

State and Local Judicial System

How and Why



Municipal Technical Advisory Service
INSTITUTE FOR PUBLIC SERVICE

Before we begin.....

- There are a few definitions we need to understand.....



Criminal versus Civil

- Criminal cases are violations against the state (society).
- Civil cases are wrongs committed against an individual or entity.
 - The entity can be a government, local or the state.
 - The legislature ultimately defines whether an offense is criminal or civil.



Criminal versus Civil

“Burden of Proof”

- Criminal: Proof beyond a reasonable doubt.
- Civil: Preponderance of the evidence
 - Just enough evidence to “tip the scales.”



Probable Cause

- Is there enough evidence for a neutral and detached person to believe:
 - A crime has “probably” been committed, *and*
 - The accused “probably” committed the crime?
- Does not require “proof beyond a reasonable doubt.”



Felony versus Misdemeanor

- Misdemeanor: any crime for which the maximum penalty is 11 months and 29 days or less.
- Felony: any crime for which the minimum penalty is one year or more.



State Court System

- General Sessions Court (county)
- Circuit Court – Criminal Court (judicial district)
- Chancery Court (judicial district)
- Juvenile Court (county)



Jurisdiction

- The following slides generally define the jurisdiction of the courts, but
- There is some overlap, and some counties have “private acts” that create more overlap.



General Sessions Court (Inferior Court)

- Civil cases – small claims
 - \$25,000 or less
- Trials – misdemeanors
- Preliminary hearings – misdemeanors and felonies
- Judges elected on a “county basis”



Grand Jury

- “Gateway” to the Criminal Court
- Determines whether there is “probable cause”
 - Meets in secret
 - Requires 12 “yes” votes to return a “true bill.”
 - Anything less than 12 “yes” votes results in a “no bill.”



Criminal Court (Superior Court)

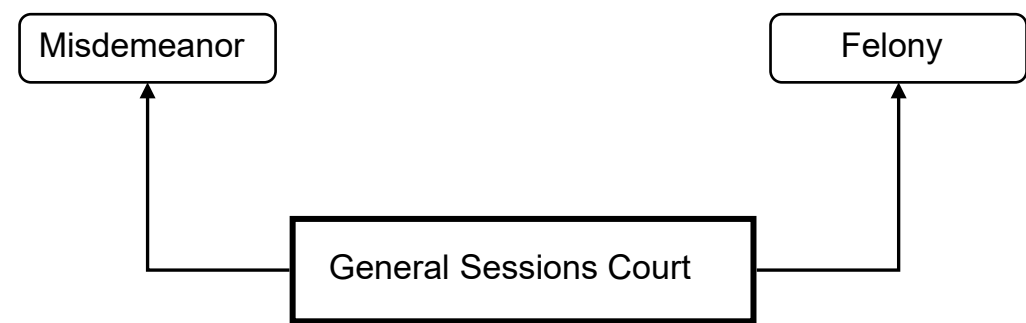
- Judge elected on a “Judicial District” basis.
- Judge may decide the case, or the case may be heard by a jury (defendant’s choice).
- Jury trials require unanimous vote for guilty or acquittal.
- Anything less than unanimous results in a “mistrial.”

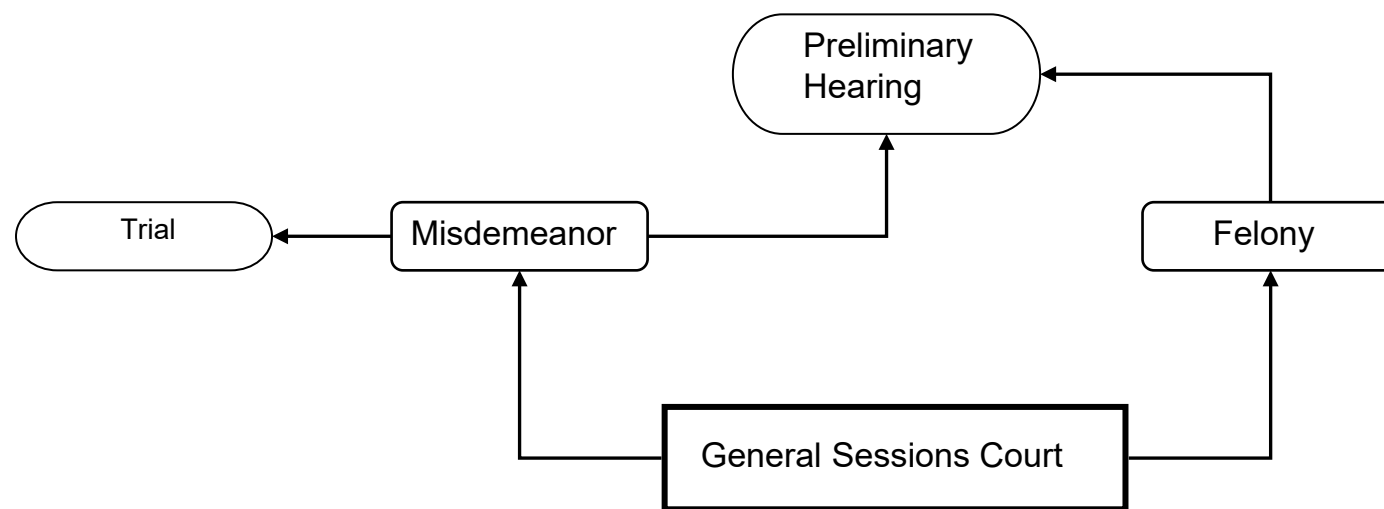


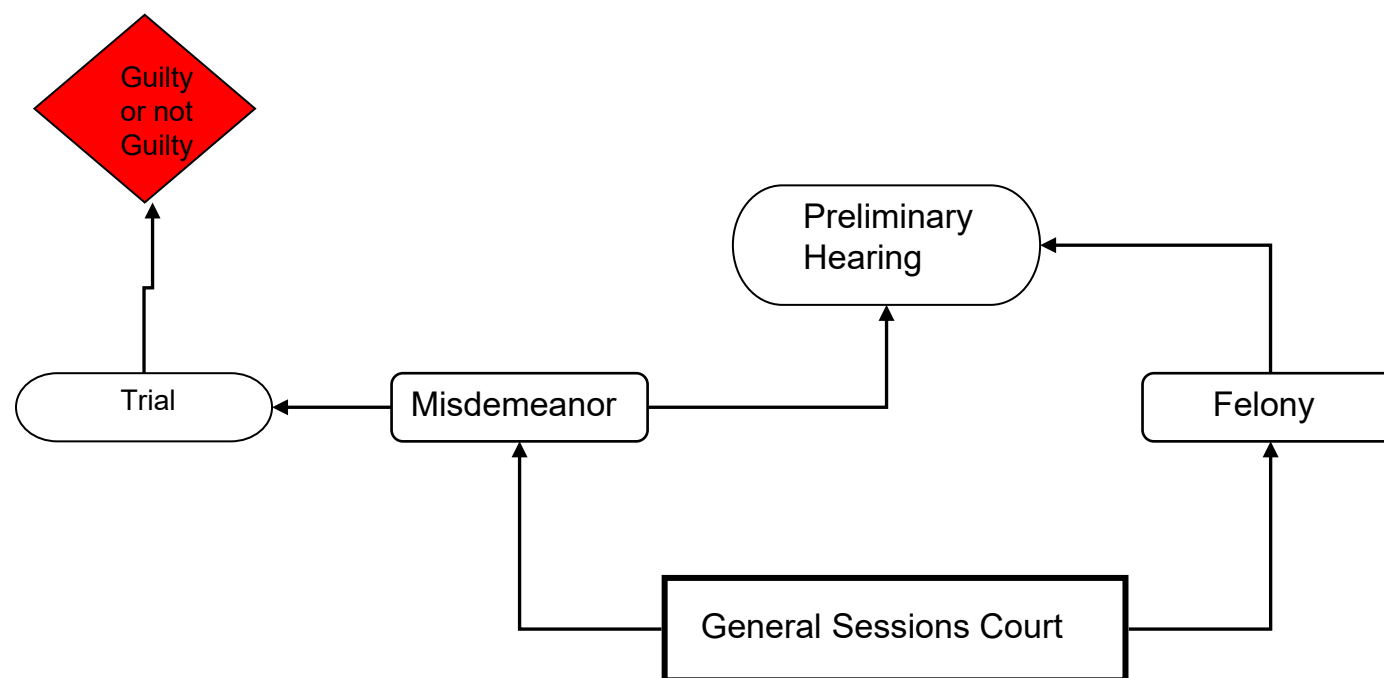
Circuit Court (Superior Court)

