



THE SUPREME COURT *of* OHIO

Off-Site Court Program

Teacher Guide

Sources of Law



- **Constitutional Law:** Interpretation and application of constitutions in everyday life.
 - **U.S. Constitution:** Outlines federal government's structure and powers and establishes basic law in the U.S.
 - **Ohio Constitution:** Establishes basic law for Ohio.
 - U.S. Constitution takes precedence
- **Statutory Law:** Dealing with laws written by federal and state legislative authorities known as statutes.
 - U.S. Congress enacts statutes for entire nation. Ohio General Assembly enacts statutes applying to Ohio.
 - City/Village councils enact local laws called ordinances.
 - Municipal ordinances cannot conflict with state law.

Sources of Law



- **Administrative Law:** Offers rules and guidance to activities governed by statutes and ordinances.
 - Once adopted, carry the same force of law as statutes and can be enforced by the courts.
 - Cover activities such as hunting, fishing, public recreation, sanitation, land use, and industrial safety.
- **Common Law:** Large body of law grown out of society's customs and created by the courts.
 - Unifies the other types of law and gives continuity to the law.
 - *Precedent:* When a court decides a case and records its decision in a written opinion.
 - *Torts* are governed almost entirely by common law.

Types of Law



- **Criminal Law**
 - **Felonies:** Serious crimes carrying a potential penalty of six months or more in a state prison to a penalty of death for aggravated murder in Ohio.
 - **Misdemeanors:** Less serious crimes ranging from speeding to drunken driving or simple assault. Lesser penalties than felonies.



Criminal Law & Constitutional Rights



The U.S. and Ohio Constitutions provide people accused of crimes with basic rights that are designed to protect the individual from unreasonable government intrusion and to ensure fundamental fairness.

These rights are so important that violating them may result in the suppression of evidence or dismissal of criminal charges and/or charges against those responsible for violating those rights.

- **Guaranteed Under the Law**
 - Equal Protection (14th Amendment)
 - Due Process
 - Double Jeopardy
 - Search and Seizure
 - Trial by Jury
 - Review on Appeal (Ohio)

Types of Law



- **Civil Law:** Regulates relations between individuals.
 - Plaintiffs and Defendants
 - Marriage, divorce, contracts, wills, adoptions, negligence, etc.
 - Citizens and state/federal government can bring civil actions.

- Main Differences between Criminal and Civil Law
 1. The parties who may bring the actions
 2. The societal purposes for the actions
 3. The procedural rules and requirements for prosecuting criminal and civil actions



