

# Georgia's Judicial Branch

The three basic <u>functions</u> of government are separated into:

1. The Legislative Branch – the General Assembly (Senate and House of Representatives) makes the law

2. The Executive Branch – the Governor, Lieutenant Governor, Secretary of State, Attorney General, and State Treasurer enforces the law

3. The Judicial Branch – the State Supreme Court, Court of Appeals, Circuit Courts, and Municipal Courts interprets the law

Georgia's Court System is divided into two levels, <u>appellate</u> <u>courts</u> and <u>trial courts</u>:

<u>Appellate Courts</u> – handle appeals from lower courts

1. Supreme Court of Georgia – highest court in the state; has seven members, six Justices and a Chief Justice; no jury

### 2. Court of Appeals – twelve judges working in three man panels to hear appeals; no jury

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<u>Trial Courts</u> – lower courts with the original right, power, or authority to intepret and apply the law

1. Superior Courts – can hear almost any civil or criminal case; consists of a judge and a jury

2. State Courts – hold jurisdiction over misdemeanor violations and civil cases; consists of judge and jury

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3. Juvenile Courts – jurisdiction over delinquent children under 17 years and deprived children under 18; no jury (see SS8CG6)

4. Probate Courts – handle administrative matters such as wills; may have a jury

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5. Magistrate Courts – handles small civil claims, bad checks, arrest warrants, etc.; no jury

How are Judges selected in Georgia?

• Most judges in Georgia are elected

• Magistrate court judges may be elected or appointed by local legislatures; juvenile court judges are appointed by superior court judges

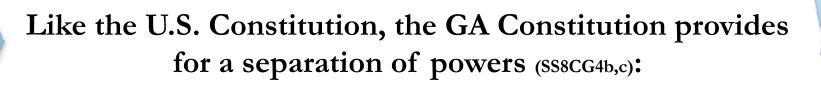


- \_1. The highest court in Georgia
- 2. May hear almost any civil or criminal case
- \_ 3. Handles wills and other administrative matters
- \_ 4. Handles small civil claims (e.g., bad checks, arrest warrants, etc.)
- \_ 5. Jurisdiction over misdemeanor violations and civil cases
- \_\_\_\_ 6. Jurisdiction over delinquent children under 17 years old
  - 7. Three-men teams hear appeals

SS8CG4 – The student will analyze the role of the judicial branch in Georgia state government. SS8CG6 – The student will explain how the Georgia court system treats juvenile offenders.

**A. Superior Court** 

- **B. Supreme Court**
- C. Probate Court
- **D.** Court of Appeals
- E. Juvenile Court
- F. State Courts
- G. Magistrate Court



Civil vs. Criminal Law

• Criminal law deals with actions that harm people or society (e.g., DUI, murder, armed robbery, etc.)

• Civil law deals with private disputes (e.g., divorce, property ownership, contracts, personal injuries, etc.)

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In a civil case, the plaintiff only needs to show guilt of the other party by a "preponderance of the evidence"	In a criminal case, the prosecutor must prove the defendant guilty "beyond a reasonable doubt"

Adult vs. Juvenile Justice

• There are important differences between the way the justice system is applied to adults and that way it is applied to youth:

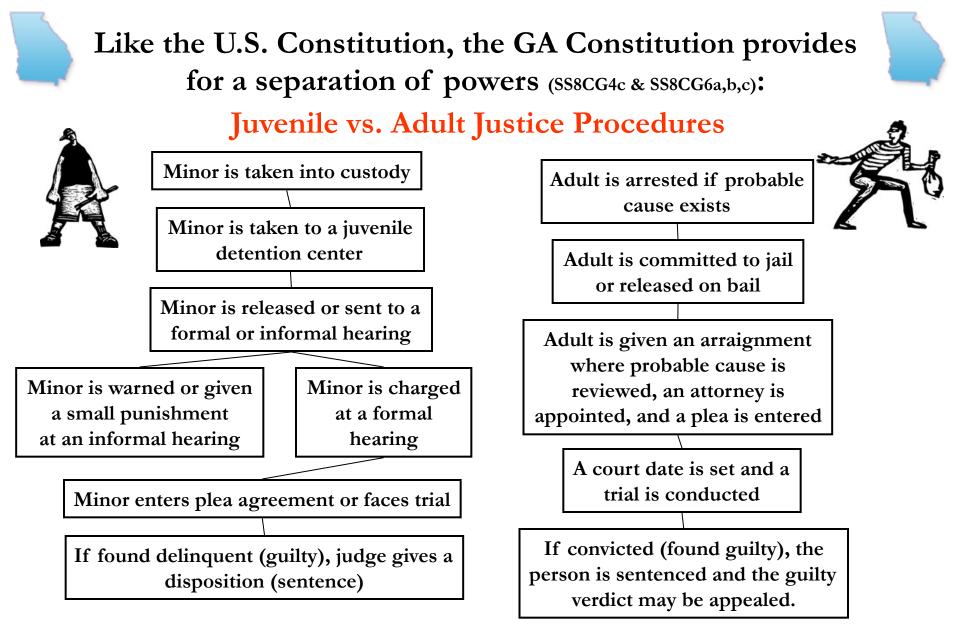
- 1. <u>Purpose</u> The emphasis of adult court is on punishment, while the emphasis in juvenile court is on rehabilitation.
- Jurisdiction Juvenile Courts have jurisdiction (the right to rule) over cases involving children under 17 years old, or children under 18 who do not have a parent or guardian.
- 3. <u>Terminology</u> Juveniles are "taken into custody" and adults are "arrested"; adults are found "guilty" and juveniles are found "delinquent"; etc.