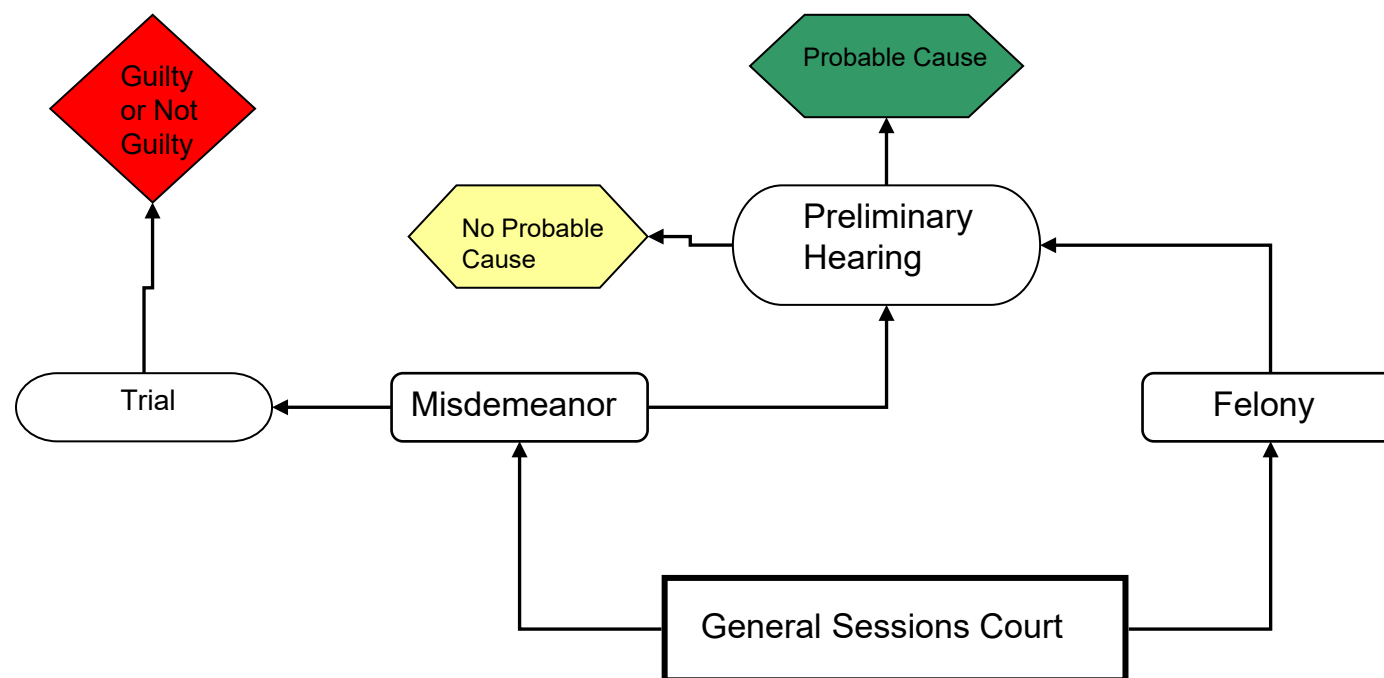
- Judge elected on “Judicial District” basis
- Circuit Court hears civil cases.
- Judge may decide the case, or the case may be heard by a jury.
- Municipal Court appeals are heard in Circuit Court.