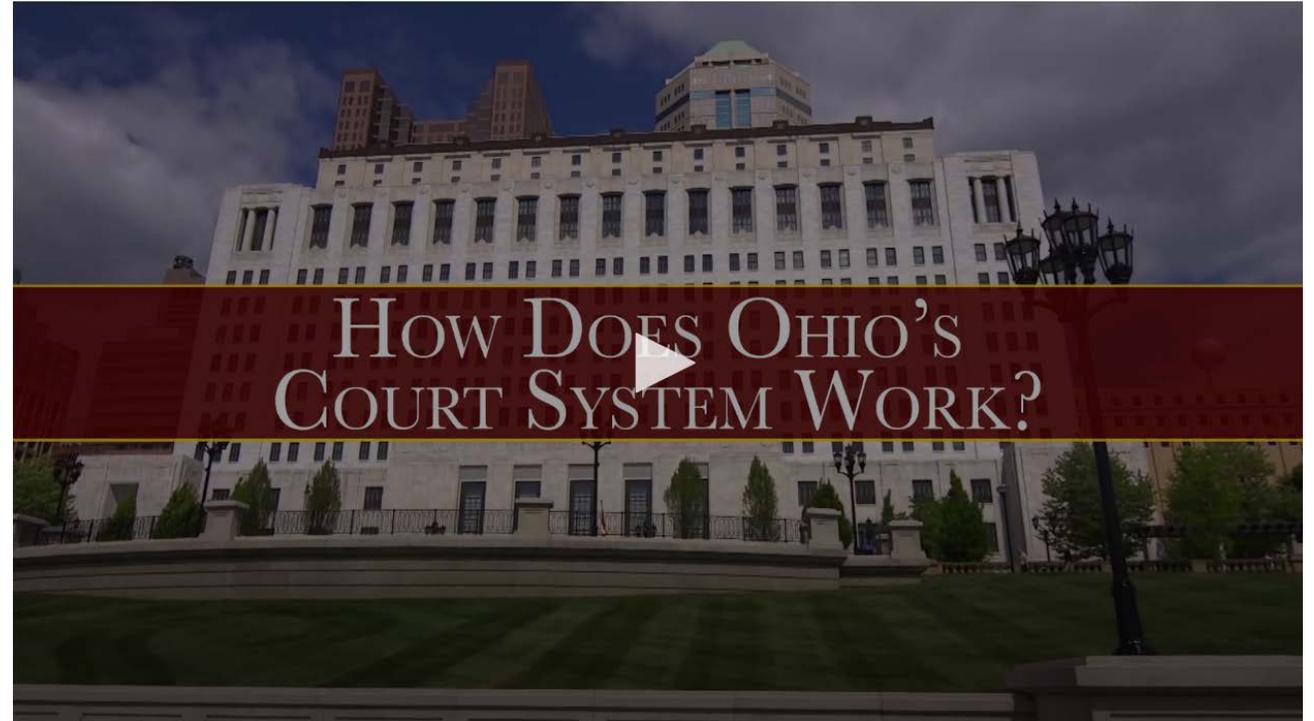
Activity Sheet #1

The Courts



The courts oversee and administer the law. Like other states, Ohio is served by separate state and federal court systems organized into trial courts, intermediate courts of appeals, and a Supreme Court in each system.

State courts deal primarily with cases arising under state law and federal courts deal primarily with cases arising under federal law.



[How Does Ohio's Court System Work?](#)

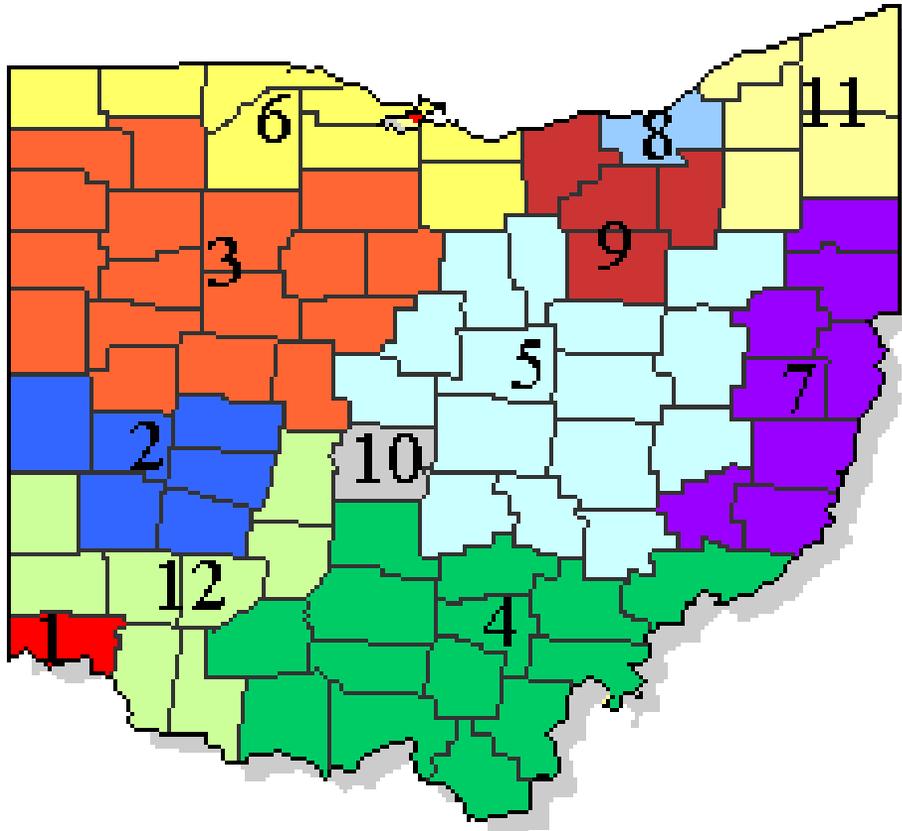
Ohio Trial Courts



Williams County Courthouse,
Bryan, OH

- *Venue*: Geographical location where a case is heard
- *Jurisdiction*: Power and authority to decide a case
- Common Pleas Courts (in all 88 counties)
- Municipal & County Courts
- Mayor's Courts (not courts of record)

Ohio Court of Appeals



- 12 District Courts
- Three-judge panels review questions brought from the trial courts
- Do not hear new testimony
- No new evidence
- No jury

The Supreme Court of Ohio



- Ohio's Court of Last Resort
- Original jurisdiction in certain extraordinary cases
- Appeals generally come from district appeals courts
- Required to hear some cases
- Most of its jurisdiction is discretionary
- Selects cases of great importance or public interest

The Supreme Court of Ohio



- Other duties include prescribing rules of procedure for and providing general oversight of all lower courts, and overseeing the practice of law by attorneys.
- Consists of one chief justice and six justices.



