

Civil and Criminal Law

networks

There's More Online about civil and criminal law.

CHAPTER 16

ESSENTIAL QUESTIONS • *Why does conflict develop?*

- *How can governments ensure citizens are treated fairly?*



Lesson 1

Civil Law

Lesson 2

Criminal Law

Lesson 3

The Juvenile Justice System

The Story Matters...

What do you get when you purchase a movie ticket? The ticket allows you to watch a film on a big screen and listen to the dialogue and the music on a quality sound system. You can sit in a comfortable seat. You can share the experience with other moviegoers—all of whom have purchased tickets just as you did. The man in the photo, however, is not just watching a movie in this theater. He is secretly recording the film. He is also breaking the law.

The sale of illegally made copies of movies, also known as pirated or bootlegged videos, is a big problem for the entertainment industry. The money that is lost to such piracy amounts to billions of dollars yearly. The penalty for any crime depends on how the crime is classified under the law. Federal law considers movie piracy to be the theft of someone's property. People convicted of this crime face fines and imprisonment.

◀ This man may face a large fine as well as imprisonment if he is convicted of illegally recording a film.

PHOTO: Dan Bannister/Getty Images



Real-Life Civics

► PRISONS Prisons are usually scary-looking places. In this California prison, barbed wire tops high metal fences. Guard towers loom over grim-looking walls. To visitors, the prison seems to say: Keep out! But those locked inside are clearly meant to stay there—until they have served their time for the crimes they have committed.

Society runs prisons where criminals serve sentences. All criminal acts, both minor and serious, have a range of consequences. Victims of crimes may suffer harm to their body or mind, or the loss of money or property. The courts decide on the kind of punishment that people who break criminal laws will get. Those who are found guilty of minor acts may get fines or short prison sentences. The more serious the crime, the tougher the sentence will be.

Prisons often use fences, electronic sensors, razor wire, and cameras to prevent escape. 

Students will understand the following benchmarks from the Florida Next Generation Sunshine State Standards.

SS.7.C.3.10 Identify sources and types (civil, criminal, constitutional, military) of law.

SS.7.C.3.11 Diagram the levels, functions, and powers of courts at the state and federal levels.





▲ Convicted criminals sometimes do supervised community service to repay society.

► COMMUNITY SERVICE

Convicted criminals sometimes do community service as part of a prison sentence or in place of time spent in prison. Some prisons use work programs to try to change a convict's behavior. Inmates perform community service outside prison, such as painting public buildings or picking up litter along highways. These jobs help inmates to repay society and prepare them to reenter the world outside prison. For some minor or nonviolent crimes, a judge may sentence a convicted person to pay a fine and do community service instead of serving time in prison. The person spends a certain number of hours doing supervised tasks similar to those in prison work programs.

PHOTOS: (l) AP Photo/Rich Pedroncelli; File; (tr) Roger Bamber/Alamy

CIVIC LITERACY



Classifying What different types of punishment may a person be subject to if a court decides he or she is guilty?

Your Opinion Do you think community service is a reasonable punishment for those who have been convicted of minor crimes? Explain your answer.



Lesson 1

Civil Law

ESSENTIAL QUESTION *Why does conflict develop?*

IT MATTERS BECAUSE

Civil law makes it possible for people to settle disputes in an orderly way.

NGSSS covered in
"Types of Civil Law"



SS.7.C.3.10 Identify sources and types (civil, criminal, constitutional, military) of law.

LA.7.1.6.1 The student will use new vocabulary that is introduced and taught directly.

LA.7.1.7.3 The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.

Types of Civil Law

GUIDING QUESTION *What is civil law?*

If you watch crime shows on television, you have an idea of what criminal law involves. Criminal law deals with people who have been accused of acts that harm society. If identified, the suspects are arrested and tried for those acts. If found guilty, they are punished.

Another type of law does not involve crimes against society. Instead, it involves disputes. Those disputes might be between two or more individuals, a person and a company, two or more companies, or a person or a company and the government. This type of law is called civil law. These disputes arise when people think they have been harmed by someone else's actions.

Like criminal law, civil law can involve a court case. In a criminal trial, the government prosecutes a person accused of a crime. In civil law, the court case stems from a lawsuit. Most lawsuits fall into one of the four branches of civil law. Those branches are contract law, property law, family law, and personal injury law. Each deals with particular kinds of legal disputes.

PHOTO: (l) Fuse/Getty Images; (tc) jazzminebeauleau/Getty Images

Reading HELPDESK

Taking Notes: Sequencing

As you read, complete a diagram like this one to show the steps in a civil lawsuit. **LA.7.1.7.3**

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Content Vocabulary

- **contract**
- **plaintiff**
- **damages**
- **tort**
- **defendant**
- **summons**
- **negligence**
- **complaint**
- **discovery**

Contract Law

A **contract** is an agreement between two or more parties to exchange something of value. If one party to a contract fails to keep his or her promise, the other party can sue him or her. In that suit, the second party claims to have been injured in some way by the failure of the other to follow the contract.

You might think that a contract has to be written, but many everyday actions result in contracts without signing any papers. For example, when a server at a restaurant takes your order for food, a contract is formed. Each party has promised the other something of value. The restaurant has promised food. You have promised to pay for the meal.

The contract between you and the restaurant is an example of an oral, or spoken, contract. Many contracts, of course, are written. In fact, some contracts must be written. For example, a contract for the sale of anything worth more than \$500 cannot be enforced unless it is in writing. Written contracts can be complex. Parties to contracts should review them carefully before signing them.

Property Law

Property law includes rules that must be followed in buying and selling land or a building. An owner must have papers proving that he or she has the right to sell or transfer the property.

Property law also covers the way property is cared for and used. For instance, there are laws requiring owners who rent out their property to keep it in good repair for the renter's use.



PHOTO: Fuse/Getty Images

Buying a home makes a person, or a couple, a property owner. It is a complex process with many legal papers that need to be signed.

► CRITICAL THINKING

Speculating If you were buying property, would you hire a lawyer to help you with the process? Why or why not?

Reading Strategy: Organizing LA.7.1.7.3

Take notes on the types of civil law by making a chart with a column that defines each type and another column that has examples of types of cases.

contract a set of promises between agreeing parties that is enforceable by law



PHOTO: jazzminebeauleau/Getty Images

At the same time, renters have a responsibility to take care of the property while they use it. Disputes can arise over these responsibilities. For example, it is the owner's responsibility to repair a leaky roof on a rented house. But what if the renter does not tell the owner about a leak until major damage has occurred? Who should pay for the repairs then? If the owner and renter cannot agree, a court must decide.

Family Law

Another area of civil law involves rules applied to family relationships. This area involves matters such as birth, adoption, marriage, divorce, and death.

