Notes on Criminal Proceedings

* A crime is an act that breaks a federal or state criminal law and causes harm to people or society in general.
* Crimes defined in each state make up a state’s penal code
* A penal code establishes classifications or degrees of severity for crimes.
  + There are two types of crime:
    - Misdemeanor
    - Felony
* People who are accused and convicted of crimes are usually punished by fine or imprisonment.
* Criminal penalties provide punishment so that a criminal pays for an offense against a victim or society. They also protect society by keeping dangerous criminals confined or imprisoned.
* Crimes that Americans tend to fear most are:
  + Murder: Deliberate killing of a person
  + Manslaughter: Accidental killing of a person
  + Assault: Deliberate physical injury or threatened injury
  + Rape: Sexual Assault
  + Kidnapping: Taking a person for ransom or death
* Crimes against property are the most common crimes in the American courts:
  + Burglary
  + Robbery
  + Taking of property unlawfully
  + Vandalism
  + Deliberate destruction of property
  + Fraud
  + Taking property by unlawful means or misrepresentation
* The criminal justice system is the system of state and federal courts, judges, lawyers, police officers, and prisons that have responsibility for enforcing criminal law.
* Criminal cases follow several steps:
  + Arrest – If they have witnessed a suspected crime, if a citizen has a made a complaint or report of a crime, or if a judge has issued an arrest warrant.
  + Arraignment – A hearing and then indictment before a grand jury, suspect appears in court and is informed of the charges against him or her
  + Trial – A defendant has a constitutional right to a trial by jury, many give up their right and have their cases tried before a judge alone, called a **bench trial**.
    - Testimony – The answer a witness or suspect gives while under oath.
    - Cross-Examination – A period of the trial where a lawyer asks questions to discredit an opponent’s witness
    - Verdict and Sentencing – The final phase of trial, where a judge or jury returns a verdict based on the evidence presented. The jury can return one of three verdicts:
      * Guilty – Person did commit crime
      * Not Guilty – There is reasonable doubt as to wrongdoer
      * Hung Jury – They can’t decide
    - Then the sentencing occurs, this can vary based on the severity of the offense and any prior convictions. There may be an appeal.