Assessment: Courts, Judges, and the Law

Mastering the Content

1. Which of these does a prosecuting attorney represent?
   A. the injured party in a lawsuit
   B. the officials in the courtroom
   C. the person accused of a crime
   D. the government and the people CORRECT

2. What is an order by the Supreme Court directing a lower court to send it the records of a case called?
   A. a writ of certiorari CORRECT
   B. a writ of habeas corpus
   C. a writ of mandamus
   D. a writ of stare decisis

3. What is the job of an appellate court when it takes a case on appeal?
   A. to look for errors of law CORRECT
   B. to conduct a new jury trial
   C. to weigh all the trial evidence
   D. to determine the proper verdict

4. How does someone become a judge in the federal court system?
   A. by a popular election
   B. by a retention election
   C. by presidential appointment CORRECT
   D. by passing a civil service test

5. Which of these established the present system of federal district and circuit courts?
   A. Judiciary Act of 1789 CORRECT
   B. Senate Judiciary Committee
   C. Northwest Ordinance of 1787
   D. Article III of the Constitution

6. What is meant by the term burden of proof?
   A. the need to examine the reliability of witnesses
   B. the challenge of finding a fair and impartial jury
   C. the duty to prove alleged facts in a case with solid evidence CORRECT
   D. the obligation to consider a person innocent until proven guilty
7. Which of the following is most likely to write an amicus curiae brief?  
   A. an appellate judge  
   B. a defense attorney  
   C. an interest group CORRECT  
   D. a special prosecutor  

8. Which term refers to the person who files a lawsuit in a civil case?  
   A. bailiff  
   B. plaintiff CORRECT  
   C. defendant  
   D. friend of the court  

9. The below quotation supports which of the following approaches to making judicial decisions?  

   Judges are like umpires. Umpires don't make the rules, they apply them.  

   A. loose construction  
   B. judicial activism  
   C. judicial restraint CORRECT  
   D. interpretivism  

10. What determines which appeals the Supreme Court will hear?  
   A. The attorney general assigns cases.  
   B. The justices choose their own cases. CORRECT  
   C. The circuit courts recommend cases.  
   D. The special federal courts refer cases.
Exploring the Essential Question: How is the U.S. judicial system organized to ensure justice?

This chronology shows the path of one case through the U.S. judicial system. Use it to answer the questions below.

<table>
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<th>Chronology of the Sam Sheppard Case</th>
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<td>1954: When Marilyn Sheppard is murdered in her Ohio home, the police suspect her husband, Sam. The case receives extensive newspaper coverage, with such headlines as &quot;Why Isn't Sam Sheppard in Jail?&quot; and &quot;Getting Away with Murder.&quot; Sheppard is charged with murder. His trial in the Common Pleas Court of Cuyahoga Country becomes a media circus. The jury finds Sheppard guilty, and he is sentenced to life in prison.</td>
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<td>1955-1963: Sheppard appeals his case in U.S. district court. The judge describes the 1954 trial as &quot;a mockery of justice&quot; and overturns Sheppard's conviction. Cuyahoga County prosecutors appeal to the U.S. Court of Appeals for the Sixth Circuit. The appellate court reverses the lower court decision.</td>
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<td>1966: The Supreme Court hears Sheppard v. Maxwell. The justices conclude that the publicity surrounding Sheppard's trial prejudiced his right to a trial by an impartial jury. His conviction is once again overturned.</td>
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<td>1966: Cuyahoga Country prosecutors retry Sheppard for murder. At the end of the second trial, the jury finds him not guilty. Four years later, Sheppard dies at home at the age of 46.</td>
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<td>1995-200: Sam Reese Sheppard, Sam Sheppard's son, files a civil suit against Cuyahoga Country, claiming that his father was wrongly imprisoned by county officials. During the civil trial, the jury hears evidence both for and against Sam Sheppard. At the end of the trial, the jurors side with the county. Six of the eight jurors say in interviews that they were convinced of Sheppard's guilt.</td>
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11. How many levels of state courts dealt with the sheppard case? Which one had original jurisdiction?
   Three levels. The Common Pleas Court of Cuyahoga County was the court of original jurisdiction.

12. How many levels of federal courts dealt with the sheppard case? Which was the court of last resort?
   Three levels. The Supreme Court was the court of last resort.
What burden of proof did Cuyahoga Country prosecutors have to meet in their two criminal trials? What burden of proof did Sam Reese Sheppard have to meet in his civil trial?

The Cuyahoga Country prosecutors had to prove their case beyond a reasonable doubt in both criminal trials of Sheppard. Sam Reese Sheppard had to prove his case by showing a preponderance of evidence at his civil trial.

Did the judicial system ensure justice in the Sam Sheppard case? Explain your answer.

Opinions will differ. Students may argue that the judicial system did not ensure justice because of the media circus surrounding Sheppard's first trial and the many appeals he had to make to get his conviction overturned. Or they may argue that the system did ensure justice by giving Sheppard a number of opportunities to argue his case before different levels of appellate courts and then, finally, a second trial.