How a divorcing couple divides the property they once owned together is a matter of civil law. So is the question of how the former spouses will divide the right to take care of any children they have. Deaths sometimes lead to property disputes. For example, people might disagree about what goods each should receive when a family member dies. Disagreements over these issues often end up in court.

Home owners may be liable for a visitor's injury based on negligence if the visitor slips on snow or ice, falls, and suffers an injury.

► CRITICAL THINKING

Drawing Conclusions Why is it a good idea for home owners to clean snow and ice off their property after a storm?

Personal Injury

The fourth branch of civil law involves wrongful actions that cause injury to another person or damage to his or her property. These cases are called **torts**. Suppose someone throws a ball that breaks a window and broken glass flying from the window cuts another person. The injured person could sue the one who threw the ball to make him or her pay for the injury.

There are two types of torts. An intentional tort is a deliberate act that results in harm. Throwing the ball at the window might qualify as this type of tort. The other type is called **negligence** (NEH•glih•JUHNTS). Negligence is careless or reckless behavior. It occurs when someone does something that a reasonable person would not have done. Playing ball close to a window could be seen as negligence. Negligence also exists when a person *fails* to do something that a reasonable person would have done. Disagreement over whether or not an action is reasonable can lead to a lawsuit.

✓ PROGRESS CHECK

Summarizing Why do people file lawsuits?

Reading HELPDESK

tort a wrongful act, other than breaking a contract, for which an injured party has the right to sue

negligence a lack of proper care and attention

plaintiff the person who files a lawsuit

defendant the person who is being sued

complaint a formal notice that a lawsuit has been brought

The Legal Process in Civil Cases

GUIDING QUESTION *What legal procedures are followed in civil lawsuits?*

As you have seen, many disputes end up in lawsuits. Each lawsuit involves at least two parties. The person who files a lawsuit is the **plaintiff**. The person being sued is the **defendant**.

The process begins when the plaintiff's lawyer files a **complaint** with the court. The complaint states the wrong that the plaintiff says the defendant committed and how the plaintiff was harmed. A complaint may ask the court to order the defendant to pay the plaintiff a sum of money, called **damages**, to repay the plaintiff for the loss. It may ask the court to order the plaintiff to take a certain action, such as honoring a contract.

When a complaint is filed, the court sends out a **summons**. This document tells the defendant that he or she is being sued. It also says when and where the defendant must appear in court.

Before the Trial

The defendant's lawyer may **respond** to, or answer, the complaint by filing an answer to the charges. In the next step, the lawyers on each side build their cases. They check the facts, question possible witnesses, and gather evidence about the dispute. This process is called **discovery**.

Sometimes the parties agree to the terms to settle a suit. This agreement is called a settlement. The parties might agree on a sum of money the defendant will pay the plaintiff. In return, the plaintiff agrees to drop the lawsuit. The parties might also agree that the defendant will act to fulfill the terms of a contract.

Settlements can take place at any time in the process, including after a trial has begun. A high percentage of civil cases are settled rather than being decided by a trial. Settling a case avoids the substantial expense of a trial.

CIVIL CASES

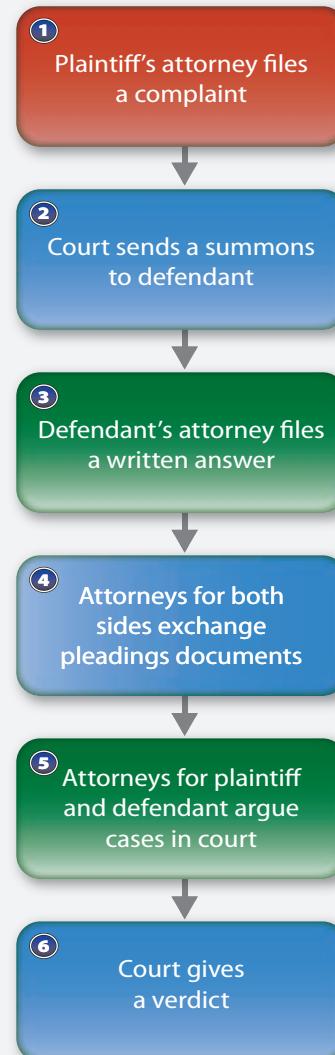


CHART SKILLS

Not all lawsuits end up in a trial. Sometimes the two sides agree to settle the case before the trial.

- 1 **Identify** What document notifies the defendant that he or she is being sued?

► CRITICAL THINKING

- 2 **Making Inferences** Which step tries to ensure that the case is handled fairly?

SS.7.C.3.6

damages money ordered by a court to be paid for injuries or losses suffered

summons a notice directing someone to appear in court to answer a complaint or a charge

Academic Vocabulary
respond to give a spoken or written answer

discovery a process by which lawyers have the opportunity to check facts and gather evidence before a trial



SS.7.C.3.6 Evaluate Constitutional rights and their impact on individuals and society.

SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.

SS.7.C.3.10 Identify sources and types (civil, criminal, constitutional, military) of law.

SS.7.C.3.11 Diagram the levels, functions, and powers of courts at the state and federal levels.

LA.7.1.6.2 The student will listen to, read, and discuss familiar and conceptually challenging text.

Florida CONNECTION

The Role of the Judge

The Florida state supreme court has developed a set of instructions for judges to give to juries in civil trials within the state. Among the first things a judge is supposed to do is to explain the role of the judge: "I am the Judge. You may hear people occasionally refer to me as 'The Court.' That is the formal name for my role. My job is to maintain order and decide how to apply the rules of the law to the trial. I will also explain various rules to you that you will need to know in order to do your job as the jury. It is my job to remain neutral on the issues of this lawsuit." **SS.7.C.3.11**

The Trial

If the parties do not settle, the suit continues to trial. Most likely, a judge will decide the case. However, either side can ask for a jury to hear the case and decide who wins. Even when a jury is used, a judge presides over the case. He or she maintains order and ensures that both sides are treated equally under the law.

The plaintiff presents his or her evidence first, followed by the defendant. Lawyers for each side have a chance to question the witnesses offered by the other side. When all the evidence has been presented, both sides summarize their case. Finally, the judge or jury issues a verdict, or decision, in favor of one party. If the defendant wins, the plaintiff gets nothing. In fact, he or she might have to pay the court costs.

If the plaintiff wins and damages are involved, the judge or jury sets the amount of damages the defendant must pay. This may be less money than the plaintiff requested. In some cases, however, the judge or jury might award the plaintiff punitive damages. This is additional money the defendant must pay to punish him or her for bad conduct. Punitive damages are often awarded for intentional torts.

