## Introduction to the Levels and Functions of Criminal Courts

### Rationale
The criminal courts play a key role in regulating society in Texas. It is important to understand the role that each court plays and its respective jurisdiction.

### Objectives
The student will be able to:
1. Identify key terms associated with criminal courts
2. Identify the levels and functions of criminal courts

### Engage
Do an Internet search for the following: Show the Hank Skinner Given Stay of Execution video. It reports the stay of execution issued by the Texas Court of Criminal Appeals for a death row inmate. Show the video to the class. Discuss the levels of courts this appeal would have gone through to make it from prosecution to a stay of execution. As a class, create a flow chart of which courts were involved in this type of case. Use the Discussion Rubric and the Individual Work Rubric for assessment.

### Key Points

#### I. Key Terms
A. Concurrent jurisdiction – two levels of courts that have the same authority to try the same types of cases
B. Court of record – trial proceedings are recorded by a court reporter
C. Trial de novo – a completely new trial
D. Probate – proving that a deceased person’s will is valid, identifying and inventorizing the deceased’s property, having the property appraised, paying debts and taxes, and distributing the remaining property as the will directs

#### II. Levels and Functions of Criminal Courts
A. City level courts
   1. Municipal court
      a) 1,414 judges
      b) 917 cities
      c) Exclusive original jurisdiction over the municipal ordinance criminal cases
      d) Limited civil jurisdiction in the cases concerning dangerous dogs
      e) Has magistrate functions
      f) Includes the local trial court with limited jurisdiction
   2. Justice of the Peace court
      a) 821 judges
      b) 821 courts
      c) Handles civil actions of not more than $10,000

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d) Handles small claims
  
e) Handles misdemeanors punishable by fine only
  
f) Has magistrate functions
  
g) Conducts death inquiries when a prisoner dies in custody

B. County level courts

1. Constitutional County Court
   
a) One court for each county (254 counties)
   
b) Established by the U.S. Constitution
   
c) Has concurrent jurisdiction with the Justice of the Peace courts and the district courts in civil cases
   
d) Has a county judge who serves as the head of the county government which includes administrative duties
   
e) Original jurisdiction in civil actions from $200 – $10,000
   
f) Handles probate matters
   
g) Exclusive jurisdiction over misdemeanors with fines greater than $500 or jail sentences
   
h) Handles juvenile matters
   
i) Appeals for new trials from lower courts or on the record from municipal courts of record

2. County court at law (statutory)
   
a) 222 courts
   
b) 84 counties
   
c) Created by legislature to alleviate the judicial role from the Constitutional County Courts
   
d) Jurisdiction includes all civil, criminal, original, and appellate actions prescribed by law for constitutional county courts
   
e) Jurisdiction over civil matters up to $100,000

3. Statutory probate courts
   
a) 18 courts
   
b) 10 counties
   
c) Jurisdiction limited to probate matters

C. State level courts

1. District court (trial court)
   
a) 444 courts
   
b) 444 judges
   
c) 347 districts containing one county and 97 districts containing more than one court
   
d) Original jurisdiction in civil actions
      
(1) $200 to $500
(2) Divorce
(3) Title to land
(4) Contested elections

  
e) Original jurisdiction in felony criminal matters
   
f) Handles juvenile matters
   
g) 13 district courts are designated criminal district courts; some others are directed to give preference to certain specialized areas
1. Civil
2. Juvenile
3. Family

2. Court of Appeals (intermediate appellate court)
   a) 14 courts
   b) 80 justices
   c) Handles intermediate appeals from trial (district) courts in their respective Courts of Appeals districts

3. Court of Criminal Appeals (highest criminal appellate court)
   a) One court
   b) 9 judges (one presiding judge and eight other judges)
      (1) Elected by statewide election
      (2) Six-year terms
   c) Final appellate jurisdiction in criminal cases
   d) Located in Austin, TX

4. Supreme Court (highest civil appellate court)
   a) One court
   b) 9 judges (a Chief Justice and eight other justices)
      (1) Elected positions
      (2) Six-year terms
      (3) Must be at least 35 years of age
      (4) Must be a Texas citizen
      (5) Must be licensed to practice law or
      (6) Must have been a judge in a court of record and practiced law together for at least ten years
   c) Final appellate jurisdiction in civil and juvenile cases
   d) Located in Austin, TX

Activities
Court Case Research. Assign each student one of the levels of courts discussed in this lesson (Note: this assignment may also be a group research and presentation activity).

