Outline and Bibliography

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**Outline**

A criminal trial has procedural steps that parties to the case and judicial officers must follow as outlined in the due process of the law. These steps are procedures guided by court rules as well as state and federal laws in criminal matters. In this assignment, the essay describes the procedural steps followed in a criminal trial.

**Step 1: Standing to appear**

Standing is a legal term that ascertains if a party bringing a lawsuit has the right to do so.

* In state courts, the capacity for a party to sue is dependent on statutes
* In most states, plaintiffs or complainant should sustain or will sustain direct harm or injury and this injury is can be addressed
* In federal courts, the plaintiff should have suffered an injury which has a legally protected interest.
* The plaintiff should also demonstrate a causal link between the harm and the conduct before the court. The likelihood of a favorable decision by the court should be higher than opposed to speculative

**Step 2: Pretrial management procedures**

* Upon confirmation of standing, courts, the prosecution and defense team arrange for a pretrial
* During this stage, notice to the defendant is issue for arraignment for formal charges
* The charge sheet is referred to as an information
* A defendant is counseled about their constitutional rights
* He or she may enter a plea to the charges
* Parties hold a pretrial conference when prosecution team and defense attorney meet to ascertain if the case will go for trial or resolved through a plea
* Pretrial proceedings may also include resolving different issues like admissibility of evidence at trial
* The dismissal of the case is also discussed as well as other preliminary matters

**Step 3: Trial**

A entire trial comprises six main parts;

**Jury selection**

Trial can be by a judge or jury

* With exception of cases heard by a judge only, the jury selection is the initial step in a case
* Jurors offer a verdict during trial and help the judge in making a final sentence

**Opening Statements**

* These come from the prosecution and one from the defense.
* No witnesses testify and no physical exhibits is presented
* Opening statements are essential as the prosecution sets the stage that it has evidence
* Defense provides its interpretation of facts as well as sets the stage for rebuttal of evidence
* Defense presents any related legal defenses to the criminal charges
* Witness testimonies and Cross-Examinations
* The core of criminal trial where each side provides its important evidence to the court and jury
* The stage is case-in-chief where prosecution sets forward evidence to convince jury
* Prosecution calls witness and expert testimonies based on laid down procedure
* Prosecution may introduce physical evidence
* Defense presents its evidence to rebuttal the prosecution’s presentation
* Cross-examination takes place at this phase

**Closing argument**

* Parties to the criminal case get time to summarize the case and recap their evidence
* Final opportunity for parties to address the jurors before they deliberate each attempting to convince the jurors

**Jury Instructions**

* Judge offers jurors the legal standards to consider in making a decision whether a defendant is not guilty or guilty

**Jury Deliberations and Verdict**

* Upon receipt of instructions from the judge, jurors make deliberations where they attempt to agree on a guilty or a not guilty verdict
* When a jury attains a verdict, the foreperson lets the judge know their decision, and he or she announces in an open court
* Some states require a unanimous decision by the jury if not a mistrial is declared

**Appellate procedures**

* In many jurisdictions, defendants do not get an automatic right to appeal a sentence
* He or she must be given permission to proceed through appellate courts
* Defendants convicted by a judge or a jury have a constitutional can appeal
* Ground for appeal include legal mistakes, misconduct of jurors and ineffective legal help
* However, in many jurisdictions, appeals are not always the best or viable option since no express laws exist to protect the defendant.

Annotated Bibliography

**Kuang, K. & Liang, B. (2014). Criminal appellants’ claims and appellate courts’ answers:**

**An empirical analysis of criminal appeals in Hunan province, China. Australian & New Zealand Journal of Criminology. https://doi.org/10.1177/0004865814537653**

 In this source, the authors examine criminal appeals process in China, especially Hunan province. The source focuses on the different grounds raised by appellants as well as the decisions of the appellate courts in this province. The authors assert that criminal appeals and the judges’ discretional authority affected the appeals by defendants as well as the responses from the judges.

**National Center for State Courts (NCSC) (2019). Appellate Procedure: Resource Guide.**

**Retrieved from https://www.ncsc.org/Topics/Appellate/Appellate-Procedure/Resource-Guide.aspx**

The source provides a guide about the common structure of appellate court systems at state level. The source highlights that critical role-played by the appellate court system as a one with a mandatory review before a case can proceed to the Supreme Court, especially at state level. NSSC asserts that the appellate courts constitute the final review for many state court appeals logged by defendants.

**Hessick, A. F. (2012). Probabilistic Standing. Northwestern University Law Review, Vol.**

**106, No.1. Retrieved from** [**https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1135&**](https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1135&) **context=nulr**

The author shades light on Article III concerned about standing. The author contends that the Supreme Court’s decision to expand standing so wide a threat to separation of power. For instance, the court ruled that a plaintiff can stand to challenge any threatening injury on the grounds that the risk of harm is real while the threatened harm is inevitable. The article asserts that the ruling by the highest court ignores the threshold set by Congress and undermines Congressional powers.

**Mathews, R. (2020). New Times, New Crimes: Notes on the Depillarization of the Criminal**

 **Justice System. Critical Criminology.**

In this article, the author reviews the history of the criminal justice system and how it has been weakened as well as eroded for the last two centuries. The author observes that due to the weakness and erosion of the system new crimes have emerged leading to a challenging regulatory system that cannot address these inherent emerging criminal matter. The article observes that the rise of the new relations among offenders, the victims, and the criminal justice as well as aspects of social justice are changing both social and the criminology perspectives. The implication is that these changes alter how law enforcement agents deal with crimes in the current state at both levels of the judicial process.

**Galston, W. A. (2016). Criminal justice reform: Issues and options for the next president.**

**Brooking. Retrieved from https://www.brookings.edu/research/criminal-justice-reform-issues-and-options-for-the-next-president/**

In this article, the author is categorical that the debate on issues that affect the criminal justice system require a change in perspective and thinking. The author insists that discussions and policy measures about the criminal justice system should be based on sound data. Imperatively, the article offers a framework that allows policymakers and other stakeholders to evaluate the opportunities and challenges as well as the need to reform the system. The article emphasizes the need for placing crime and punishment trends in a historical perspective as well as comparative situations to understand the system and how to transform it.

**Borrion, H., Ekblom, P., Alrajeh, D., Borrion, A. L., Keane, A., Koch, D, Mitchner-Nissen,**

**T., & Toubaline, S. (2020). The Problem with Crime Problem-Solving: Towards a Second Generation Pop? The British Journal of Criminology, Volume 60, Issue 1, January 2020, Pages 219–240, https://doi.org/10.1093/bjc/azz029**

In this source, the researchers highlight the need for problem-focused policing that is considered not only effective but also fair. Through the study, the researchers assess how the approach can be used to solve crimes and identify the growing challenges present in 21st century policing. By expanding the concepts and models of problem-solving in criminology, the article shows how this approach is effective in crime control.