Appeals and Other Actions

Even after the verdict is given, a case might not be over. The loser has the right to appeal the case to a higher court. A defendant who lost may ask to have the verdict overturned or to have the amount of damages reduced.

Further action also might be needed if the defendant does not pay damages. In such cases, the plaintiff must go back to court to obtain a court order to force payment. A judge can order that the money be deducted from the defendant's paycheck by his or her employer. The judge can also order that property owned by the defendant be seized and sold to pay the plaintiff.

PROGRESS CHECK

Defining What are damages?

LESSON 1 REVIEW

Review Vocabulary

- Write a sentence or two about civil law that explains the meaning of *tort* and *negligence*. **LA.7.1.6.1**
- Explain the meaning of *plaintiff* and *defendant* by describing their roles in a lawsuit. **LA.7.1.7.3**
- Write a sentence that explains the connection between a *complaint* and a *summons*. **LA.7.1.6.2**

Answer the Guiding Questions

- Identifying** What are the four main categories of civil law? **SS.7.C.3.10**
- Hypothesizing** How could the discovery process lead to a settlement in a civil case? **SS.7.C.3.8**
- PERSUASIVE WRITING** In your opinion, should civil cases be tried before a jury? Explain why or why not. **SS.7.C.3.6**

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There's More Online!

GRAPHIC ORGANIZER

Steps in a Criminal Case

INFOGRAPHIC

U.S. Regional Crime Rates,
2009

CHARTS

Steps in a Criminal Case
Sentencing Options

GAME



Lesson 2

Criminal Law

ESSENTIAL QUESTIONS • Why does conflict develop?
• How can governments ensure citizens are treated fairly?

IT MATTERS BECAUSE

When you are an adult, you will probably be called at some time to serve on a jury. When that time comes, knowing about criminal law will make you a better juror.

Crime and Punishment

GUIDING QUESTION What does criminal law involve?

Have you ever done something at home for which you were punished? What kind of punishment did you receive? You may have thought that the punishment was harsh. That punishment was probably minimal compared to those given to persons convicted of crimes. Those guilty of serious crimes can be sentenced to many years in prison—even the rest of their lives.

A **crime** is any act that harms people or society and that breaks a criminal law. Shoplifting, purposely setting a fire, stealing a car, and murder are crimes. Crimes are seen as actions that harm society because they violate the social order.

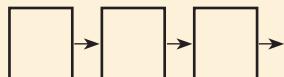
Each state has a **penal** (PEE•nuhl) **code**. This document lists the state's criminal laws and the punishments that can be given to those found guilty of each crime. The federal government also has a penal code. Robbing a bank or carrying out an act of terrorism is a federal crime, for instance. Most crimes, though, break state laws. For that reason, most criminal cases are tried in state courts, and most inmates are in state prisons.

PHOTO: (tl) Spencer Grant/Alamy; (lc) David R. Frazier/Photobrary - Inc.; (tr) AP Images

Reading HELPDESK

Taking Notes: Sequencing

As you read, create a diagram showing what takes place in a criminal case after an arrest is made. **LA.7.1.7.3**

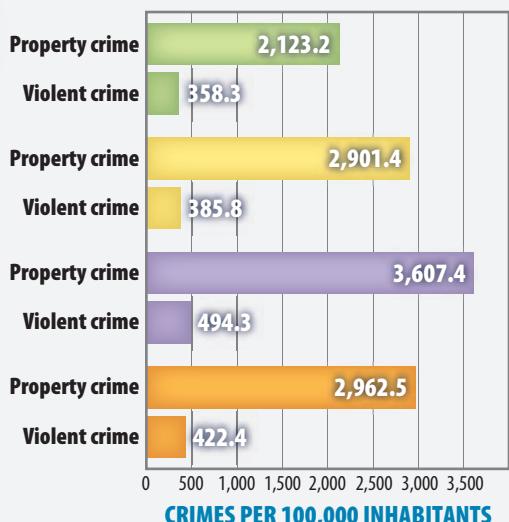
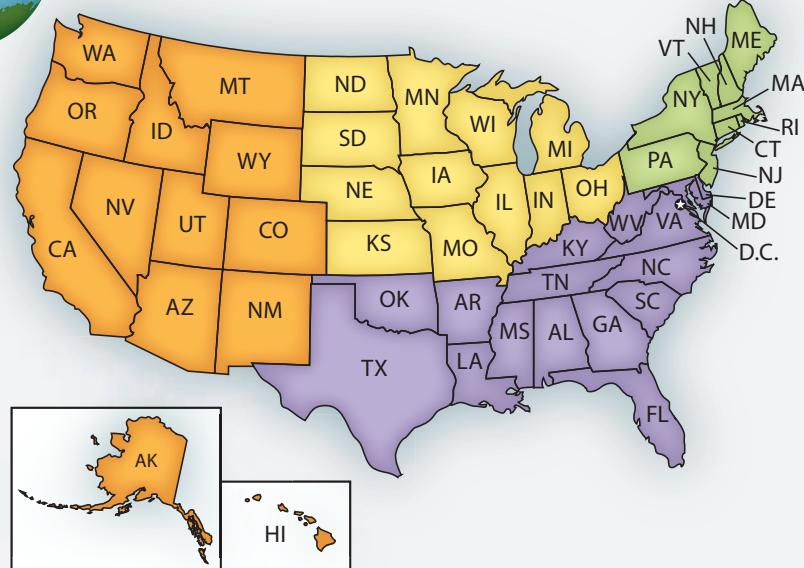


Content Vocabulary

- | | | |
|----------------------|----------------------|----------------------------|
| • crime | • felony | • plea bargaining |
| • penal code | • sentence | • cross-examination |
| • misdemeanor | • prosecution | |



U.S. REGIONAL CRIME RATES, 2009



Source: www2.fbi.gov/ucr/cius2009/about/crime_map.html

INFOGRAPHIC

Local, state, and federal law-enforcement personnel compare crime rates in different areas to understand trends and to see what kind of police response is needed.

► CRITICAL THINKING

- 1** **Analyzing Visuals** Which region of the country has the highest rate of property crime? Of violent crime?
SS.7.C.3.10
- 2** **Applying** What are two examples of violent crimes?

Types of Crime

There are two broad categories of crimes based on how serious they are. **Misdemeanors** (MIHS•dih•MEE•nuhrz) are minor crimes for which a person can be fined a small sum of money or jailed for up to a year. Simple assault—threatening to physically attack someone or trying to carry out such an attack—is a misdemeanor. So is theft of something worth less than \$100.

More serious crimes are called felonies. **Felonies** are crimes that are punishable by more than one year in prison. Examples are kidnapping and most types of assault. Homicide—killing another person—is the most serious felony. Homicides come in various types. Involuntary manslaughter happens when someone is killed but not intentionally. Murder is intended. Murder may result in the most extreme punishment: death.

