

Chapter 2

2.1 Self Check

1. What are the only three bases for dismissing a trial?

These three bases are:

- The crime charged is not a violation of the jurisdiction's law.
- The facts asserted in the indictment or information, even if true, do not constitute the crime charged.
- No reasonable jury could find the facts alleged on the basis of the evidence presented at the preliminary hearing.

2. Explain the various grounds on which convicted criminals appeal their charges.

Two grounds for appeal involve procedural and evidentiary errors that were allegedly committed by the trial court. The four substantive grounds are:

- The charge on which the accused was convicted is not a crime, either because the legislature did not proscribe the conduct or because the proscription is unconstitutional.
- The evidence was insufficient to support a finding of fact on all the elements of the crime beyond a reasonable doubt.
- Not all of the necessary elements of the crime were alleged.
- The jury was improperly instructed.

If a defendant has exhausted all appellate remedies, he or she can file a petition of *habeas corpus*.

2.2 Self Check

1. Explain the differences between state and federal courts.

State courts have jurisdiction to consider cases charging defendants with violation of state criminal laws, and federal courts have jurisdiction to consider cases charging defendants with violation of federal criminal laws.

2. What roles do jails and prisons play in the criminal justice process? How do jails and prisons differ?

Jails are used to maintain custody of persons arrested pending prosecution and of those sentenced to short periods of confinement, usually up to but not more than one year. Prison facilities house inmates sentenced to over one year of incarceration, and are administered by a separate correctional agency of the state or federal government.