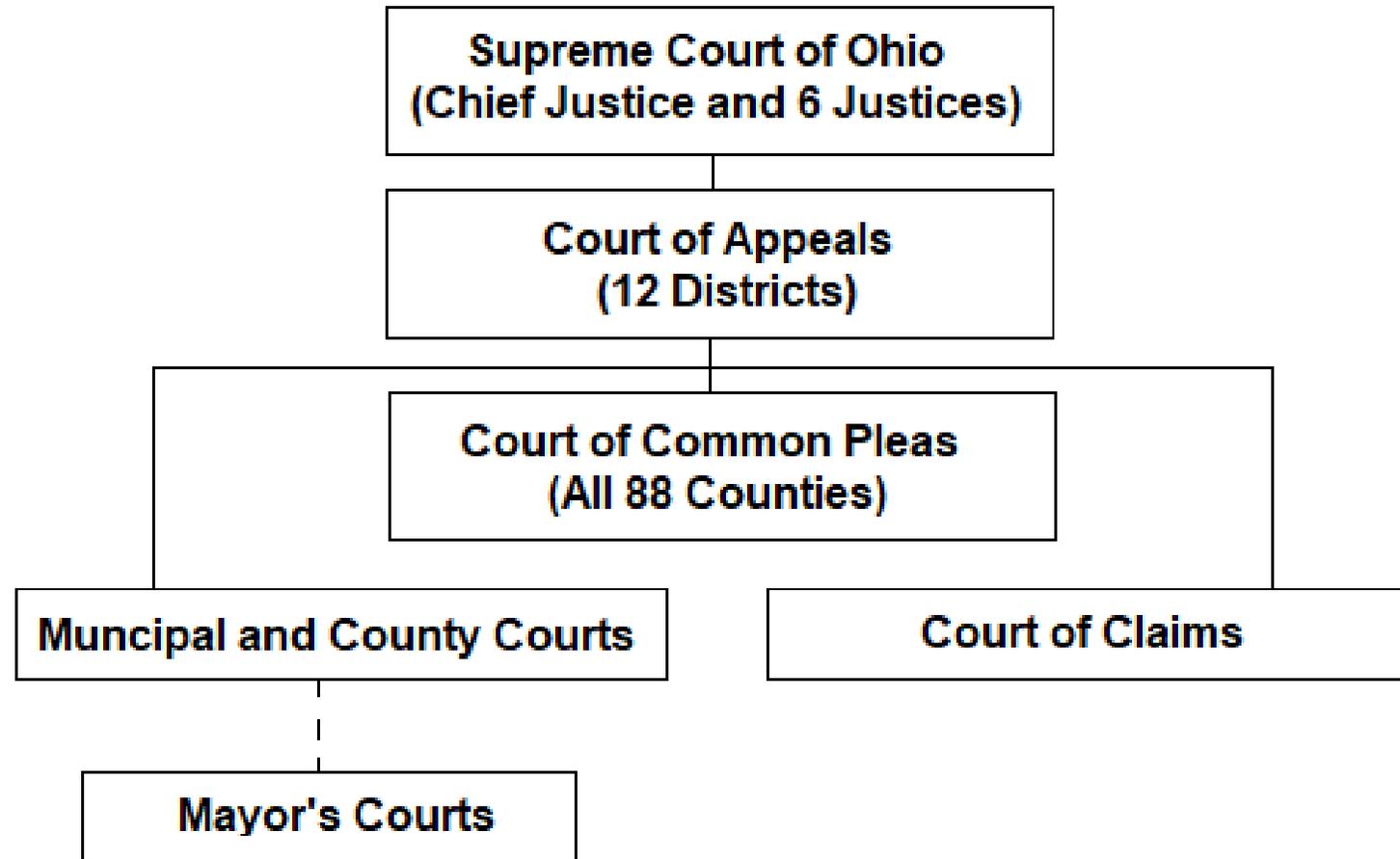
[A Day in the Life](#)

Justices & Judges in Ohio



- All justices and judges in Ohio are elected to six-year terms.
- Judicial candidates must be licensed attorneys with at least six years of experience.
- All judicial races on the general election ballot are considered non-partisan; however the primaries are partisan.
- Ohio elects justices for the Supreme Court and judges for common pleas, county courts, and the Ohio Court of Appeals in even-numbered years. Municipal court judges are elected in odd-numbered years.
- No judge or justice can start a new term in office after turning 70.