Some crimes can be either a misdemeanor or a felony. As you have read, theft of something worth less than \$100 is usually a misdemeanor. Stealing something worth more than that amount is typically a felony. Vandalism is the crime of damaging someone else's property on purpose. Like theft, this crime can be a misdemeanor or a felony. It depends on the amount of damage done.

Reading HELPDESK

crime an act that breaks a law and causes harm to people or to society in general

penal code a state's written criminal laws

misdemeanor minor crime for which a person can be fined a small sum of money or jailed for up to one year

felony more serious crime such as murder, rape, kidnapping, or robbery

Why It MATTERS

The Long-Term Cost of Crime

Being found guilty of a crime can affect more than just a person's immediate freedom. Even after serving time, a person can suffer consequences. Many states do not allow people who have been found guilty of a felony to vote in elections. Having a criminal record can also make it more difficult to get a job. Many employers do background checks on job candidates. Many choose not to hire those who have criminal records. Facing such difficulties, many released prisoners commit more crimes and end up back in prison.

Crimes can also be grouped as being against property or against people. Theft and vandalism are crimes against property. Assault and murder are crimes against people. Crimes against people are seen as more serious because they cause direct harm to a person. The difference between theft and robbery is an **illustration**, or example, of the way these two types of crime are seen. Stealing something from a store is theft. It may be a misdemeanor. Taking something from a person by force or threat is robbery. That crime is almost always a felony. Crimes against people are also called violent crimes.

Punishment for Crimes

In general, the more serious the crime is, the harsher the punishment. Most criminal laws set minimum and maximum penalties for each type of crime. This gives a judge some leeway in deciding each case because the circumstances of each case will differ. Judges may give different **sentences**, or punishments, for the same crime because of the different circumstances in the two cases.

Some prisoners become eligible for parole, or early release, after serving part of their sentence. If parole is **granted**, or allowed, the person must regularly report to a parole officer for the remainder of the sentence.

The Purposes of Punishment

Prison sentences have several purposes. One is simply to punish the person so he or she can pay back society. A second function is to protect society by locking up a dangerous person. Third, punishment serves as a warning to keep other people from committing crimes. Finally, punishment can help criminals change their behavior. Prisoners may take part in counseling, job training, and educational programs to help them gain skills they need to become responsible members of society after they are released.



PHOTO: Spencer Grant/Alamy

PROGRESS CHECK

Classifying What are the two ways of classifying crimes?

sentence the punishment given to someone found guilty of committing a crime

Academic Vocabulary

illustration an example that helps make something clear

grant to allow



Police take the fingerprints of each person they arrest. Each person has a unique set of fingerprints that do not change over his or her lifetime.

► CRITICAL THINKING

Making Inferences How might police use fingerprints in investigating a crime like a robbery? [LA.7.1.7.3](#)

NGSS covered in
“Criminal Case Procedure”



SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.

SS.7.C.3.10 Identify sources and types (civil, criminal, constitutional, military) of law.

SS.7.C.3.11 Diagram the levels, functions, and powers of courts at the state and federal levels.

Reading HELPDESK

Criminal Case Procedure

GUIDING QUESTION *What are the legal procedures in a criminal law case?*

At each step in a criminal case, the rights of the person suspected or accused of a crime are protected by the Bill of Rights. The government must follow the rules of due process to treat a suspect fairly. In criminal cases, the government is the plaintiff. It is called the **prosecution**. In this role, the government starts the legal process against the defendant.

PHOTO: David R. Frazer/Photobibliography, Inc.

Arrest and Booking

Criminal cases begin when police believe a crime has been committed. The police must gather enough evidence to convince a judge to order the arrest of the person they believe committed the crime. The judge then issues an arrest warrant. The warrant lists the suspect’s name and the crime. When the police make an arrest, they must advise the accused of his or her right to remain silent and the right to have an attorney.

The suspect is then taken to the police station for booking. Booking involves making a record of the arrest. The suspect is usually photographed and fingerprinted during this process.

The Preliminary Hearing

A short time after booking, the police must bring the suspect before a judge to be charged. At this stage, the prosecution must show the judge that they have probable cause—a good reason—for believing that the accused committed the crime. If so, the process continues. The judge explains the charges to the suspect. If the suspect cannot afford a lawyer, the judge appoints one. A defense lawyer’s job is to speak on behalf of the accused person.

If the crime is a misdemeanor, the suspect enters a plea at this time. If the plea is guilty, the judge sentences him or her. If the suspect pleads not guilty, the judge sets a date for a trial.

If the crime is a felony, the suspect enters no plea at this point. Instead, the judge sets a date for a hearing to learn more about the case. The judge then either sends the accused back to jail or releases him or her. The judge may require the suspect to post bail, which means leaving a sum of money with the court until the trial. The judge may choose to release the person on his or her own recognizance, or control. In this case, the suspect promises in writing to appear in court.

prosecution the government in its role as the party who starts the legal proceedings against someone accused of a crime

plea bargaining the process in which a defendant agrees to plead guilty to a less serious crime in order to receive a lighter sentence

