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COURT SYSTEM



*Questions and answers
on the criminal justice
system in Illinois*



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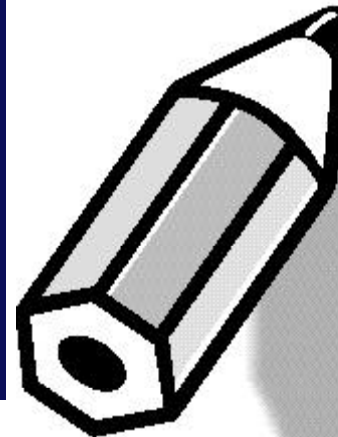
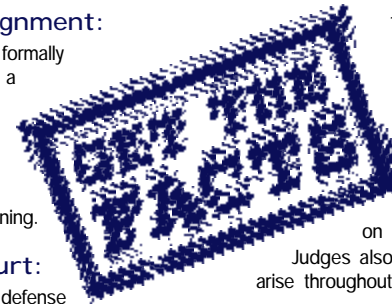
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MULTIPLE CHOICE

(Answers to the quiz are inside.)

- 1) How many jurors sit on a grand jury?
 - A) 16
 - B) 9
 - C) 12
- 2) During an arraignment:
 - A) the defendant is formally charged and enters a plea.
 - B) a sentence is determined.
 - C) a suspect undergoes police questioning.
- 3) In appellate court:
 - A) prosecutors and defense attorneys call witnesses.
 - B) the trial record of circuit court proceedings is reviewed.
 - C) defendants plea bargain with prosecutors.



QUESTIONS & ANSWERS

What is the role of a judge?

A judge has the authority to rule on matters of conduct, settle disputes of evidence and procedure, and guide the questioning of witnesses. Defendants decide the role of the judge when selecting a jury or bench trial. In a jury trial, the

judge instructs jurors on what points of law and evidence they must or must not consider before reaching a verdict. If a defendant waives his or her right to a jury, the judge will decide the case in what is known as a bench trial.

Prior to any trial, judges rule on motions to suppress evidence.

Judges also address legal questions as they arise throughout the trial.

With the exception of some jury trial cases involving the death penalty, judges decide on types and lengths of sentences according to the law. The judge also sets specific conditions of probation sentences and determines the circumstances under which probation may be revoked.

What is a state's attorney?

Also called prosecutors, state's attorneys represent the people of Illinois. They screen cases to determine whether to seek an indictment or reduce charges in cases presented to them. They file formal charges against defendants, coordinate testimony of victims and witnesses, and participate in jury selection on behalf of the state.

Because defendants are presumed innocent until proven guilty, prosecutors must prove to the judge or jury beyond a reasonable doubt that the defendant is guilty. A defendant bears part

QUESTIONS & ANSWERS

of the burden of proof in a case when he or she has pleaded self-defense, provocation, or insanity.

What is a public defender?

Any person who is charged with a crime has a constitutional right to an attorney. If the accused cannot afford an attorney, the court will appoint a public defender.

What is a jury?

Defendants may choose whether to have their case decided by a judge or by a jury of their peers. Jurors are citizens over age 18, selected randomly from voter registration, driver's license, or state I.D. card lists. They listen to and review evidence presented by prosecutors to determine the outcome of a case.

A jury also may determine whether the defendant is eligible for the death penalty. If the defendant is eligible, the jury will then review case evidence of aggravating or mitigating circumstances and hear from character witnesses to determine whether to impose the sentence. A jury must unanimously agree before the court can impose a death sentence on an offender. If it is determined the defendant is not eligible for the death penalty, the judge will impose a term of imprisonment.

How are juries formed?

Selected randomly, potential jurors are notified by mail of the day and time for which they are scheduled. Prosecutors and defense attorneys in each case select members from that day's pool of prospective jurors using a process called *voir dire*, a preliminary examination by which attorneys evaluate the competency of a potential juror. Prosecutors and defense attorneys are allowed to

dismiss potential jurors for cause, such as showing bias or having personal knowledge of the case. Attorneys also may dismiss a certain number of jurors for any reason except race, ethnicity, or gender.

What is a circuit court?

Circuit courts are trial courts, and are administered in 22 judicial circuits statewide. Circuit courts resolve the majority of felony, misdemeanor, and juvenile delinquency cases, and some non-criminal matters. Each Illinois county is assigned to a specific judicial circuit.

What cases are heard in an appellate court?

In cases of appeal, appellate courts ensure that trial courts have correctly interpreted the law. During an appeal, trial records are reviewed and arguments from both sides are heard regarding legal issues in each case. Appellate courts do not receive evidence, or decide the facts of a case.

If the court finds the appeal has merit, it can reverse or modify the circuit court's decision. The appellate court can dismiss a decision if it has concluded that charges were based on insufficient evidence.

While defendants can appeal a judge's or jury's decision in a case, state's attorneys may not appeal a circuit court's finding of 'not guilty.' State's attorneys may appeal orders to suppress case evidence, however.

What cases are decided by the Illinois Supreme Court?

The state's highest judicial entity, the Supreme Court issues opinions, considers changes to judicial rules, and decides appeals from lower courts. Circuit court cases in which the death sentence has been imposed, or in which a statute has been found unconstitutional, are appealed directly to the Supreme Court.

While only defendants may appeal a final circuit court decision to an appellate court, either party in an appellate court decision may appeal to the Supreme Court. The Supreme Court also hears appellate court appeals to resolve constitutional questions. It is left to the Supreme Court's discretion whether to hear an appeal from the appellate court. The Supreme Court is in session five months per year.

Why are grand juries formed?

A grand jury is a panel selected to hear evidence against accused individuals and decide whether the evidence is sufficient to go to trial.

Grand juries in Illinois consist of 16 jurors who must be U.S. citizens and registered voters in the county of the court. Twelve jurors must be present for court proceedings and nine votes are needed to present a formal accusation of charges against, or indict, a suspect.

Grand jury proceedings are secret, and often are used when sensitive information must be protected, such as the identity of an undercover officer or informant. Some cases may involve suspects who might flee if they become aware of pending criminal charges. A grand jury investigates general criminal activity and the conduct of public officials and agencies.

When a suspect is indicted, the grand jury returns a true bill. The state's attorney will then prepare an indictment, and the defendant will be charged in the case. When the grand jury rejects charges against an individual, a no true bill is returned.

State's attorneys may press felony charges against a defendant only after presenting a case before a grand jury or at a preliminary court hearing.

What is an arraignment?

Arraignment is the formal process of charging the defendant with one or more offenses. At this point, the defendant enters a plea before a judge. If the defendant pleads guilty to the charges, the case proceeds to the sentencing hearing. A trial date will be set following a plea of not guilty.

How is information presented during a trial?

Evidence is presented and witnesses are questioned in the same manner during jury and bench trials. First, the state's attorney presents evidence to prove the defendant committed a crime. The state's attorney may call witnesses to the stand to relate information that could help prove the defendant's guilt. Defense attorneys may cross-examine, or further question, the state's attorney's witnesses, and argue the validity of evidence presented by the state's attorney. The defense attorney also may present evidence proving the defendant's innocence, and bring witnesses before the jury who will testify on the defendant's behalf. The jury or the judge is then asked to review the facts of the case and decide whether the defendant is guilty.

ANSWERS TO QUIZ

- 1) **A.** A grand jury consists of 16 jurors, although only 12 must be present to perform the jury's functions.
- 2) **A.** Defendants are formally charged and enter a plea during an arraignment.
- 3) **B.** The appellate court ensures that trial courts have correctly interpreted the law by reviewing the record of the circuit court proceedings.