

CASEY WELCH
AND
JOHN RANDOLPH FULLER

AMERICAN CRIMINAL COURTS

LEGAL PROCESS AND SOCIAL CONTEXT



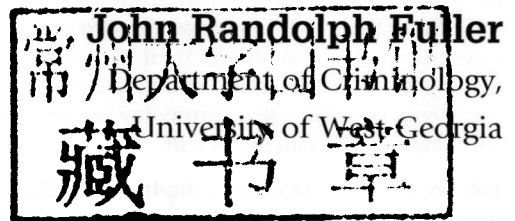
American Criminal Courts

Legal Process and Social Context

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and



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Acknowledgments and Dedications

Casey Welch

I dedicate this book to my wife Laurel Lee Welch, who has always been supportive of large undertakings, and our friend Glenn Coffey, who as a former prosecutor, a long-time Sociology and Criminology Professor, and a former department colleague, has debated with me the finer points of law and has greatly sharpened my analysis of the legal system. I doubt this project would have even gotten started without the two of them blowing wind into my sails. I would also like to acknowledge two professors and friends who have shaped my criminological outlook, Dr. David Bordua and Dr. Lonn Lanza-Kaduce, as well as the insights of M. Casey Condon, Judge Richard Poland, and Walter Eugene White. I extend my gratitude to several students who provided research assistance on the early chapters, including Kenneth Roach, Michelle Lewis, Chemal Cruz, Tristan Joynt, and Michael Nezbeth. My work on this book was partially supported by the Kahler Grant from Flagler College. Finally, I am in deep appreciation of the frank and thorough feedback from the many reviewers, including Sara Jane Phillips, Glenn S. Coffey, and Jacqueline Ward Talevi.

John Randolph Fuller

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Preface

Students hear about court cases from every facet of media. Famous actors getting convicted for driving under the influence (DUI), defendants being sentenced to years in prison for seemingly minor offenses, and guilty-looking defendants getting released because of procedural rules. With years of experience working in the justice system and teaching and researching it, we decided to team up in order to help people understand the formal structure of the criminal courts as well as the actual operations and decision-making within courts. Using a clear writing style that avoids unnecessary jargon or cultural references that readers may not know, this book introduces the reader to the structure of U.S. courts, the social context that shapes the courts, and the real humans who make legal decisions every day in criminal courts.

Students often, and quite reasonably, complain that textbooks jump from one topic to the next. To correct this common problem, we organize our book around three themes, which allows each chapter to be connected and build toward the later chapters:

1. courts have stable principles but are dynamic and adaptive to societal changes;
2. the framework of courts is a balance between crime control and due process mandates;
3. decision-making is influenced by an array of internal and external pressures, from rules of legal reasoning to media coverage and elections.

The book provides a condensed description of the European and U.S. history out of which modern courts emerged. This illustrates the wide array of social-control mechanisms and helps the reader understand why nations have developed unique families of law and comparative court systems. The historical foundation also provides an explanation of the ideals of justice embodied in the courts, particularly those of crime control and due process. Rather than present these as opposites that one must favor, we show that they are both involved in every stage of the court process.

By the time the reader gets to the chapters that detail the pretrial and trial stages, he or she already has an understanding of the historical context and legal principles of the court and is familiar with empirical research on legal decision-making. They'll know why the attorneys and judges do what they do, and the court process will actually make some sense rather than be a mysterious maze. They'll understand, for instance, that judges appoint attorneys to indigent defendants because of the legal principle embodied in the Sixth Amendment. They'll understand the structure of legal reasoning and the process of case assessment. For instance, when a prosecutor dismisses a case or pleas it down, they'll understand that caseload, quality of evidence, and other cues that led to that decision. This book brings to life how lawyers and judges go about making the many decisions required of them everyday. They'll not only know the basic legal rules and stages but also know the decisions that carry cases from one stage to the next. We want the students to not only learn about the court system but also feel what it's like to work in the U.S. courts and to handle criminal cases.

In the process of learning about the stages of the criminal court process and the decision-making involved, the reader will also learn other essential elements of the courts, such as:

- the many facets of jurisdiction, including state and federal, civil and criminal, and original and appellate;
- the elements of a crime;
- the growing diversity of courts, including diversion to alternative courts and other types of specialized courts.

This book can be used in online and brick-and-mortar courses, and in various departments, including criminal justice and criminology, political science, sociology, and pre-law. It assumes the reader has no prior coursework or experience with the court system. We provide concise explanations of the overall criminal justice system and criminal law, which serve as an introduction to the novice and a brief review for those who have completed foundational courses. The extensive supplements also add to the versatility of this book.

FEATURES AND SUPPLEMENTS

Every chapter enhances its coverage of content with the use of various discussion boxes. These include the following types of boxes:

- Focus on Discretion
- Landmark Due-Process Cases
- Courts in the Media
- Court Procedures
- Careers in the Court

Supplements for the students and professors include:

- Instructor's Resource CD
 - PowerPoint for each chapter
 - Test bank
 - Additional Supreme Court summaries and contemporary criminal cases
 - Biographies of famous jurists
 - Discussion questions
 - Class projects and assignments
- Student companion Web site
 - Learning objectives
 - Chapter summaries
 - Key terms
 - Study guides
 - Self-quizzes
 - Web-based exercises
 - Links to court decisions
 - Related links for research
- Online video that accompanies each chapter, which offers a summary of the chapter and a discussion of a controversial issue related to the chapter.

Online Instructor and Student Resources

Thank you for selecting Anderson Publishing's *American Criminal Courts: Legal Process and Social Context*. To complement the learning experience, we have provided a number of online tools to accompany this edition. Two distinct packages of interactive resources are available: one for instructors and one for students.

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- **Introductory Videos** Each chapter is equipped with its own video in which the authors discuss key points and objectives.
- **Self-Assessment Question Bank** Enhance review and study sessions with the help of this online self-quizzing asset. Each question is presented in an interactive format that allows for immediate feedback.
- **Case Studies** Apply what is on the page to the world beyond with the help of topic-specific case studies, each designed to turn theory into practice and followed by three interactive scenario-based questions that allow for immediate feedback.

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