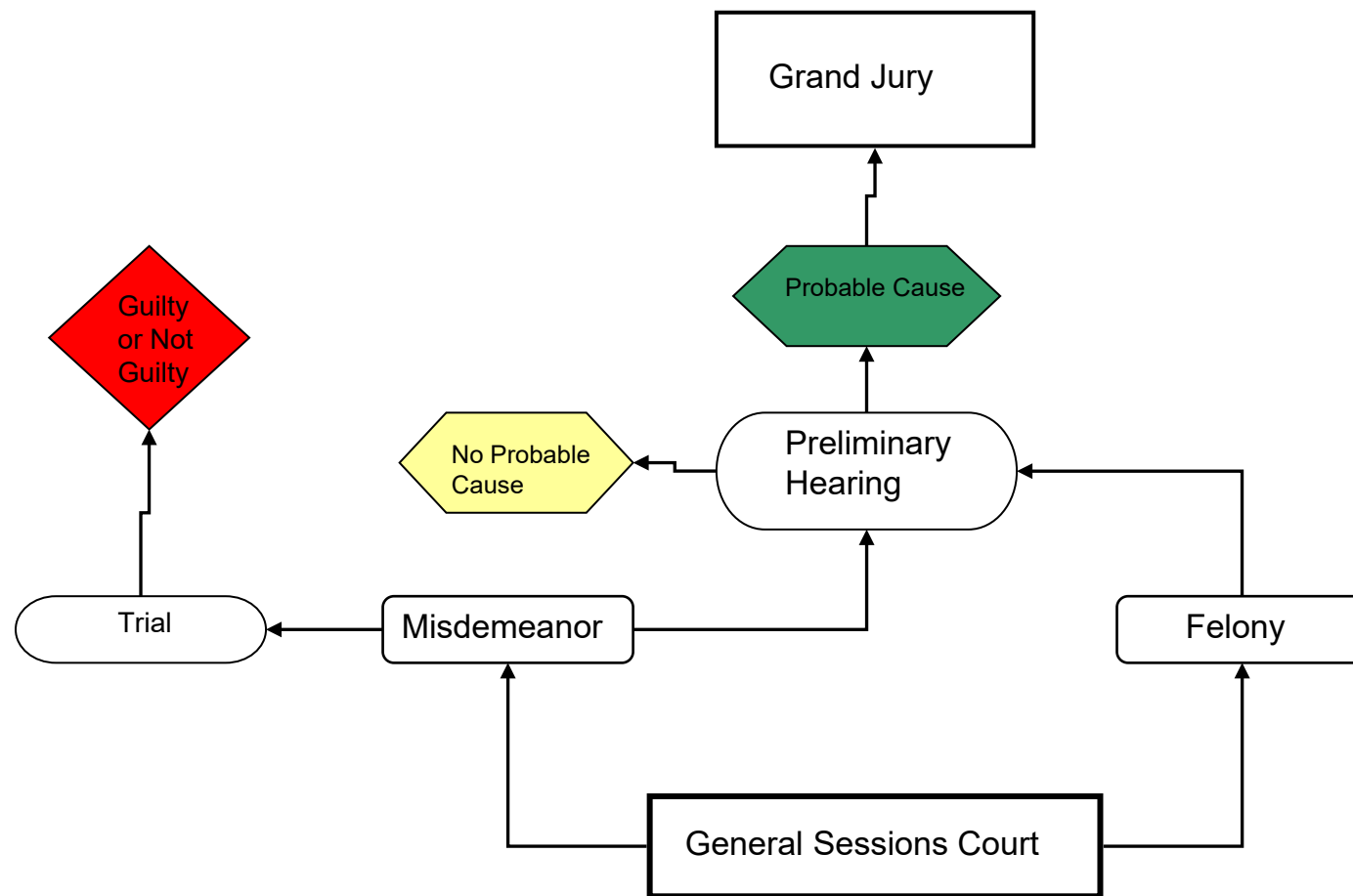


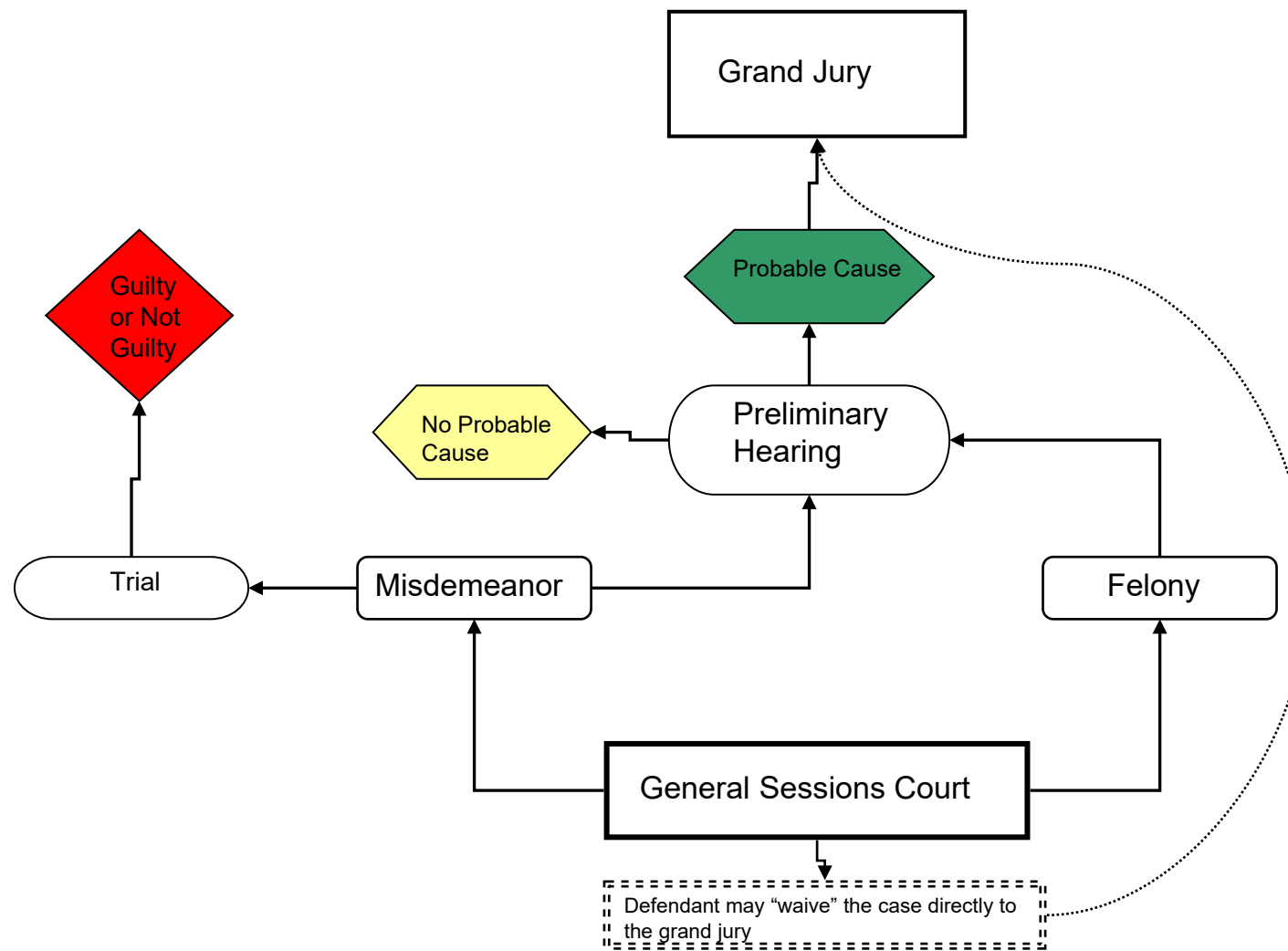


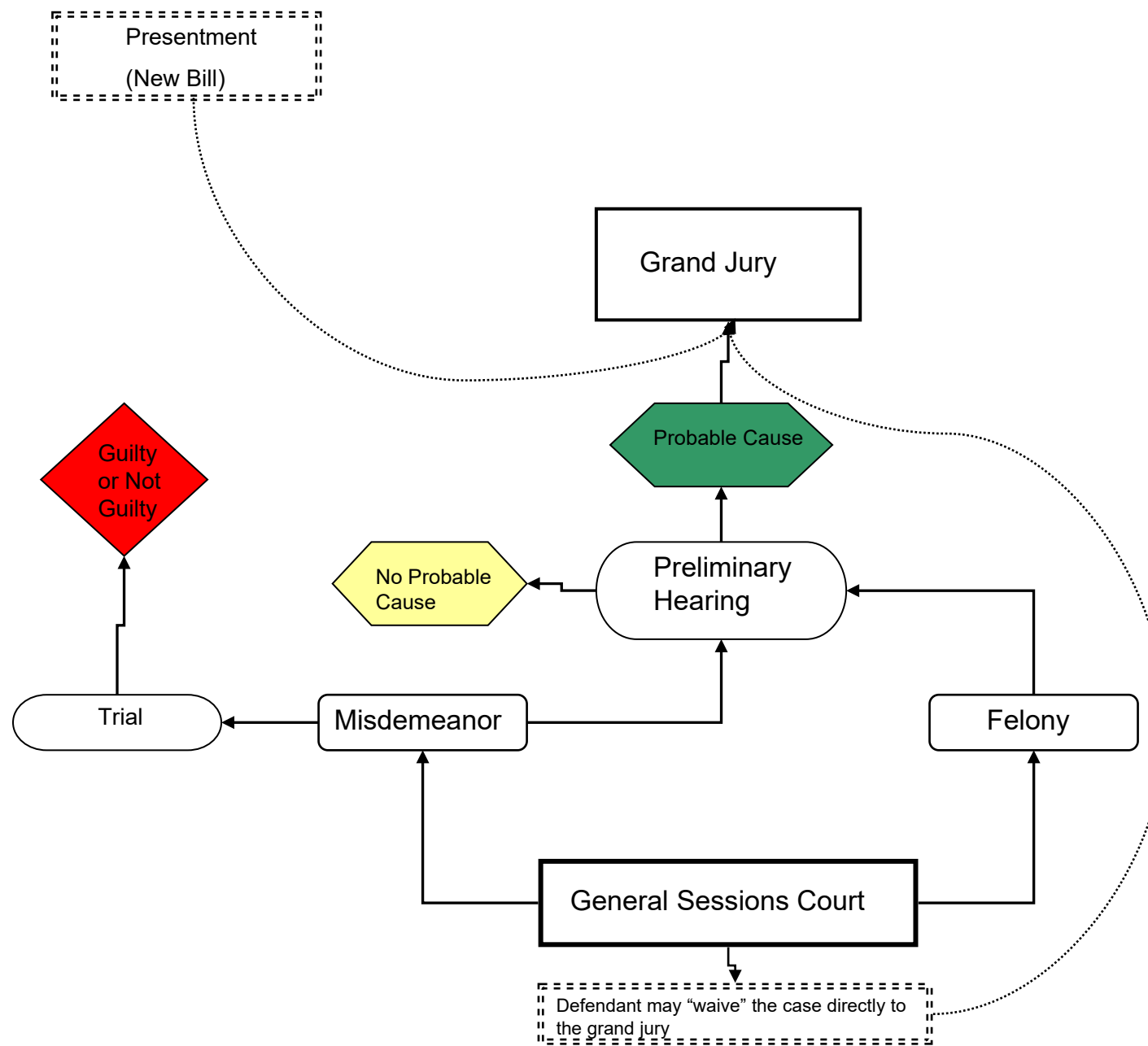


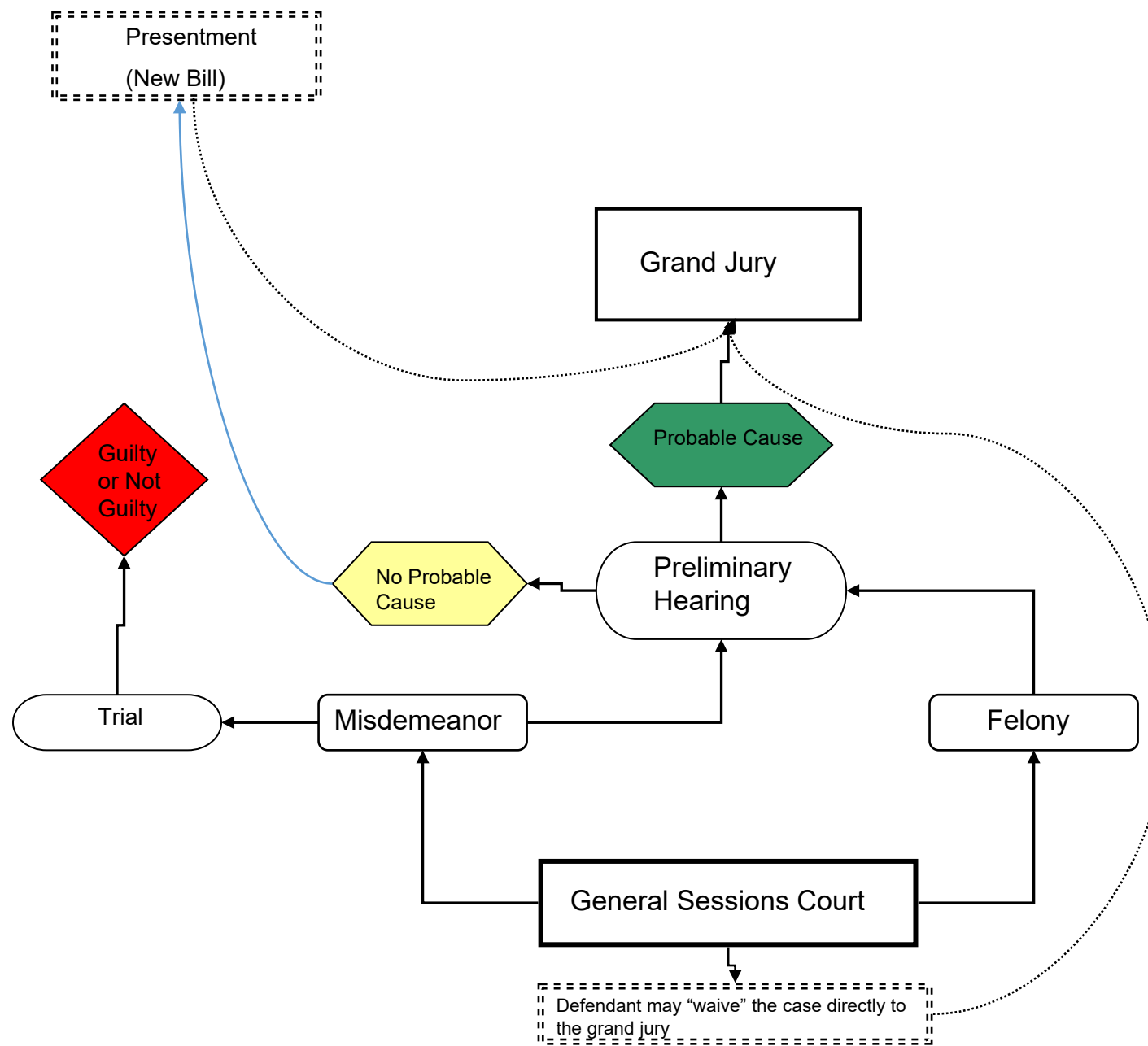


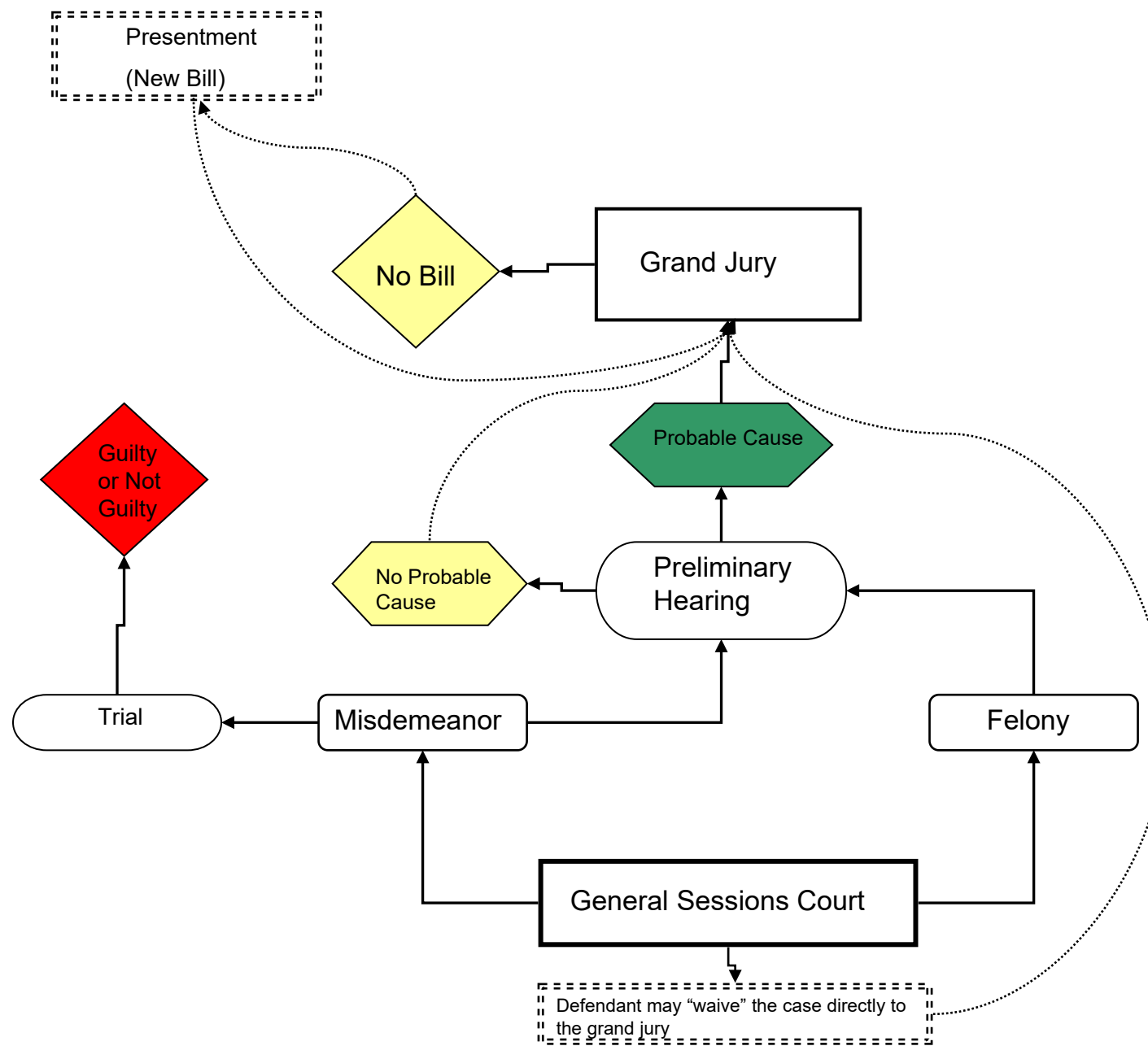


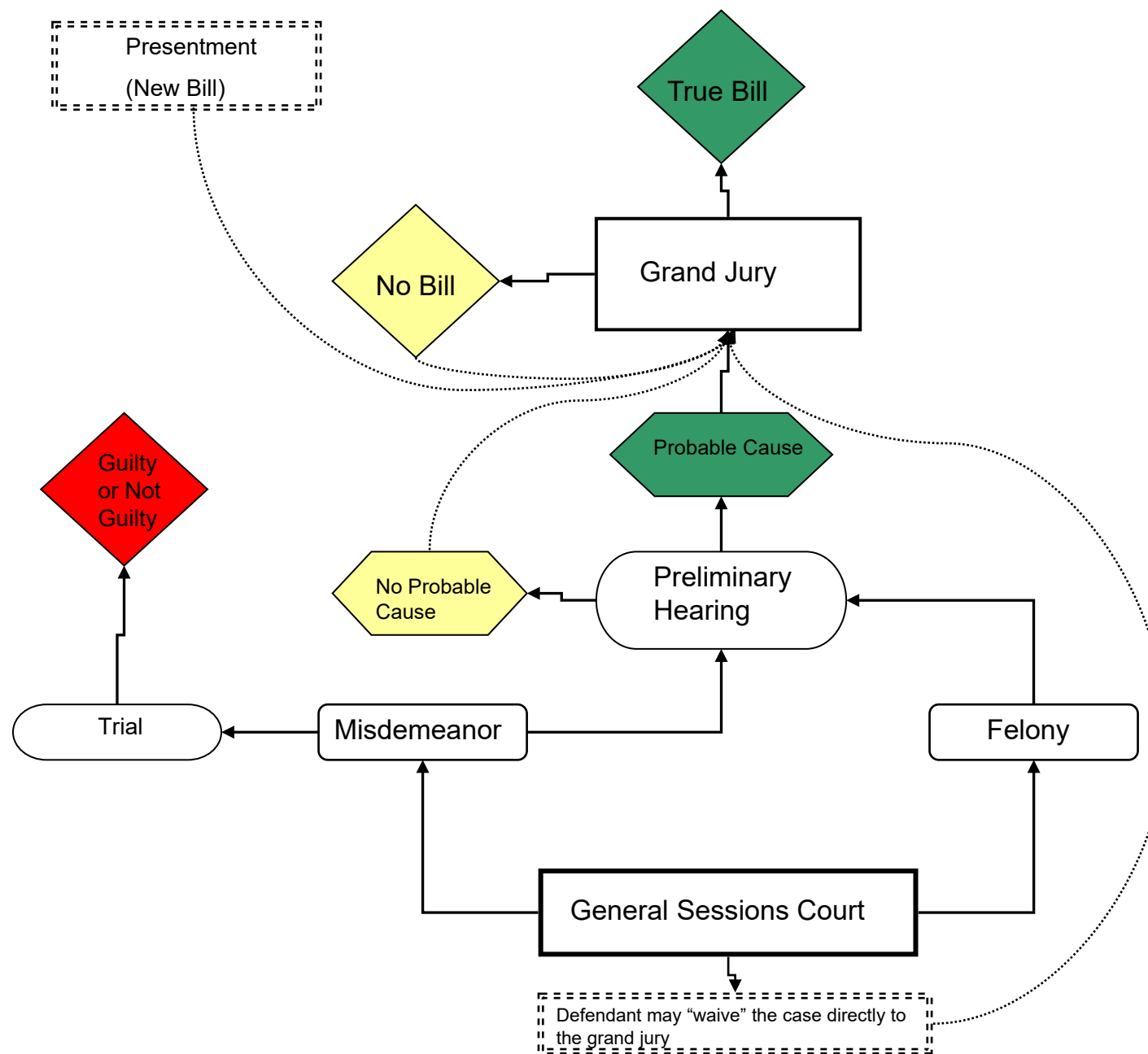


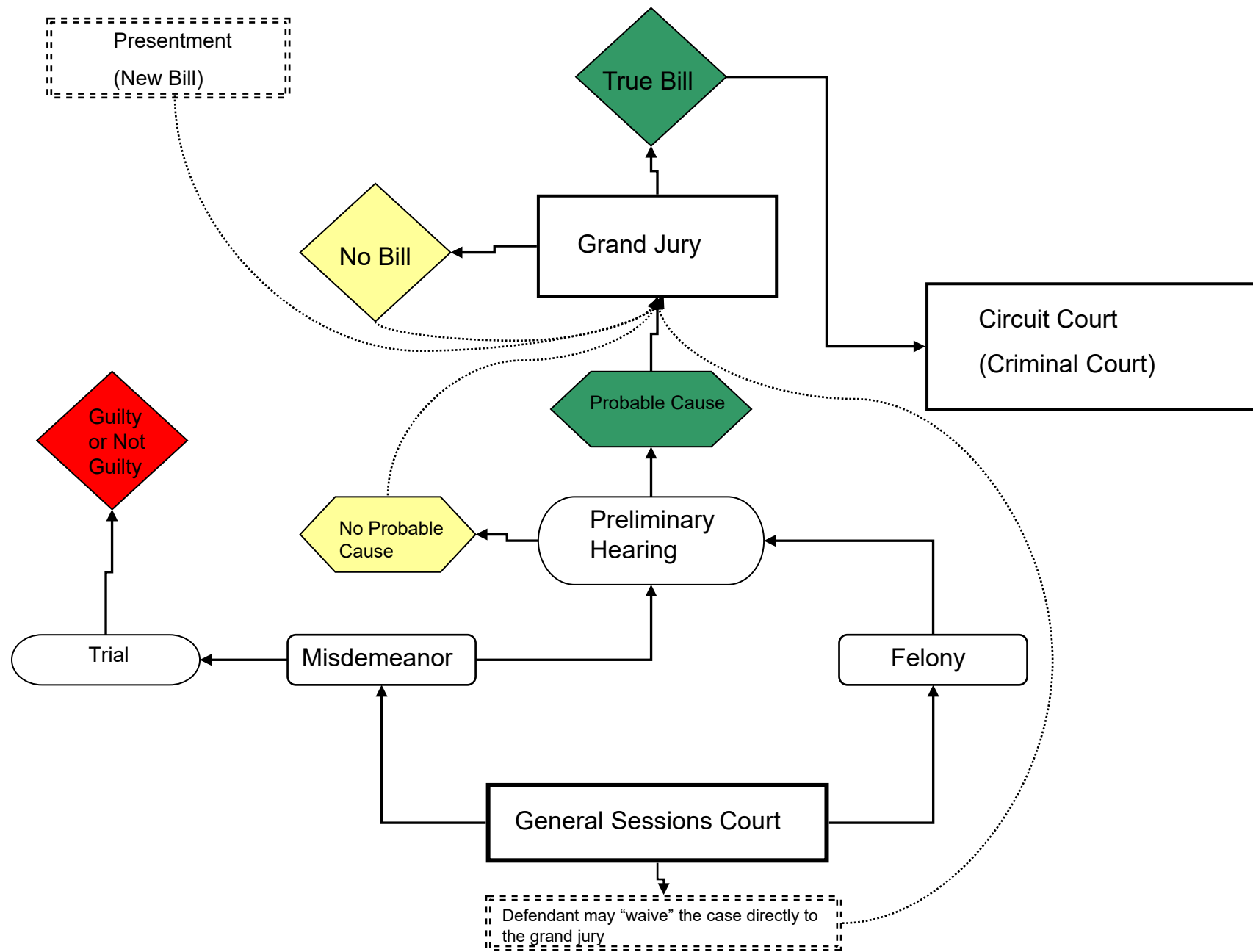


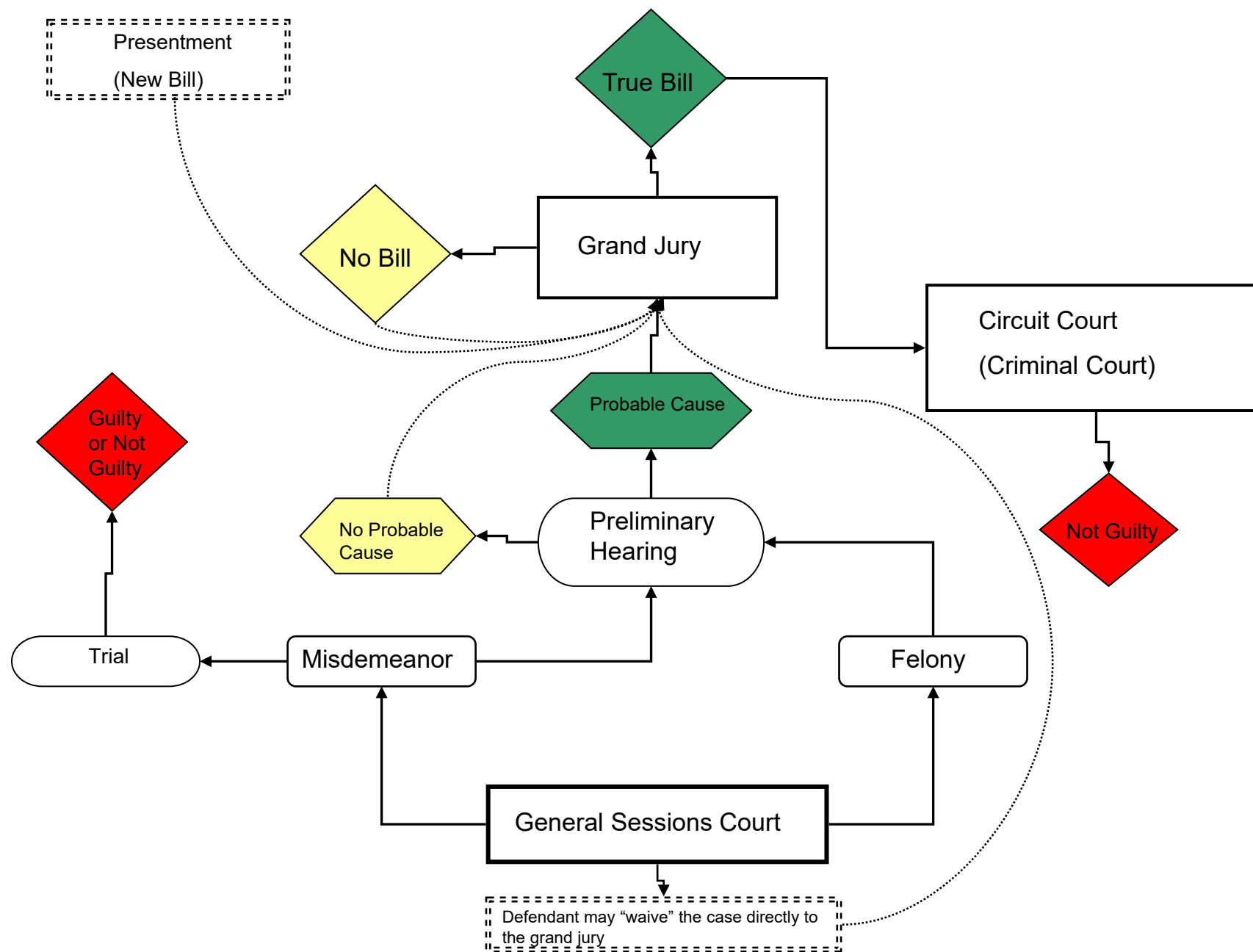


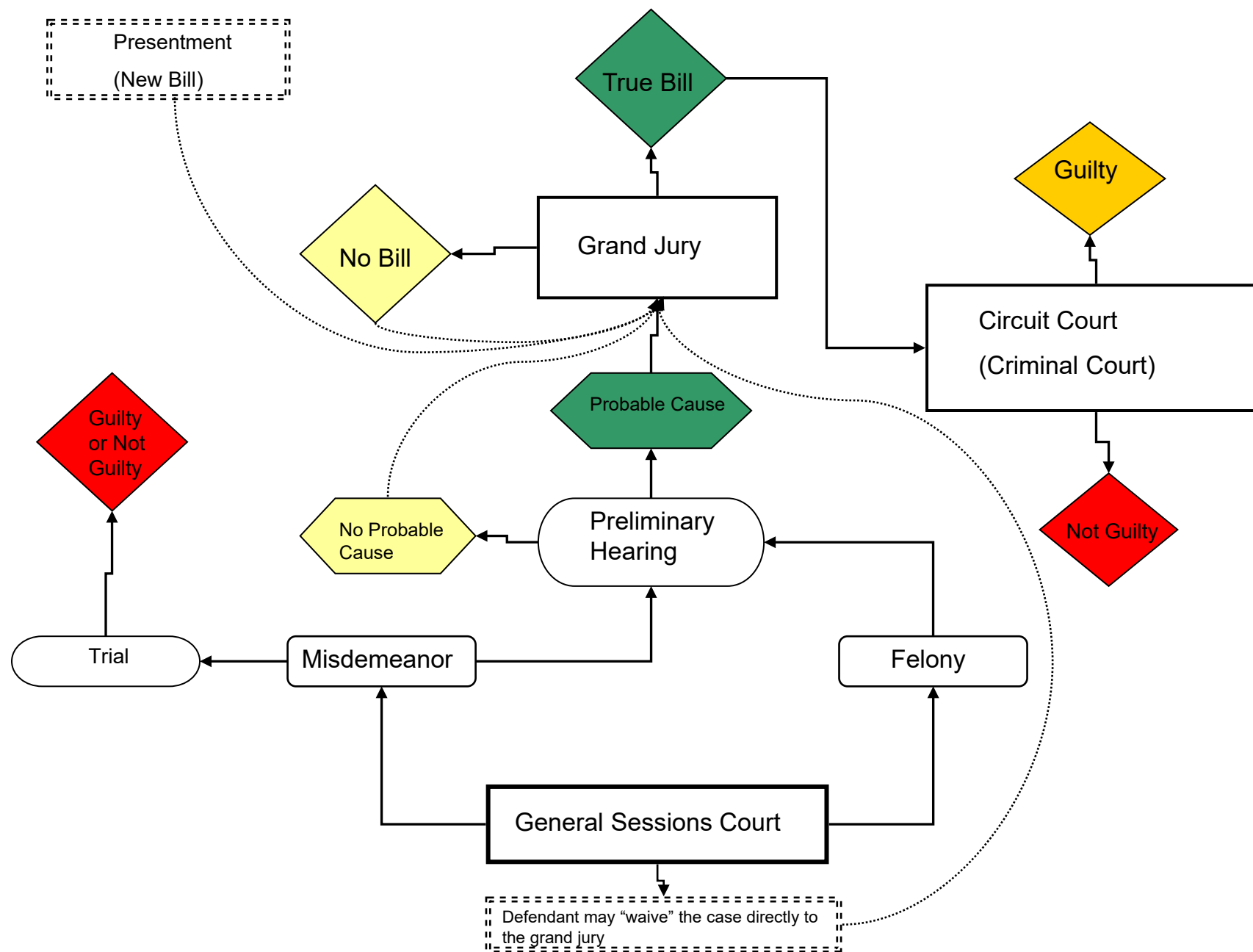