Structure of the Ohio Court System



Federal Courts



- U.S. District Courts = Trial Courts
 - Handle criminal cases that arise under federal statutes
 - Handle civil cases including bankruptcies, patents & copyrights, interstate commerce, diversity cases
 - Two federal district courts in Ohio
 - Appointed to life terms by the president with Senate confirmation
- U.S. Courts of Appeals = Intermediate Appeals Courts
 - 13 circuits in the U.S. and its territories
 - Ohio is in Sixth Circuit along with Michigan, Kentucky, and Tennessee (based in Cincinnati)
 - Appointed to life terms by the president with Senate confirmation

The U.S. Supreme Court



United States Supreme Court Building,
Washington, DC

- Highest court in the nation and the court of last resort
- One chief justice and eight associate justices
- Appointed to life terms by the president with Senate confirmation
- Ultimate authority on many of the nation's most important issues



Activity Sheet #2

Understanding an Appellate Argument



- **State of Ohio v. Antwaun Smith**
- Smith arrested in January 2007 for drug-related charges.
- During the arrest, police seized his cell phone, which they later searched without a warrant.
- The cell phone search revealed contact between Smith and a crack-cocaine user who was a police informant.
- Smith was charged with possession of cocaine, trafficking in cocaine, tampering with evidence, and possession of criminal tools.
- Smith moved to suppress all evidence police obtained through the search of his cell phone.

State of Ohio v. Antwaun Smith

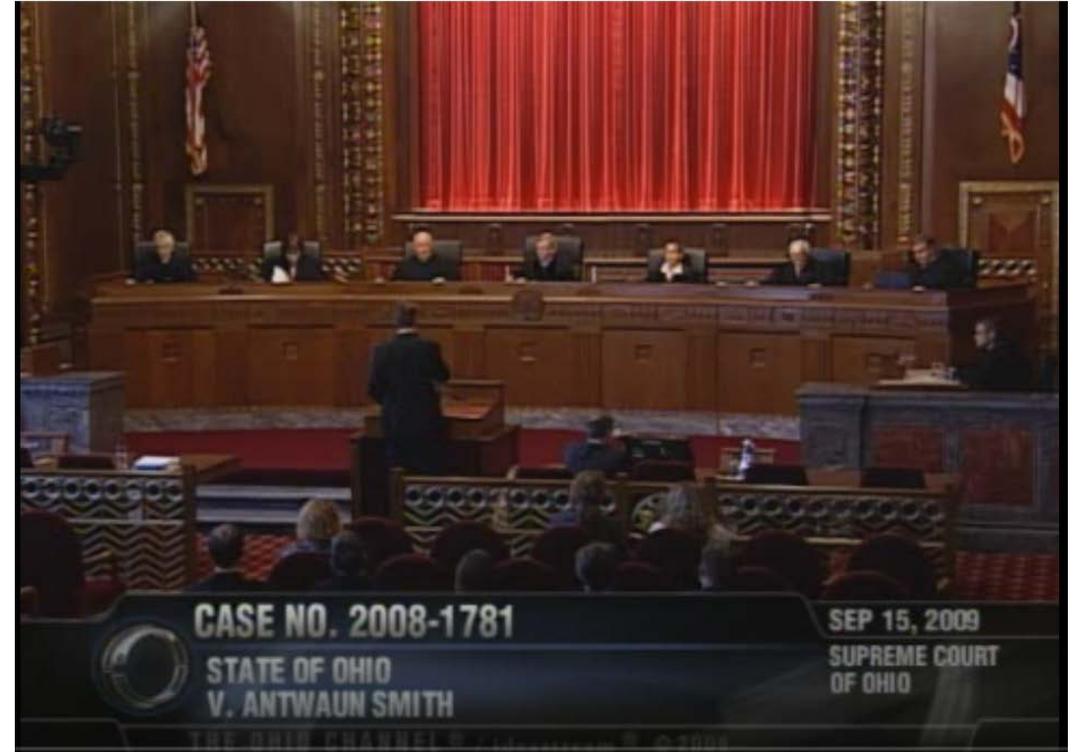


- Smith argued the officers violated his constitutional right against search and seizure.
- Greene County Court of Common Pleas judge denied the motion to suppress the call records and stored numbers, citing *United States v. Finley*.
- Smith was convicted on all counts and sentenced to 12 years in prison.
- Smith appealed, claiming the trial court erred in denying his motion to suppress evidence.
- Second District Court of Appeals affirmed the action of the trial court.
- Smith appealed to the Supreme Court of Ohio.

State of Ohio v. Antwaun Smith



- Supreme Court of Ohio heard the case on Sept., 15, 2009
- Issued opinion on Dec. 15, 2009
- 4-3 majority held that the trial court improperly admitted the evidence
- Case remanded to trial court for a new trial without evidence of cell phone call records

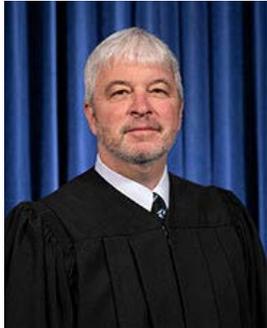


[State v. Smith](#)



Activity Sheet #3

Justices of the Supreme Court of Ohio



Justice
Donnelly



Justice
Fischer



Justice
Kennedy



Chief Justice
O'Connor



Justice
French



Justice
DeWine



Justice
Stewart