STEPS IN A CRIMINAL CASE

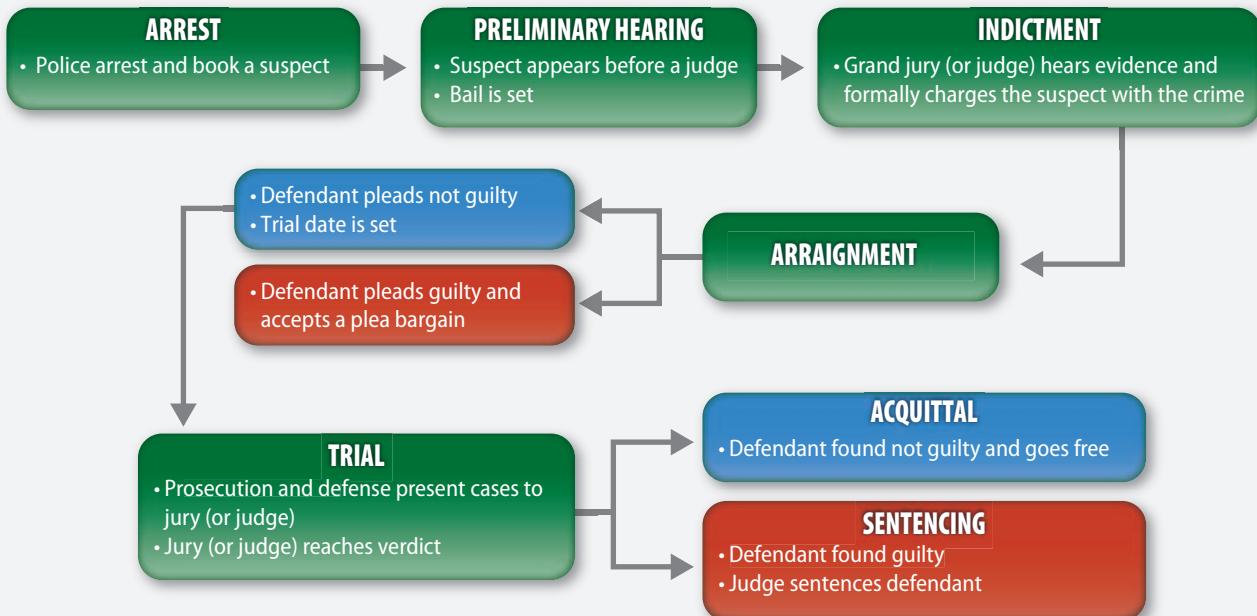


CHART SKILLS

A case may not follow all the steps in the process from arrest to trial. Charges may be dropped, and a guilty plea or a plea bargain can result in no trial being needed.

CRITICAL THINKING

1 Analyzing Visuals In the case of a felony, at what stage does the defendant plead guilty or not guilty?

2 Comparing and Contrasting What actions can either a judge or a trial jury take? What action does only a judge take?
SS.7.C.3.8

Indictment, Arraignment, and Pleas

The next step is to indict the accused, or charge him or her with the crime. In many states, a grand jury must take this step. Other states allow judges to do so. The judge may think the evidence against the accused is not strong enough to bring charges. If so, he or she will dismiss the case.

If the case is not dismissed, arraignment follows. With a felony, the accused pleads guilty or not guilty at this point. A guilty plea ends the case. The judge will issue a sentence. If the defendant pleads not guilty, the judge sets a date for the trial.

The prosecution and defense lawyers may discuss **plea bargaining**. In plea bargaining, the prosecution agrees to charge the defendant with a less serious crime in return for a plea of guilty. If the two sides reach an agreement, a trial is not needed.

Plea bargaining saves the government the time and expense of a trial. For the defendant, it usually means a lighter sentence than if he or she were to be convicted of the original crime. Most criminal cases end through plea bargaining.

SENTENCING OPTIONS

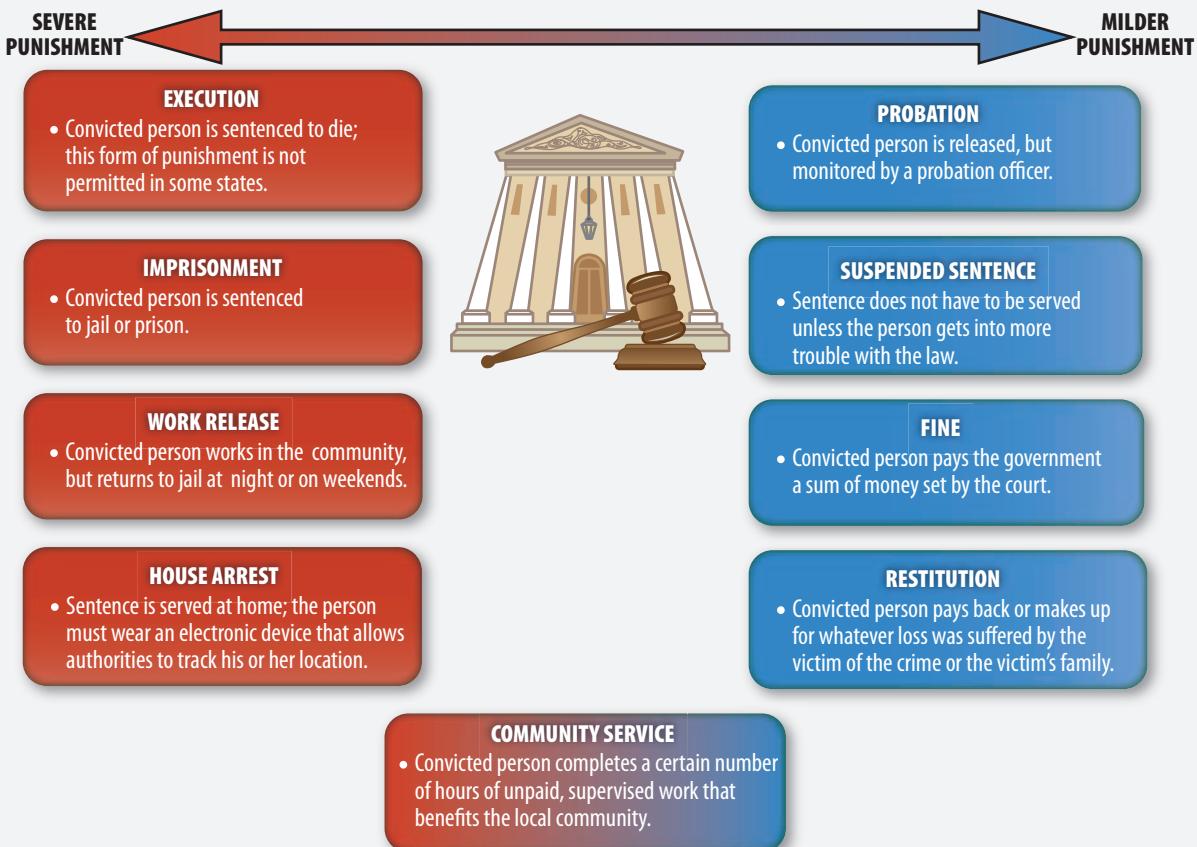


CHART SKILLS

These sentences are organized from least to most severe. All these sentencing options are not necessarily available for each crime.

► CRITICAL THINKING

- Analyzing Visuals** Which sentences involve monetary punishments? **LA.7.1.7.3**
- Making Inferences** What do you think would happen to someone who broke the terms of probation? Why?

The Trial

Defendants in felony cases have a right to a jury trial. However, most choose to be tried by the judge. If the defendant asks for a jury trial, the first step is to choose the jurors.

As the trial begins, the lawyers for each side make opening statements outlining their cases. The prosecution presents its case, followed by the defense. Each side offers evidence and calls witnesses. Witnesses give their testimony by answering the questions from each side. After each witness testifies, the other side is allowed to ask questions. This second set of questions is called **cross-examination**.

After both sides have presented their case, each makes a closing statement. Then the judge instructs the jury, if there is one, by explaining how the law applies to the case.