Adult vs. Juvenile Justice

- There are important differences between the way the justice system is applied to adults and that way it is applied to youth:
- 4. <u>Procedure</u> The adult and juvenile justice processes are different.







Juvenile Justice

• If charged with a crime and taken into custody, juveniles have rights similar to adults:

- 1. The right to remain silent when questioned about an alleged crime
- 2. The right to have an attorney present when questioned by the police
- 3. The right to be represented by an attorney at trial



#### Juvenile Justice

- Not all juvenile misconduct is considered delinquent:
- 1. <u>Unruly behavior</u> is behavior that is disorderly or disobedient, but not necessarily criminal (e.g., truancy, underage drinking, curfew violations, running away from home, etc.).
- 2. <u>Delinquent behavior</u> is behavior in which a criminal act has been committed (e.g., theft or damage of property; illegal weapon possession; sale of illegal drugs, etc.).



#### Juvenile Justice

- Unruly behavior and delinquent behavior carry different penalties:
- 1. <u>Unruly behavior</u> may result in commitment to juvenile detention centers for up to two years (but may be extended by another two years if the court deems necessary).
- <u>Delinquent behavior</u> may result in commitment to juvenile detention centers for periods of 12 to 60 months (but not to extend past the 21<sup>st</sup> birthday).

The Seven Deadly Sins Act of 1994

- There are seven crimes which, if committed by a juvenile between 13-17 years old, may result in trial *as an adult*:
  - 1. Murder
  - 2. Voluntary Manslaughter
  - 3. Aggravated Sodomy
  - 4. Aggravated Child Molestation
  - 5. Aggravated Sexual Battery
  - 6. Rape
  - 7. Armed robbery if committed with a firearm



•The term "aggravated" refers to crimes committed under the threat of serious or deadly force

The Seven Deadly Sins Act of 1994

- There are seven crimes which, if committed by a juvenile between 13-17 years old, may result in trial *as an adult*:
- If found guilty of one of the "seven deadly sins," they will face imprisonment for a minimum of 10 years.
- If found guilty, the delinquent will remain in juvenile detention until the age of 17 and then be transferred to prison or face the death penalty.



What do you remember about... **Juvenile Justice???** 1. Crime committed under the threat of A. Unruly extreme or deadly force. **B.** Aggravated 2. Disorderly or disobedient conduct. C. Seven Deadly 3. Juvenile conduct considered to be Sins criminal. **D.** Delinquent 4. The purpose of juvenile justice. **E.** Punishment 5. The purpose of adult criminal justice. F. Rehabilitation 6. May cause a juvenile to be tried as an adult. SS8CG4 – The student will analyze the role of the judicial branch in Georgia state government.

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## **ENDURING UNDERSTANDINGS:**

In a democratic society, rule of law influences the behavior of citizens, establishes procedures for making policies, and limits the power of government? Rule of law also teaches that adults should be held to a higher degree of accountability than children. How does Georgia's juvenile justice system differ from the adult criminal justice system? Why are the two different? Explain.





#### Acknowledgements

Hodge, Cathy M. <u>Time Travel Through Georgia</u>. Athens, GA: WesMar Incorporated DBA/Voyager Publications, 2005.

Marsh, Carol. <u>The Georgia Experience: 8<sup>th</sup> Grade Social Studies Teacher's Edition</u> <u>Student Workbook</u>. Peachtree City, GA: Gallopade International, 2008.