

- **Jurisdiction** refers to the power of a court to hear and decide a case based on consideration of geography, hierarchical structure, subject matter, and power of persons.
- Federal courts are courts of limited subject matter jurisdiction.
 - Federal trials usually take place in federal district courts, whereas appeals as a right are adjudicated in federal circuit courts of appeals.
 - The highest federal court is the U.S. Supreme Court; it exercises original jurisdiction over a handful of rare cases, and its docket consists primarily of appeals it elects to adjudicate through the certiorari process.
- State courts of **original jurisdiction** are usually divided into
 - Courts of limited jurisdiction with trial jurisdictions that either include no felonies or are limited to less than all felonies, and
 - Higher courts of general jurisdiction with trial jurisdiction over all criminal offenses, including all felonies.
 - Appeals as a right are adjudicated in state intermediate courts of appeals, whereas state high courts of last resort primarily exercise discretionary appellate jurisdiction.
- Prosecutors possess great **discretion** in deciding whether to charge someone and, if so, with what specific crimes so long as they do not exercise this discretion selectively (which would violate equal protection) or vindictively (which would violate due process).
- In federal court and in several states, **grand juries review the preliminary evidence in felony cases.**
 - They issue an **indictment** if there is probable cause to require a defendant stand trial on felony charges.
 - In some states, the defendant may waive grand jury review and opt to have a judge determine probable cause to stand trial on felony charges at a preliminary hearing.
 - For most misdemeanors and for felony prosecutions in select states, a defendant may be formally charged either by the filing of a complaint or information.
- A person who has been arrested without a warrant is required by statute to be brought before a magistrate for an **initial appearance**, which typically must occur within 48 hours of a warrantless arrest so that a judicial officer may evaluate the legality of the arrest.
- **Bail** serves as a form of security designed to guarantee that in exchange for being released from custody pending the disposition of criminal charges, the accused promises to return to court as needed.
 - If the defendant appears in court when requested, the security is returned.
 - Although the 8th amendment does NOT guarantee bail, it does mandate that bail not be excessive.
- Formal **pleas to criminal charges are entered at an arraignment.**
 - Initial pleas of “not guilty” are changed to “guilty pleas” in upward of 90% of all felony prosecutions after a plea bargain is negotiated.
- **Discovery** is a procedure whereby the defendant and the prosecution are both allowed to inspect, examine, copy, or photograph items in the possession of the other party.

- Although there is no general constitutional right to discovery in criminal cases, due process requires that all exculpatory and impeachment evidence be turned over to the defense.
- Criminal defendants must be **competent to stand trial**, meaning they must understand the proceedings against them and be able to assist their attorney with their own defense.
- Evidence, which may directly or circumstantially prove a fact in issue, may be testimonial, physical, scientific, or demonstrative.
 - Evidence is introduced to overcome presumptions and allow for inferences to be drawn that might satisfy the burden of persuasion at different stages of a case.
 - Ultimately, it is the prosecution's burden to prove the existence of each and every element of a crime beyond a reasonable doubt.
- To deter police misconduct, the **exclusionary rule** requires that any evidence obtained by police using methods that violate a person's constitutional rights must be excluded from use in a criminal prosecution against the person.
- The **exclusionary rule** does NOT apply to evidence obtained illegally by a private citizen unless the private citizen acts as an agent of the police.
 - This may happen if police order the private citizen to conduct a search or seizure.
- The **exclusionary rule** does NOT apply to evidence used in certain civil trials, deportation hearings, grand jury proceedings, parole-revocation hearings, or habeas corpus proceedings or to evidence used to impeach a defendant's testimony at trial.
 - It also does not apply to violations of the knock-and-announce rule.
- Under the **fruit of the poisonous tree doctrine**, evidence is inadmissible in court if it was directly or indirectly obtained by exploitation of some prior unconstitutional police activity (such as an illegal arrest or search).
 - Evidence directly or indirectly obtained in this manner is called tainted evidence.
- The **fruit of the poisonous tree doctrine** does NOT require suppression of the tainted evidence if
 - The evidence was also obtained through a source wholly independent of the primary constitutional violation,
 - The evidence would inevitably been discovered by some other lawful means already in progress, or
 - The means of obtaining the tainted evidence were sufficiently remote from and distinguishable from the primary illegality.
- Under the **good-faith exception** to the exclusionary rule, evidence obtained by police who acted in good faith in objectively, reasonable reliance on a warrant or statute is admissible, even if the warrant or statute is subsequently determined invalid.
- To have **standing** to invoke the exclusionary rule challenging the admissibility of evidence, a defendant must have been allegedly violated in obtaining the evidence.