

CJ 2394 Criminal Procedure Study Guide – Exam 1

Court cases in bold are emphasized

Chapter 1

Court system structure – dual court system
(52 separate judicial systems)

Federal – 1 federal (highest court
SCOTUS; 6 justices → quorum; 5 votes
needed to win case; rule of 4 → 4 justices
must agree to consider/hear case); US
Courts of Appeals (appellate case in US
District Courts); US District Courts (94
judicial districts); US Magistrate Courts

States – Supreme Court → Intermediate
Appellate Courts → General Jurisdiction
Trial Courts → Lower Court

Rights of appeal – a direct attack upon the
conviction, part of the criminal proceeding;
purpose is to reverse conviction; filed only
after conviction; accused has been convicted
by may be free on bail; based on any type of
error made during trial; must be undertaken
within a certain period of time after
conviction; all issues raised must be from
trial record

Jurisdiction – authority to try a case;
conferred by law

Stare Decisis – to abide by, adhere to,
decided cases

Venue – geographical location where the
trial is held

Types of rulings: **affirm** (higher court
agrees with the lower court; no error is
found), **reverse** (prejudicial error is found;
higher court disagrees w/lower court and
case cannot be retired), **remand** (errors
found by higher court; can be retired to fix
error), **render** (errors are found, higher court
fixes the errors; renders the verdict)

Trial errors: **harmless** (does not affect
outcome of case) & **prejudicial** (would
have affected outcome)

3 sources of rights (Constitution,
Rules/Statutes, Case Law)

Incorporation Controversy – rights
enumerated in the Bill of Rights became
applicable to the states

Selective: only those rights considered
fundamental should be applied to states

Total: all bill of rights should be held as
applying to the states

Plus: other laws apply (water, air)

Case: only in this case, only for this person

Judicial Review - the power of any court to
hold unconstitutional and hence
unenforceable any law, any official action
based on a law, or any other action by a
public official that it deems to be in conflict
with the Constitution

Marbury v. Madison – judicial review → held
that courts could declare any act of Congress
as unconstitutional

Chapter 2

Starting the criminal process (filing of
complaint → arrest → citation in lieu of
arrest)

Types of arrests (w/warrant & w/o warrant)

Initial appearances (occurs w/o
unnecessary delay; made aware of rights,
notice of charges, looks for p/c, set bail)

Preliminary hearings – p/c hearing;
examining trial (determination of p/c,
discovery, determine bail, decision to bind
over to grand jury or trial court)

Charging the case – weight of evidence,
previous record, potential harm of
prosecution, character/role/reliability of
victim, availability of alternatives to
prosecution

Grand jury indictments – 15-24 jurors; 12
votes to indict; investigation not trial; find

Criminal Procedure Study Guide

Larry J. Siegel



Criminal Procedure Study Guide:

Criminal Procedure (Speedy Study Guides) Speedy Publishing, 2014-06-17 Criminal procedure details the processes that exist when a person is found to be subject to some type of adjudication as a result of their actions Criminal Procedure sets forth what steps must be followed pursuant to each type of criminal offense the prosecution of an accused must follow A chart would help any individual in the criminal law arena to understand what procedures must be followed when someone is accused of a criminal act **What Do You Know about Criminal Procedure?** Jack Rudman, 2002 *Study Guide for Ferdico's Criminal Procedure for the Criminal Justice Professional, 9th* John N. Ferdico, 2004-08 This comprehensive student resource will help students succeed in this course The Study Guide includes Chapter Objectives Key Terms Self Tests fill ins multiple choice true false and essay Questions with answers Suggested Readings and Research Activities *What Do You Know about Criminal Procedure?* National Learning Corporation, 2018 The Test Your Knowledge Series asks What Do You Know Abouta various subjects or areas of personal interest **Criminal Procedure (Speedy Study Guides)** Speedy Publishing LLC, 2015-04-25 How does a criminal get persecuted This quick study guide outlines the steps in a brief but very easy to understand manner You will find this guide handy when doing your review on criminal procedures to pass a course or when you want to read advance materials to gain edge over your peers Be sure to pick a copy today Student Study Guide to Accompany Criminal Procedure J. Scott Harr, Kären M. Hess, 1990 The Glannon Guide to Criminal Procedure John Kip Cornwell, 2010 Interactive and user friendly Glannon Guide to Criminal Procedure uses explanatory text and multiple choice questions to review course content and show the reader how to correctly analyze and answer multiple choice exam questions Following each question The author provides a lucid and complete explanation of how the correct choice was identified Glannon Guide to Criminal Procedure offers a highly effective approach to content mastery As well as exam and bar preparation that features multiple choice questions that are integrated into a comprehensive review of the first year Criminal Procedure course questions that provide invaluable early preparation For the bar exam lucid and informative text that prepares students to successfully analyze and answer multiple choice questions follow up explanations of correct and incorrect answers that clarify murky or ambiguous points of law a realistic level of difficulty that is reasonable and fair not simplistic or esoteric and which includes a sophisticated final question in each chapter to challenge the student build confidence and ensure exam readiness the Closer a final question at the end of each chapter that provides practice and review for students as they apply concepts covered in that chapter the Closing Closers questions in the final chapter that provide practice and review for students as they apply concepts covered in earlier chapters valuable exam taking pointers that are interspersed within the substantive text With its balance of explanatory introductions and self testing questions Glannon Guide to Criminal Procedure provides a thorough and up to date course review for all students regardless of the format of their exams And now that Criminal Procedure is given the same weight as Criminal Law on the bar exam students

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