Have the students research the assigned court for their geographical area and answer the questions on the Court Case Research Handout (Note: students may need to contact the court for the specific information needed for this assignment). Use the Research Rubric for assessment.

Assessments
Introduction to the Levels and Functions of Criminal Courts Exam
Discussion Rubric
Individual Work Rubric
Research Rubric

Materials
Introduction to the Levels and Functions of Criminal Courts computer-based presentation
Court Case Research Handout
Computer with Internet access

Resources
Texas County at Law Courts
http://www.courts.state.tx.us/courts/pdf/MapOfCountyCourtsAtLaw.pdf
Texas Courts http://www.courts.state.tx.us/pubs/court-overview.pdf
Texas Court of Criminal Appeals http://www.cca.courts.state.tx.us/
Texas District Courts http://www.courts.state.tx.us/courts/district.asp
Texas Supreme Court http://www.supreme.courts.state.tx.us/
Do an Internet search for the following:
  • Hank Skinner Given Stay of Execution video
  • Legal encyclopedia probate

Accommodations for Learning Differences
For reinforcement, the students may create a flowchart of the different courts from the lowest to the highest. They will list the court, along with its jurisdiction and show how the system moves from the municipal to highest state courts. Use the Individual Work Rubric for assessment.

For enrichment, the students will compare and contrast the Texas court system with at least two other state court systems. Use the Research Rubric for assessment.

State Education Standards
Texas Essential Knowledge and Skills for Career and Technical Education
§130.292. Principles of Law, Public Safety, Corrections, and Security (One-Half to One Credit).
  (9) The student identifies the roles and functions of court systems.
      The student is expected to:
      (B) identify the levels and functions of criminal courts;

College and Career Readiness Standards
Cross-Disciplinary Standards
I. Key Cognitive Skills
D. Academic behaviors
  1. Self-monitor learning needs and seek assistance when needed.
  2. Use study habits necessary to manage academic pursuits and requirements.
  3. Strive for accuracy and precision.
  4. Persevere to complete and master tasks.
Court Case Research Handout

Justice of the Peace/Municipal Court
1. Which of these courts exists in your jurisdiction?
2. Who is the magistrate for this court?
3. How long has the magistrate been in his or her position?
4. What are the requirements to be a magistrate in either of these courts?
5. What are some of the other duties of the magistrate(s)?
6. What is the jurisdiction of these courts?
7. What types of cases are handled in these courts?
8. What are some of the other duties of the magistrate(s)?
9. Are there any special programs offered to persons coming through these courts such as, Teen Court programs, Deferred Adjudication, or First Offender programs?
10. Is this court a court of record?

County Courts
1. What types of county courts does your county of residence have?
   If there is more than one type of county court, select the one that most interests you, then answer the following questions:
2. Who is the judge for that court?
3. How long have they been in that position?
4. What are the requirements to be a judge in that court?
5. What are some of the judge’s other duties?
6. What is the jurisdiction of the court?
7. What type of cases does the court handle?
8. What is the most common type of case that this court hears?
9. Is this a Constitutional County Court, a County Court at Law or Statutory Probate Court?
10. Report on a local case decided in this court to discuss with the class.

State District Courts
1. How many district courts does your county contain? How many are criminal district courts?
2. Who is the judge for the district court(s)?
3. How long have they been in that position?
4. What are the requirements to be a judge in that court?
5. What do some of their duties include?
6. What is the jurisdiction of the court?
7. What type of cases do they handle?
8. What is the most common type of cases they hear?
9. What types of sentencing options are available at the district level?
10. Report on a local case that was decided in this court and discuss it with the class.

State Appellate Court
1. How many courts of appeals exist in your county?
2. Who is the judge for the appellate court?
3. How long have they been in that position?
4. What are the requirements to be a judge at this level?
5. What are some of their duties?
6. What is their jurisdiction?
7. What is the most common type of case?
8. What kind of cases do they hear?
9. What happens if a case is overturned on appeal?
10. Report on a local case that was decided in this court that made headlines.

State Court of Criminal Appeals
1. Who are the nine judges that sit on this court?
2. What are the requirements to be a judge in this court?
3. What are some of their duties?
4. What is their jurisdiction?
5. What happens to a case that is overturned in this court?
6. What is the most common type of case heard in this court?
7. Where is the Texas Court of Criminal Appeals located?
8. Report on a local case that was overturned by the Texas Court of Criminal Appeals that greatly impacted your community?

