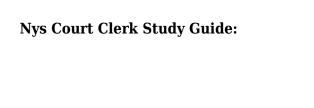
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#### SHORT ANSWER: (17 of 19 - 5 pts. Each)

- 1. Define and explain the difference between criminal law and civil law
  - Criminal law → defines criminal offenses with substantive law
  - Civil law → all state and federal laws pertaining to non criminal activity
- Name and describe the three functions of law.
  - Social control → efforts by society to regulate the behavior of its member
  - 2. Dispute resolution → civil action intended to solve conflicts between two parties
  - Social change → the use of law to modify ideas and practices.
- b. List and define the burdens of proof in a criminal and a civil case.
  - Civil case → the plaintiff must prove that the defendant was negligent by preponderance of evidence... the greater weight of information is in favor or against the defendant
  - Criminal case → the prosecution must prove beyond a reasonable doubt that the
    defendant committed the crime, it is used to establish guilt based on evidence
    presented
- Define a trial court and an appellate court and explain how a case moves through the different levels of court. (Include: Court of last resort, amicus curia, rule of 4, harmful error).
  - 1. Trial court → determine if the defendant is guilty or innocent
  - 2. Appellate court → determine whether the law was applied correctly
  - 3. Court of last resort → highest judicial court; supreme court
  - Amicus curiae ("friend of the court") → briefs filed by one party on behalf of another
  - Rule of 4 → 4/9 justices must agree to hear a case, if it is of constitutional merit or national importance
  - Harmful error → errors made by judges that may be prejudicial to a defendant's case
- Define and explain the difference between geographical, hierarchical, and subject matter jurisdiction.
  - Geographical jurisdiction → the authority of a court to hear a case based on legally defined boundaries; cities, counties, or states
  - Hierarchical jurisdiction → distinction between courts at different levels, where one
    court is superior to another and has the power to hear appeals from lower court
    decisions.
  - Subject matter jurisdiction → the type of case the court has authority to hear
- Describe and define some unethical actions of prosecutors (include backdoor hearsay, malicious prosecution, and exculpatory evidence).
  - Backdoor hearsay → mention or comment about evidence against the accused that is not admissible evidence
  - Malicious prosecution → when prosecutors bring charges against the accused with full knowledge that the accused is innocent of the crimes alleged
  - Exculpatory evidence → testimony, or any form of evidence that show the innocence
    of the defendant
- Define ethical code and Rules of Criminal Procedure and describe how they guide prosecutors.
  - Ethical code → rules of professional responsibility articulated by professional associations

# **Nys Court Clerk Study Guide**

**PT Brinkman** 



#### Decoding Nys Court Clerk Study Guide: Revealing the Captivating Potential of Verbal Expression

In an era characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its power to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**Nys Court Clerk Study Guide**," a mesmerizing literary creation penned by way of a celebrated wordsmith, readers embark on an enlightening odyssey, unraveling the intricate significance of language and its enduring effect on our lives. In this appraisal, we shall explore the book is central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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