Reading HELPDESK

Reading Strategy: Activating Prior Knowledge

Note the order in which the two sides present their arguments. Think about the order followed in a civil trial. How is the sequence in the two kinds of trials related? **SS.7.C.3.8**

cross-examination the questioning of a witness at a trial or hearing to check or discredit the witness's testimony

The Verdict, Sentencing, and Appeals

If a jury is used, the members of the jury then go to a room to review the evidence and arguments given by the two sides in the case. These deliberations, or discussions, are secret. The jury does not have a time limit for reaching a verdict. Jurors can discuss the case as long as they need to.

When they are ready, the jurors vote on whether the defendant is guilty or not guilty. American law is based on the idea that a person is innocent until proven guilty. To find the accused guilty, the jury must be convinced beyond a reasonable doubt that the accused committed the crime. In nearly all states, the vote must be unanimous. That is, every member of the jury must agree. In a federal district court, the jury's decision must also be unanimous for a conviction. If a jury cannot reach a verdict, even after many votes, the judge will declare a mistrial. A mistrial means no decision—the accused person is found neither guilty nor innocent. The prosecution must then decide whether to try the defendant again.

If the defendant is found not guilty, he or she is set free. This outcome is called an acquittal. If the verdict is guilty, the judge sets a court date for sentencing. If the crime is a serious one, the judge may hold a hearing on the defendant's background. The defendant's family history, any previous criminal record, and other factors may influence the judge in sentencing. Victims of the crime may be allowed to make statements at a sentencing hearing. The judge can take these statements into account as well.

People found guilty of felonies often appeal the verdict to a higher court. The appeals court does not try the case again, however. It only decides whether the defendant's rights were violated or if the judge made errors during the trial.

PROGRESS CHECK

Explaining Why are most criminal cases settled without going to trial?

LESSON 2 REVIEW

Review Vocabulary

1. Use the following terms in a few sentences about criminal law: *crime*, *penal code*, and *sentence*. **LA.7.1.6.2**
2. What are the differences between *misdemeanors* and *felonies*? **LA.7.1.6.1**

Answer the Guiding Questions

3. **Explaining** Why are some actions defined as crimes? **SS.7.C.3.10**

4. **Sequencing** What six steps occur in a criminal case between arrest of a suspect and sentencing?

SS.7.C.3.11

5. **PERSUASIVE WRITING** Plea bargaining is controversial. Some say it is needed for the justice system to work. Others say it allows criminals to avoid punishment. Choose one side of this debate. Write a paragraph to persuade readers to see your point of view. **SS.7.C.3.8**



A Juror's Duty to Keep Secrets

Florida has strict rules about the duties of a juror to keep information about a trial secret. Even before being chosen, possible jurors are given a warning. As long as they are on the jury, they are told, they cannot say anything about the trial to anyone, including “friends, coworkers, and family members.” The rules have been updated to reflect new technology. Now jurors are forbidden to use any electronic device to look up information about the case on the Internet. They are also banned from phoning or texting information about the trial while it is in progress.



Gideon v. Wainwright

Today we take for granted that every defendant, rich or poor, will have a lawyer. But this was not always true. It took an inmate's appeal to the U.S. Supreme Court to ensure this right for all Americans.

Background of the Case

The Sixth Amendment to the Constitution says that a person accused of a crime has the right to “the assistance of counsel [a lawyer] for his defence.” What if a defendant is too poor to afford a lawyer? In 1938, the Supreme Court had ruled that in federal trials, the government had to provide a defense lawyer for those defendants. Just four years later, however, the Supreme Court refused to apply this right to cases in state courts. The Court said each state could make its own rules.

In 1961, Clarence Earl Gideon was arrested for breaking into a pool hall in Florida. Gideon could not afford a lawyer. At his trial, he asked the judge to name one for him. The judge refused. The judge was following Florida law. It required the state to provide lawyers only in death penalty cases. Since Gideon did not face the death penalty, that rule did not apply.

Gideon was not well educated and had no training in the law. He did not do a good job of defending himself at his trial. He was found guilty and sentenced to five years in prison.

From his cell, Gideon handwrote an appeal to the U.S. Supreme Court. In it, he argued that a person’s Sixth Amendment right to an attorney should not depend on being able to afford one. The Court agreed to hear the appeal.

The Decision

In March 1963, the Supreme Court issued its ruling in *Gideon v. Wainwright*. (Louie Wainwright was the head of Florida state prisons.) All nine justices agreed. Justice Hugo Black was the author of the Court’s decision.

SS.7.C.3.12 Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *in re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*.



Clarence Earl Gideon

PHOTO: AP Images

“[A]ny person haled [forced] into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.”

Justice Black went on to explain how important lawyers are:

“That government hires lawyers to prosecute, and defendants who have money hire lawyers to defend are the strongest indications . . . that lawyers in criminal courts are necessities, not luxuries.”

The Court ordered that Gideon be tried again, this time with a lawyer appointed to help him. In the second trial, Gideon was acquitted.

Why It Matters

As a result of Gideon, states had to provide poor defendants with a lawyer in all cases. Robert F. Kennedy, who had been attorney general of the United States, once summed up the importance of the case. Because Clarence Earl Gideon wrote his letter to the Supreme Court, Kennedy said, “the whole course of American legal history has been changed.”

Analyzing the Case

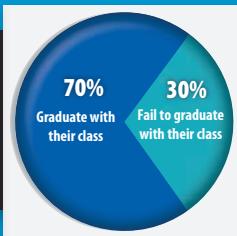
- Identifying** What protection did the *Gideon* case guarantee?
- Evaluating** Do you agree with Robert F. Kennedy’s view of the case? Why or why not?

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GRAPHIC ORGANIZER

Juvenile Justice System



GRAPH

Dropout Rates and the Risk of Going to Prison for a Crime

Juvenile Crime

CHART

Juvenile Cases

Lesson 3

The Juvenile Justice System

ESSENTIAL QUESTION *How can governments ensure citizens are treated fairly?*

IT MATTERS BECAUSE

The juvenile justice system is structured differently from the adult system. This system handles cases of crimes committed by juveniles and also neglect of juveniles.

Juvenile Justice

GUIDING QUESTION *How has treatment of young criminal offenders changed?*

Do you know that at one time children who committed crimes were treated like adults? They were jailed along with adults. Long prison terms were common. So were beatings by guards.

Beginnings of a Juvenile Justice System

In the mid-1800s, some people began to believe that family failure was the reason juveniles committed crimes. They said that the parents of these children had failed to teach them proper values. The reformers called for a special court that would take over the parents' job. Instead of punishing these children as adults, this court would help them learn right from wrong. The first juvenile court with this aim was set up in Cook County (Chicago), Illinois, in 1899.