Texas Supreme Court
1. Who is the Chief Justice and the eight other justices?
2. What are the requirements to be a judge in this court?
3. What are some of their duties?
4. What is their jurisdiction?
5. What is the most common type of case this court hears?
6. Where is the Texas Supreme Court located?
7. What happens if a case is overturned in this court?
8. Report on a local case that was overturned by the Texas Supreme Court that greatly impacted your community.
Introduction to the Levels and Functions of Criminal Courts Exam

1. ____ Two levels of courts that have the same authority to try the same type of cases
   A. Probate court
   B. Concurrent jurisdiction
   C. Trial de novo
   D. Court of record

2. ____ When a defendant is granted a completely new trial, it is called what?
   A. Trial de novo
   B. Concurrent jurisdiction
   C. Probate
   D. Court of record

3. ____ Proving a deceased person’s will is valid, identifying and inventorying his or her property, having that property appraised, paying his or her debts and taxes, and distributing his or her remaining property as the will directs are all cases that would be heard in which court?
   A. Juvenile court
   B. Family court
   C. Probate court
   D. Criminal court

4. ____ The two lowest level courts
   A. Court of Appeals/District Court
   B. District Court/Constitutional County Court
   C. County Court at Law/Municipal Court
   D. Municipal Court/Justice of the Peace

5. ____ Which court has jurisdiction over civil cases involving dangerous dogs?
   A. Municipal Court
   B. County Court at Law
   C. Justice of the Peace
   D. District Court

6. ____ Which court is responsible for death inquiries for inmates that die in custody?
   A. Municipal
   B. Constitutional County Court
   C. Justice of the Peace
   D. County Court at Law
7. _____ Which of the following is not a state level court?
   A. District Court
   B. Probate Court
   C. Court of Appeals
   D. Texas Supreme Court

8. _____ Which court was created by the constitution to serve all 254 counties in Texas?
   A. Statutory County Court at Law
   B. District Court
   C. Constitutional County Court
   D. Texas Supreme Court

9. _____ In which court does the judge serve as the head of the county government?
   A. County Court at Law
   B. District Court
   C. Justice of the Peace
   D. Constitutional County Court

10. _____ Which county court was created to alleviate the judicial role from the Constitutional County Court?
    A. County Court at Law
    B. District Court
    C. Justice of the Peace
    D. Municipal Court

11. _____ Which court has original jurisdiction in civil actions between $200 to $500 and dealing with divorce, title to land, and contested elections?
    A. County Court at Law
    B. Justice of the Peace
    C. Texas Supreme Court
    D. District Court

12. _____ Which court hears intermediate appeals from the trial courts in their respective court of appeals districts?
    A. District Court
    B. County Court at Law
    C. Court of Appeals
    D. Criminal Court of Appeals

13. _____ Which court has nine judges and is the highest criminal appeals court in Texas?
    A. Court of Appeals
    B. Criminal Court of Appeals
    C. District Court
    D. Texas Supreme Court
14. _____ Which Texas Court has one Chief Justice and eight justices who must be licensed to practice law?
   A. Texas Supreme Court
   B. Criminal Court of Appeals
   C. Court of Appeals
   D. District Court

15. _____ Which court has final appellate jurisdiction over civil and juvenile cases?
   A. Criminal Court of Appeals
   B. Court of Appeals
   C. District Court
   D. Texas Supreme Court
Introduction to the Levels and the Functions of Criminal Courts Exam Key

1. B
2. A
3. C
4. D
5. A
6. C
7. B
8. C
9. D
10. A
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12. C
13. B
14. A
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# Discussion Rubric

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<td>Participates in group discussion</td>
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<td>Encourages others to join the conversation</td>
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<td>Keeps the discussion progressing to achieve goals</td>
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<td>Shares thoughts actively while offering helpful recommendations to others</td>
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<td>Gives credit to others for their ideas</td>
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<td>Respects the opinions of others</td>
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<td>Involves others by asking questions or requesting input</td>
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<td>Expresses thoughts and ideas clearly and effectively</td>
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**Total Points (32 pts.)**

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<td>Follows directions</td>
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<td>Student used time wisely and remained on task 100% of the time</td>
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<td>Student kept notes and materials in a neat, legible, and organized manner. Information was readily retrieved</td>
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<td>Evidence of learning</td>
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<td>Student documented information in his or her own words and can accurately answer questions related to the information retrieved</td>
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<td>Student used a variety of methods and sources to gather information. Student took notes while gathering information</td>
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# Research Rubric

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<td>and summary or conclusions persuasively.</td>
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<td>Student demonstrated skill in the use of media</td>
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