



Criminal justice system

The courts



The criminal justice system incorporates several governmental institutions to prevent and deter crime, and sanction those who violate laws with criminal penalties and rehabilitation efforts. This *Get the Facts* provides an overview of the court system, including the roles of judges, attorneys, and juries, and the different types of courts.

What is a circuit court?

Circuit courts are trial courts, administered in 23 judicial circuits state-wide. Circuit courts resolve all state felony, misdemeanor, and juvenile delinquency cases. Each Illinois county is assigned to a specific judicial circuit. Bond and arraignment hearings also occur in circuit courts.

What is a state's attorney?

Also called prosecutors, state's attorneys represent the people of Illinois. They screen cases to determine whether to prosecute an individual after he has been arrested. They file formal charges against defendants and coordinate testimony of victims and witnesses. 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.

What is a public defender?

Any person charged with a crime has the constitutional right to an attorney. If an individual is deemed indigent, or unable to pay for legal representation, the court will appoint an attorney, also known as a public defender. When public defenders are not available, the court will appoint and pay for a private defense attorney to handle your case. During trials and hearings, public defenders cross-examine, or further question, the state's attorney's witnesses, and argue the validity of evidence presented by the state's attorney. The public defender also may present evidence to argue that the defendant is not guilty, and bring witnesses before the judge or jury who will testify on the defendant's behalf.

What is a jury?

Defendants may choose whether to have their case decided by a judge or by a jury of their peers. Juries listen to and review evidence presented by prosecutors to determine the outcome of a case. Potential jurors are citizens over age 18, selected randomly from voter registration, driver's license, or state identification card lists. Typically, 12 jurors will hear a case. Jurors must reach a unanimous decision in order to hand down a guilty or not guilty verdict.



What is the role of a judge?



Judges manage cases through the pretrial, trial and sentencing stages. In the pretrial stage, judges enter orders to advance the case to ensure each side reveals pertinent information to the other and hear pretrial motions, such as motions to suppress evidence. At the trial stage, if the defendant waives his right to a jury trial, the judge will hear the evidence and decide whether the defendant is guilty or not guilty in what is called a bench trial. In a jury trial, the jurors hear the evidence to decide the case and the judge only rules upon issues of law, such as whether certain evidence can be considered.

If a defendant is found guilty after either type of trial, the judge will decide the type and length of sentence to be imposed. If a defendant is sentenced to probation, the judge will also set the probation conditions. The judge may later determine whether the defendant has violated the conditions of probation and take appropriate action.

What cases are heard in an appellate court?



After an offender has been sentenced, he may file an appeal asking the appellate court to review the actions of the trial court in the case. Appellate courts only consider legal issues and the record of proceedings in the trial court, including transcripts of testimony. Legal issues might include whether the trial court was correct in allowing or prohibiting certain evidence, correctness of legal instructions given to the jury, and whether the trial was properly conducted. If the court determines that the evidence was not sufficient to establish proof of guilt beyond a reasonable doubt, the conviction may be reversed. If the court rules certain legal errors occurred in the trial that affected the outcome of the case, the conviction or sentence may be reversed and the case may be sent back to the trial court for a new trial or a new sentencing hearing.

New evidence may not be introduced at the appellate court level.

What cases are decided by the Illinois Supreme Court?

The state's highest judicial entity, the Illinois Supreme Court issues opinions, considers changes to judicial rules, and decides appeals from lower courts.

The side that lost a case in appellate court may ask Illinois Supreme Court to hear the case by filing a petition to appeal. Whether to accept the appeal is up to the discretion of the supreme court. If the supreme court refuses the petition to appeal, the appellate court's decision is the final decision in the case. In rare cases, the losing party may bypass the appellate court and appeal directly to the supreme court.

About *Get the Facts: Criminal Justice System*



The *Get the Facts: Criminal Justice System* series was created to answer common questions about the criminal justice system. Other topics in this series include victims' rights, arrests, corrections, and criminal records.