Many people supported the goal of trying to **rehabilitate** (REE•uh•BIH•luh•TAYT), or correct, a young offender's behavior. However, they also had strong feelings that children should be punished for crimes. The debate over these two aims of the juvenile justice system continues today.

PHOTO: (l) Mikael Karlsson/Arresting Images

Reading HELPDESK

Taking Notes: Explaining SS.7.C.3.11

As you read, complete a chart like this one to help you understand the juvenile justice system. Add more rows as needed.

Step	Description
Custody	
Intake	

Content Vocabulary

- **rehabilitate**
- **juvenile**
- **delinquent**
- **delinquent offender**
- **status offender**
- **custody**

Changes to the System

By the 1960s, many people thought the juvenile justice system needed to be changed. They thought too much **emphasis**, or weight, was placed on punishment. In some cases, children were treated more harshly than adults who committed the same crime. In a series of decisions, the U.S. Supreme Court ruled that children have some of the same legal rights that adults have:

- the right to be told of the charges against them
- the right to an attorney
- the right to cross-examine witnesses against them
- the right to remain silent when being questioned

The Court also ruled that “guilty beyond a reasonable doubt”—the standard in adult cases—should apply to juvenile cases too.

By the 1990s, public opinion was swinging back the other way. Juvenile crime rates were rising rapidly. Public calls for law and order grew louder. As a result, state legislatures passed laws requiring harsher penalties for both juveniles and adults. Thus, many states changed their laws to make it easier for young offenders to be tried in adult courts.

Juvenile Justice Today

Every state has its own special set of laws for handling **juvenile delinquents** (JOO•vuh•NEYE•uhl dee•LIHN•kwuhnts)—the name given to young people who commit crimes. Most states

consider anyone under age 18 to be a juvenile. However, some states set the age as low as 16. Anyone over the cutoff age who commits a crime will be tried as an adult in the criminal justice system. Those below that age are treated as juveniles in the justice system.

In addition, a juvenile charged with a felony such as murder can be tried as an adult in most states. Some states automatically transfer a young offender to adult court under certain conditions. In other states, the decision about where to try a juvenile is left up to the judge or the prosecutor.



Reading HELPDESK

Content Vocabulary (cont.)

- **detention hearing**
- **adjudication hearing**
- **disposition hearing**

rehabilitate

to correct a person's behavior

Academic Vocabulary

emphasis weight or stress

juvenile delinquent

a child or teenager who commits a serious crime or repeatedly breaks the law

DROPOUT RATES AND THE RISK OF GOING TO PRISON FOR A CRIME

GRAPH SKILLS



Students who do not complete their education are at greater risk of committing a crime and being sent to jail than students who graduate from high school.

► CRITICAL THINKING

1 Calculating If a high school graduate has a one percent chance of being jailed, what is the percentage for a dropout?

2 Drawing Conclusions Why do you think the risk of prison goes up in this way?
MA.7.A.1.2

Juvenile Offenders

Children and teens currently commit many crimes each year. Some crimes are **minor**, or comparatively less important, such as shoplifting or vandalism. Others crimes, though, are serious. Some young people commit armed robbery and even murder. Studies show that children who live in poverty are more likely to get into trouble with the law. So are those who are abused, neglected, or suffer emotional or mental problems. But these factors alone do not explain why certain young people commit crimes. Many children who face these challenges never have trouble with the law. Many children or juveniles who do not have such challenges do commit crimes.

The justice system sees juveniles who commit crimes as one of two types. **Delinquent offenders** are young people who have committed acts that would be crimes if committed by adults. **Status offenders** are those who have committed acts that would *not* be crimes if done by adults. Such offenses include running away from home or skipping school. Status offenders are considered beyond the control of their parents or guardians. For this reason, the court will supervise them.

✓ PROGRESS CHECK

Identifying What adult rights has the Supreme Court extended to juvenile offenders?

Academic Vocabulary

minor of comparatively less importance

delinquent offender a youth

who has committed an offense that is punishable by criminal processes

status offender a youth charged

with being beyond the control of his or her legal guardian



SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.

SS.7.C.3.10 Identify sources and types (civil, criminal, constitutional, military) of law.

SS.7.C.3.11 Diagram the levels, functions, and powers of courts at the state and federal levels.

21st Century SKILLS

Write a Case Study

Suppose that a juvenile named Dave was arrested for shoplifting. Write a case study that details Dave's movement through the juvenile justice system. Include all the steps in the process. Include whatever facts you choose to explain why Dave is found guilty or innocent. If the result is guilty, describe what takes place at the disposition hearing. **LA.7.1.7.3**

CHART SKILLS

The process for juvenile cases is somewhat similar to that for adults.

► CRITICAL THINKING

- 1 Identify** What happens during the intake stage?
- 2 Compare and Contrast** How is the adjudication hearing different from an adult's trial?
SS.7.C.3.8

JUVENILE CASES



Reading HELPDESK

custody taking charge of someone in an official way

detention hearing a juvenile court process that is much like a preliminary hearing in adult criminal law

adjudication hearing the procedure used to determine the facts in a juvenile case

disposition hearing the final settlement and sentencing in a juvenile case

If the offense is serious or the youth has a prior record, the police may turn him or her over to the juvenile court.

Once a youth is in the juvenile court system, a social worker carries out a review called intake to decide how the case should be handled. About a third of the cases leave the juvenile justice system at this point. Some are dismissed, and some are moved to adult court. Other cases go through what is called diversion. This means that the youth will receive counseling, drug treatment, or other services but will not go to court.

The Hearing Process

Those who remain in the system after intake face up to three hearings. The **detention hearing** is like the preliminary hearing for adults. The state must show that there is good reason to believe the youth committed the crime.

The **adjudication** (uh•joo•dih•KAY•shuhn) **hearing** is like an adult trial. However, it is closed to the public and usually does not include a jury. At this hearing, the attorney for the youth presents evidence, calls witnesses, and cross-examines witnesses for the state. At the end, the judge finds the youth to be innocent or “delinquent.” That is like a guilty verdict.

Delinquent youths face a **disposition hearing**. This is like the sentencing hearing for adults. The judge may give the youth probation. If so, the youth is released and allowed to remain free as long as he or she meets conditions set by the judge for a period of time. If the youth completes that time with no more trouble, the charges will be dropped and removed from his or her record. If the crime was serious, the youth may be sent to an institution for young offenders. Most delinquents who are sent to an institution serve from one to three years. In some states, they can be held until age 18 or 21.

✓ PROGRESS CHECK

Comparing What steps in the juvenile court system are similar to a trial and to a sentencing hearing in the adult court system?