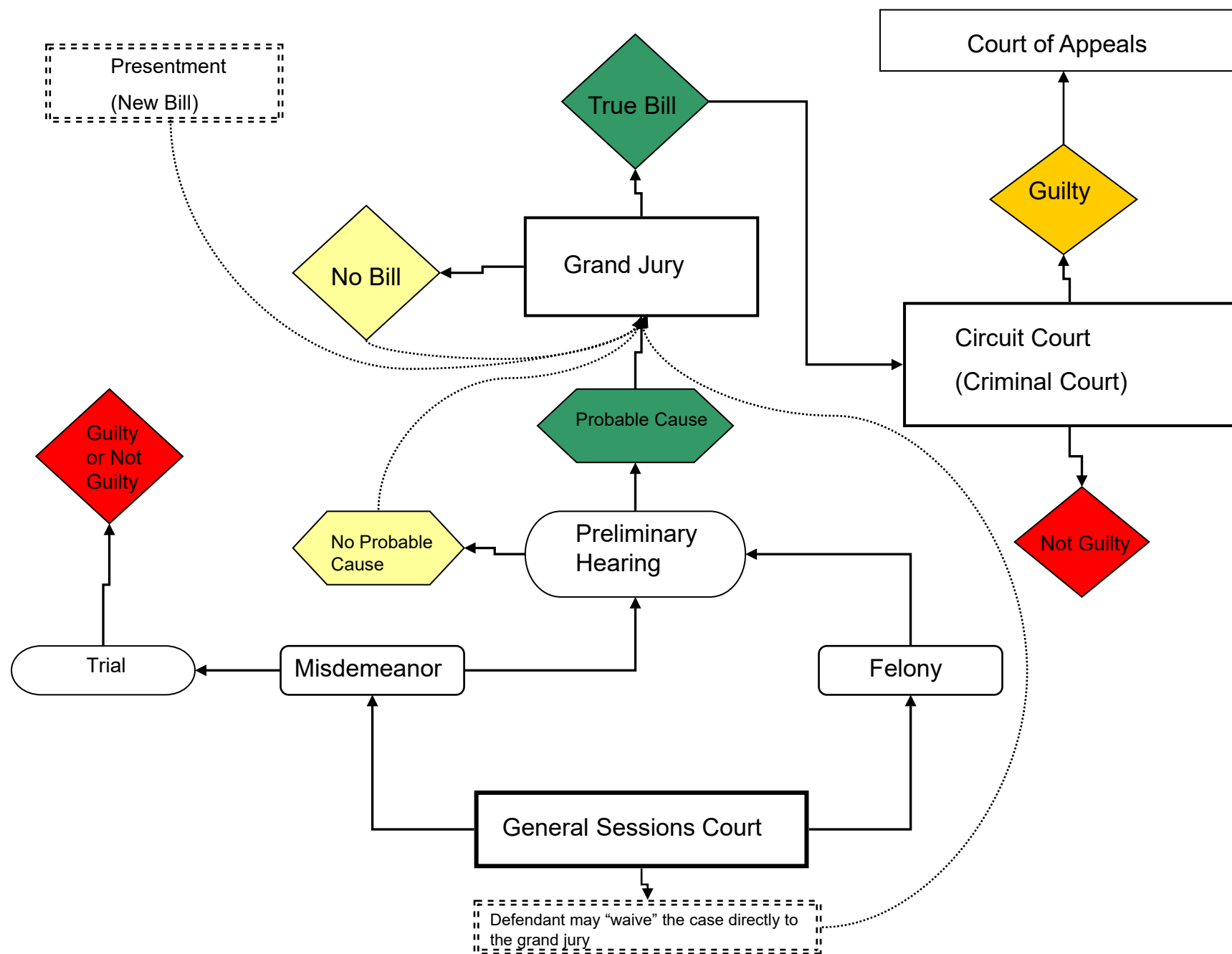


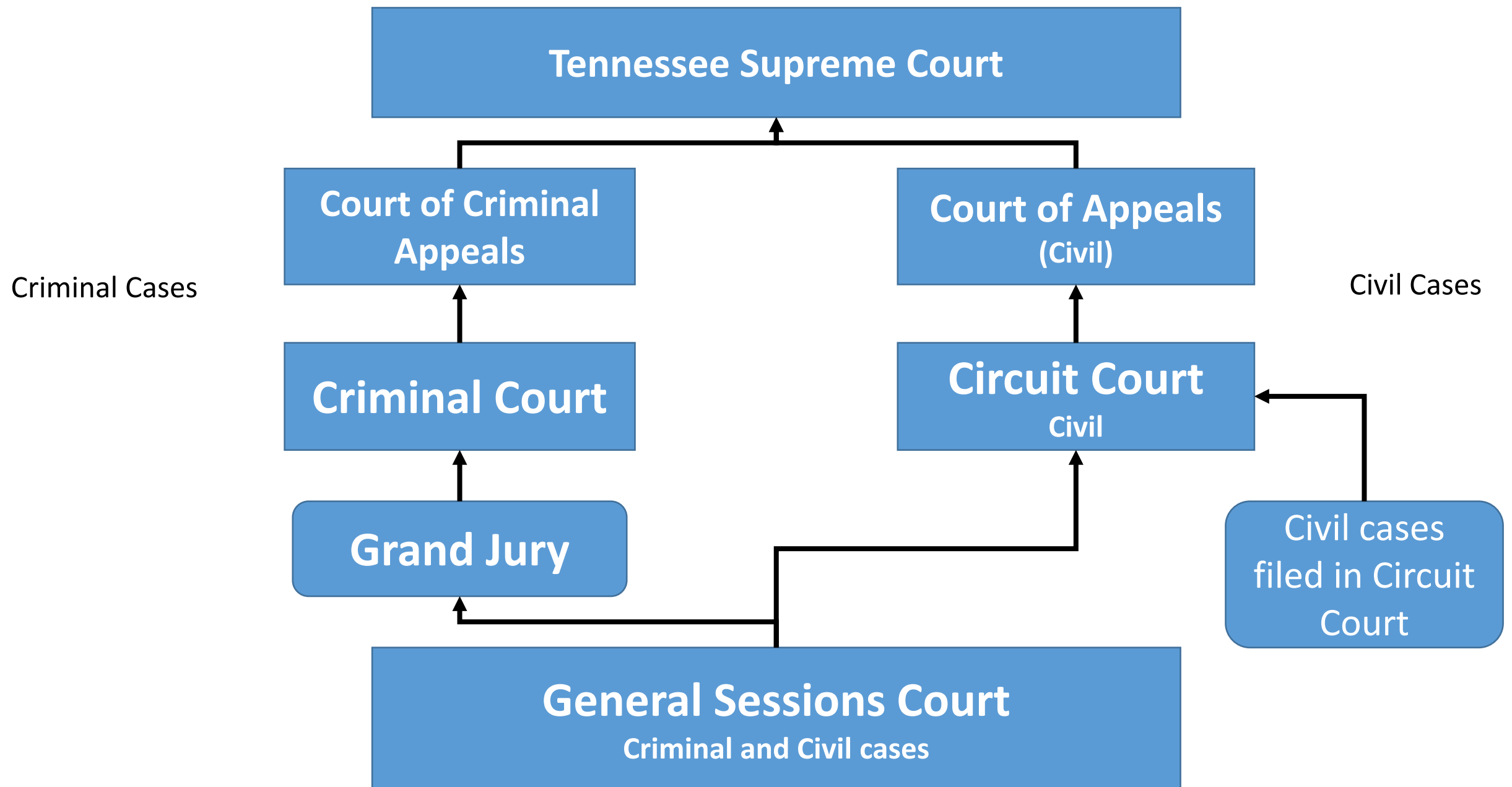












Chancery Court

- Civil cases
- Chancellor decides cases
- Employment law
- Equity issues
- Overlaps with circuit court jurisdiction
 - Statutes often define which cases will be heard in which court
- Chancery Court is the proper venue to enforce municipal court orders dealing with ongoing violations.



