



Georgia's Judicial Branch

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.



Like the U.S. Constitution, the GA Constitution provides for a separation of powers (SS8CG4a):

The three basic functions 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*

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Like the U.S. Constitution, the GA Constitution provides for a separation of powers (SS8CG4a):

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

Appellate Courts – 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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Like the U.S. Constitution, the GA Constitution provides for a separation of powers (SS8CG4a):

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

Trial Courts – lower courts with the original right, power, or authority to interpret 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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Trial Courts – lower courts with the original right, power, or authority to interpret and apply the law

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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Trial Courts – lower courts with the original right, power, or authority to interpret and apply the law

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

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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**

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What do you remember about... Georgia's Judicial System???

- | | |
|--|---------------------|
| <input type="checkbox"/> 1. The highest court in Georgia | A. Superior Court |
| <input type="checkbox"/> 2. May hear almost any civil or criminal case | B. Supreme Court |
| <input type="checkbox"/> 3. Handles wills and other administrative matters | C. Probate Court |
| <input type="checkbox"/> 4. Handles small civil claims (e.g., bad checks, arrest warrants, etc.) | D. Court of Appeals |
| <input type="checkbox"/> 5. Jurisdiction over misdemeanor violations and civil cases | E. Juvenile Court |
| <input type="checkbox"/> 6. Jurisdiction over delinquent children under 17 years old | F. State Courts |
| <input type="checkbox"/> 7. Three-men teams hear appeals | G. Magistrate Court |

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Like the U.S. Constitution, the GA Constitution provides for a separation of powers (SS8CG4b,c):

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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Civil vs. Criminal Law

Civil cases are introduced by private parties seeking monetary damages	Criminal cases are introduced by the government seeking punishment (fine, imprisonment, or death)

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Civil vs. Criminal Law

Civil cases are introduced by private parties seeking monetary damages	Criminal cases are introduced by the government seeking punishment (fine, imprisonment, or death)
In civil cases, the defendant may be forced to testify	In criminal cases, the defendant has the right to defend himself or not to testify under the 5 th Amendment.

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Civil vs. Criminal Law

<p>Civil cases are introduced by private parties seeking monetary damages</p>	<p>Criminal cases are introduced by the government seeking punishment (fine, imprisonment, or death)</p>
<p>In civil cases, the defendant may be forced to testify</p>	<p>In criminal cases, the defendant has the right to defend himself or not to testify under the 5th Amendment</p>
<p>In a civil case, the plaintiff only needs to show guilt of the other party by a “preponderance of the evidence”</p>	<p>In a criminal case, the prosecutor must prove the defendant guilty “beyond a reasonable doubt”</p>

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Like the U.S. Constitution, the GA Constitution provides for a separation of powers (SS8CG4c & SS8CG6a,b,c):

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. Purpose – The emphasis of adult court is on punishment, while the emphasis in juvenile court is on rehabilitation.
 2. 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. Terminology – Juveniles are “taken into custody” and adults are “arrested”; adults are found “guilty” and juveniles are found “delinquent”; etc.

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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. Procedure – The adult and juvenile justice processes are different.



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Juvenile vs. Adult Justice Procedures



Minor is taken into custody

Minor is taken to a juvenile detention center

Minor is released or sent to a formal or informal hearing

Minor is warned or given a small punishment at an informal hearing

Minor is charged at a formal hearing

Minor enters plea agreement or faces trial

If found delinquent (guilty), judge gives a disposition (sentence)

Adult is arrested if probable cause exists

Adult is committed to jail or released on bail

Adult is given an arraignment where probable cause is reviewed, an attorney is appointed, and a plea is entered



A court date is set and a trial is conducted

If convicted (found guilty), the person is sentenced and the guilty verdict may be appealed.



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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



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Juvenile Justice

- Not all juvenile misconduct is considered delinquent:
 1. Unruly behavior is behavior that is disorderly or disobedient, but not necessarily criminal (e.g., truancy, underage drinking, curfew violations, running away from home, etc.).
 2. Delinquent behavior 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.).



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Juvenile Justice

- Unruly behavior and delinquent behavior carry different penalties:



1. Unruly behavior 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).

2. Delinquent behavior may result in commitment to juvenile detention centers for periods of 12 to 60 months (but not to extend past the 21st birthday).



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Like the U.S. Constitution, the GA Constitution provides for a separation of powers (SS8CG6b):

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

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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.



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What do you remember about...
Juvenile Justice???

___ 1. Crime committed under the threat of extreme or deadly force.

A. Unruly

___ 2. Disorderly or disobedient conduct.

B. Aggravated

___ 3. Juvenile conduct considered to be criminal.

C. Seven Deadly Sins

___ 4. The purpose of juvenile justice.

D. Delinquent

___ 5. The purpose of adult criminal justice.

E. Punishment

___ 6. May cause a juvenile to be tried as an adult.

F. Rehabilitation

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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.

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Acknowledgements

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

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