LESSON 3 REVIEW

Review Vocabulary

1. Explain the difference between a *delinquent offender* and a *status offender*. [LA.7.1.6.1](#)
2. Use the terms *rehabilitate* and *juvenile delinquent* in a sentence that shows your understanding of the juvenile justice system. [LA.7.1.7.3](#)

Answer the Guiding Questions

3. **Summarizing** How has the treatment of juveniles changed over time? [SS.7.C.3.8](#)
4. **Identifying** What options exist for treating juvenile offenders besides locking them up? [SS.7.C.3.8](#)
5. **EXPOSITORY WRITING** Should young people ever be tried as adults? Explain why or why not. [SS.7.C.3.11](#)

CHAPTER 16 Activities

Write your answers on a separate sheet of paper.

1 Writing Activity SS.7.C.3.6; LA.7.1.7.3

EXPLORING THE ESSENTIAL QUESTIONS

Why does conflict develop?

How can governments ensure citizens are treated fairly?

In this chapter, you learned about the law and how it is enforced through the civil, criminal, and juvenile court systems. Explain in a two- or three-paragraph essay how these systems protect individuals and society, safeguard people's rights, and ensure that all people are treated fairly.

2 21st Century Skills SS.7.C.3.8; LA.7.1.6.3

DEBATE SKILLS Suppose your state legislature is considering passage of a mandatory sentencing law. The bill removes from judges the power to decide the sentence for persons convicted of armed robbery. Instead, it would set a specific punishment for that crime, regardless of the circumstances of the particular case. Think about reasons for and against the new law. Then take the role of a member of the state legislature. Prepare a one-minute statement in favor of the bill. Then prepare a one-minute statement opposing it.

3 Being an Active Citizen SS.7.C.2.6

As a class, hold a mock trial. Choose students to serve as judge, defendant, prosecutor, and defense attorney, and 12 to be jurors. The defendant is accused of shoplifting several items from a clothing store. One student should act as the store owner and be witness for the prosecution. One should act as a friend of the accused and be a witness for the defense. Have the prosecutor-student review the details of the crime with his or her witness. The defense attorney-student should review the defense case with the defendant and his or her witness. Stage the trial, and then have the jury deliver a verdict. Discuss the experience as a class.

4 Visual Literacy SS.7.C.3.8; SS.7.C.3.10

Study the photo to the right and determine what is going on in this scene. Write a paragraph describing what you think is taking place.



PHOTO: Bob Daemmrich

CHAPTER 16 Assessment



REVIEW THE GUIDING QUESTIONS

Directions: Choose the best answer for each question.

- 1** Which of these situations might lead to a lawsuit for negligence?
A. Divorcing parents argue over custody of their children.
B. Neighbors disagree over the boundary between their land.
C. A worker is killed after his employer fails to repair a piece of equipment.
D. A professional football player quits the team a year before his contract expires.
- 2** Which term is used to refer to a person being sued in a dispute over a contract?
F. plaintiff
G. defendant
H. status offender
I. delinquent offender
- 3** Which document spells out what actions are crimes and what punishments go with each one?
A. a penal code
B. an arrest warrant
C. a summons
D. a complaint
- 4** During a criminal case, when does a person accused of a felony enter a plea of guilty or not guilty?
F. during booking
G. at the preliminary hearing
H. at arraignment
I. during intake
- 5** In what situation can a juvenile be tried as an adult in most states?
A. if the juvenile is over age 14
B. if the juvenile is over age 15
C. if the juvenile has a criminal record
D. if the crime is a felony
- 6** What is a major goal of the juvenile justice system?
F. to correct offenders' behavior
G. to solve the underlying social problems causing the behavior
H. to get repeat offenders off the streets
I. to keep offenders in school

NGSSS assessed in Chapter 16 Activities

SS.7.C.3.10 Simulate the trial process and the role of juries in the administration of justice.

SS.7.C.3.6 Evaluate Constitutional rights and their impact on individuals and society.

SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.

SS.7.C.3.10 Identify sources and types (civil, criminal, constitutional, military) of law.

LA.7.1.6.3 The student will use context clues to determine meanings of unfamiliar words.

LA.7.1.7.3 The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.

NGSSS assessed in Chapter 16 Assessment

SS.7.C.3.6 Evaluate Constitutional rights and their impact on individuals and society.

SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.

SS.7.C.3.10 Identify sources and types (civil, criminal, constitutional, military) of law.

LA.7.1.6.1 The student will use new vocabulary that is introduced and taught directly.

LA.7.1.7.3 The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.

CHAPTER 16 Assessment (continued)



DBQ DOCUMENT-BASED QUESTIONS

Directions: Analyze the table and answer the questions that follow.

SS.7.C.3.8

- 7 Comparing Which type of crime received the longest sentences in both years?

- A. assault
- B. robbery
- C. tax law violations
- D. murder

SS.7.C.3.8

- 8 Making Generalizations Which statement is supported by the data in this table?

- F. Sentencing guidelines began in 2000.
- G. Sentences grew longer after 2000.
- H. Sentences became shorter in 2005.
- I. Mandatory sentencing laws were in effect in 2000 but not in 2005.

AVERAGE PRISON SENTENCE,
SELECTED FELONY CRIMES, 2000 AND 2005

Type of Offense	Average Sentence: 2000 (months)	Average Sentence: 2005 (months)
Murder	94.2	136.8
Assault	33.0	49.5
Robbery	93.0	101.6
Fraud	23.5	26.2
Drug offenses	75.5	85.8
Tax law violations	18.5	23.4

Source: U.S. Census Bureau, *Statistical Abstract of the United States*, 2010, Table 324

SHORT RESPONSE

Florida recently considered making changes to its juvenile justice system. An editorial in a Florida paper explained why:

“Walter McNeil, secretary of the Department of Juvenile Justice, . . . said [the system] . . . has come to depend too heavily on ‘incarceration.’ . . . What he meant was that the system has resorted primarily to locking juvenile offenders up. All too often it means putting young people who . . . made a mistake, but are salvageable, in with young criminals headed for the adult justice system.”

—Pensacola News Journal, November 13, 2007

SS.7.C.3.8; LA.7.1.7.3

- 9 According to McNeil, what aim of the juvenile justice system has Florida been emphasizing?

SS.7.C.3.8

- 10 What negative result could arise from placing juvenile offenders with those who have committed many crimes?

EXTENDED RESPONSE

SS.7.C.3.6

- 11 Expository Writing The U.S. Constitution bans “cruel and unusual punishments.” Yet the federal government and many states execute some murderers. Using what you have learned about the criminal justice system, write a paragraph analyzing why the death penalty is still in use.

Need Extra Help?

If You've Missed Question	1	2	3	4	5	6	7	8	9	10	11
Review Lesson	1	1	2	2	3	3	2	2	3	3	2