Juvenile Court

- Sole jurisdiction over matters relating to juveniles
- Juvenile judge may waive jurisdiction for 16 and 17 yoa traffic offenders to municipal courts
- In most counties the general sessions judge serves as juvenile judge.



Clerks of the Courts

- Circuit Court Clerk
 - Elected on county basis
 - General Sessions
 - Circuit/criminal
 - Juvenile (maybe)
 - Some counties may separate duties
- Chancery
 - Clerk and Master – appointed



Municipal Court

- Ordinance violations only
 - Ordinance violations are civil in nature
- Authority to adopt some state law criminal violations (Class “C” misdemeanors)
 - Mirror
 - Substantially duplicate
 - Reference



Municipal Court

- Appeals from Municipal Court (ordinance violations) are heard in Circuit Court



Concurrent General Sessions Court Jurisdiction

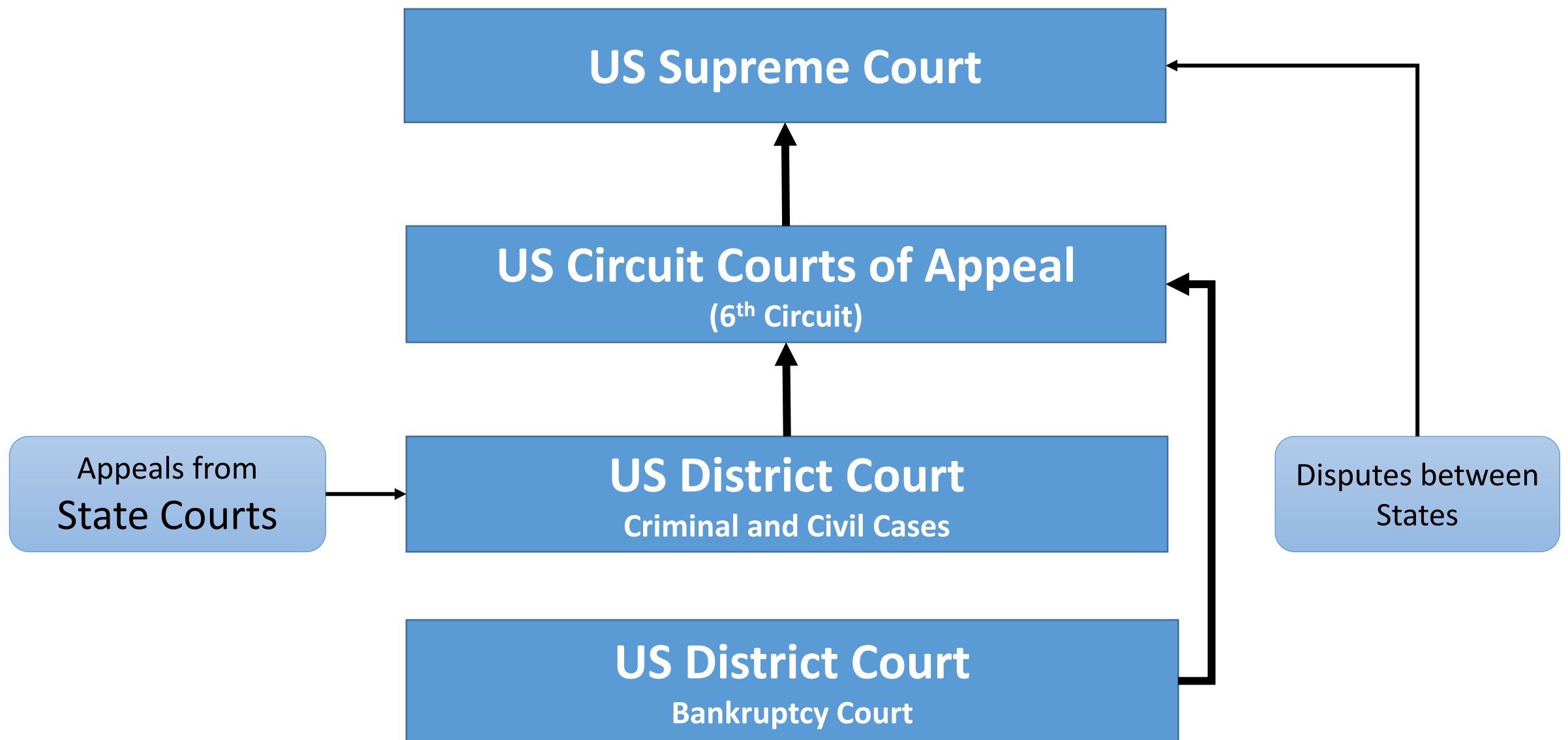
- A few cities have concurrent jurisdiction.
 - These cities have similar authority as a county general sessions court *at the same time as* municipal court jurisdiction.
 - Ordinance violations
 - Misdemeanor trials
 - Misdemeanor and felony preliminary hearings
- Judges must be elected.



Federal Court

- Criminal violations of federal law
- Civil cases involving federal issues
 - Commerce, interstate issues, civil rights
- Appeals from state court
 - US Constitutional issues
 - Interpretation of state law or process
 - Federal appeals courts do not retry a case





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