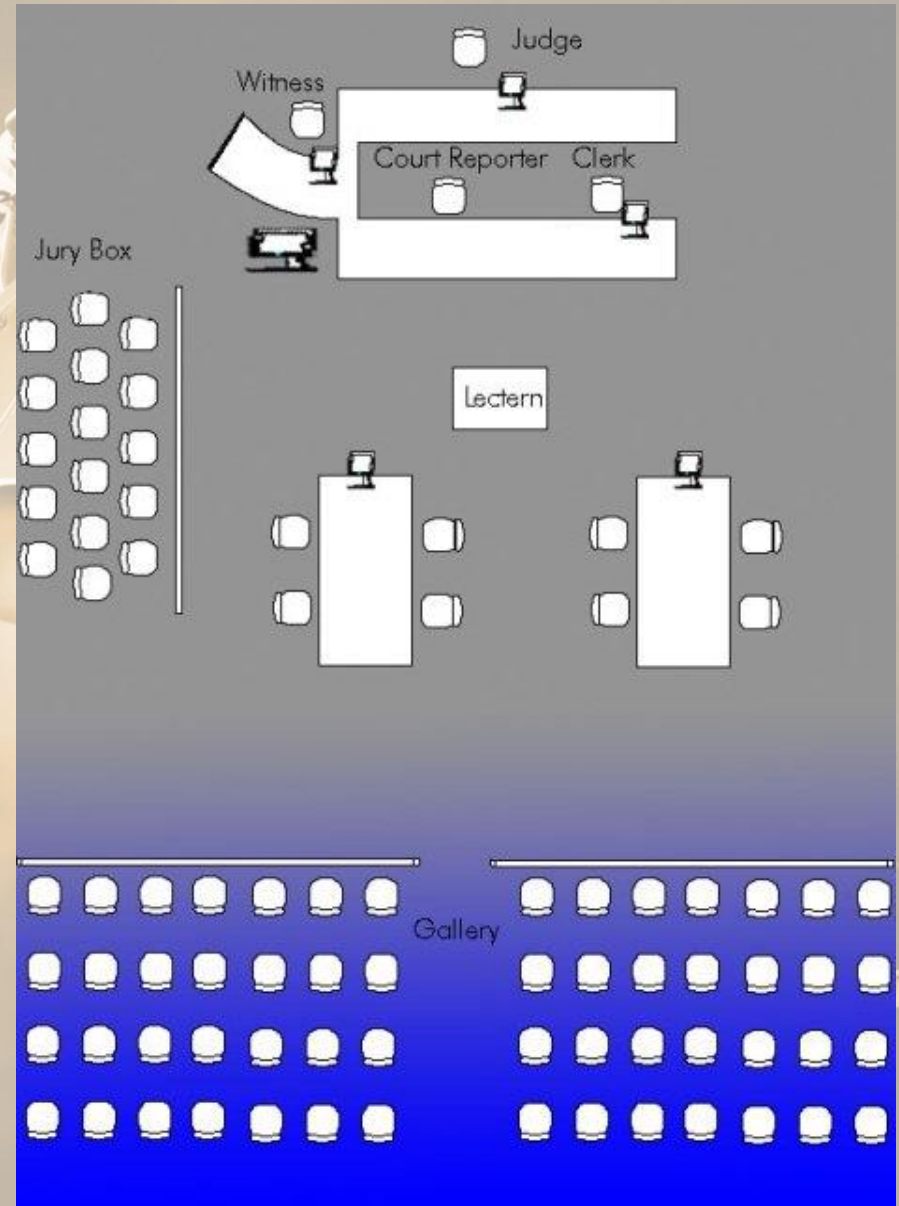
Roles in Court



“Who’s Who” in the Courtroom

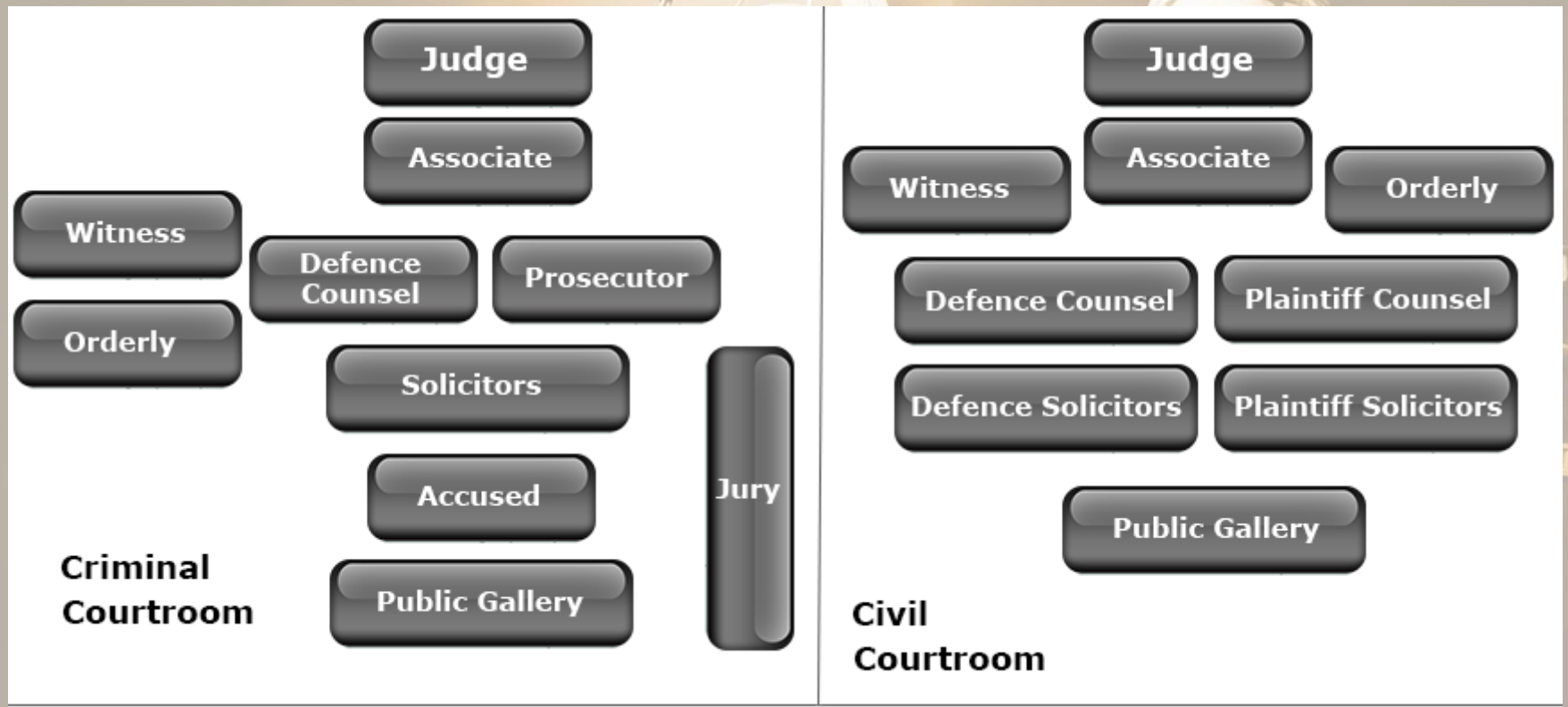
-Plaintiff: in a civil case it is the party bringing the lawsuit; in a criminal case, it is the government

Defendant: in a civil case, it is the party being sued; in a criminal case, it is the accused person



-Jury: made up of citizens that live where the crime occurred; duty to consider all evidence in an unbiased way and render a verdict for one side or the other

-Judge: decides on the verdict if it's a bench trial; district judges determine the appropriate punishment and sentence those convicted of crimes



-Court Clerk: duties include preparing and issuing orders of the court, preparing dockets, contacting witnesses to obtain info, preparing staff schedules, swearing in jury members, witnesses, defendants, instructing parties about the timing of court appearances

-Court reporter or stenographer takes an accurate record of everything that is said in the courtroom during trial

