

TO ALL CIRCUIT COURT JUDGES, PROSECUTING ATTORNEYS
COUNTY CLERKS

BRIEF STATEMENT OF CIRCUIT COURT PROCEDURE

THE CIRCUIT JUDGE HAS JURISDICTION OVER BOTH CRIMINAL AND CIVIL MATTERS ARISING IN HIS COUNTY.

- I. (A) CIVIL MATTERS IN BOYS STATE COULD INCLUDE:
1. TORT ACTIONS: THIS IS INJURY OR DAMAGE TO A PERSON OR PERSONAL PROPERTY WHICH WOULD INCLUDE BEDDING, CLOTHING, EQUIPMENT, ETC.
 2. TRESPASS ACTIONS: THE UNLAWFUL GOING UPON ANOTHER'S PROPERTY.
 3. MANY OTHER GENERAL ACTIONS - LIBEL AND SLANDER, ETC.
- (B) POSSIBLE CRIMINAL ACTIONS:
1. RESISTING AN OFFICER
 2. ROBBERY
 3. DISTURBING THE PEACE.
 4. DISORDERLY CONDUCT AND ANY OTHER VIOLATION OF RULES OR ORDINANCES

II. PROCEDURE

(A) CIVIL ACTIONS:

THE PLAINTIFF, OR PARTY BRINGING THE LAWSUIT, FILES HIS WRITTEN OR ORAL DECLARATION OR BILL OF COMPLAINT, STATING THE NATURE OF HIS CASE, WITH THE COUNTY CLERK WHO ISSUES A SUMMONS WHICH CAN BE SERVED ON THE DEFENDANT BY THE SHERIFF OR ANY OTHER PERSON. THE SUMMONS STATES THAT A LAWSUIT HAS BEEN STARTED AGAINST THE DEFENDANT AND THAT HE MUST APPEAR AND ANSWER WITHIN A CERTAIN TIME. THE DEFENDANT'S ANSWER, ALSO IN WRITING OR ORAL, USUALLY DENIES THE CHARGES MADE BY THE PLAINTIFF OR ELSE STATES SOME FACTS WHICH JUSTIFY WHAT HE DID. THE ANSWER IS ALSO FILED WITH THE COUNTY CLERK. THE

CASE IS THEN READY FOR TRIAL. EITHER SIDE MAY HAVE THE COUNTY CLERK. THE CASE IS THEN READY FOR TRIAL. EITHER SIDE MAY HAVE THE COUNTY CLERK ISSUE SUBPOENAS FOR WITNESSES WHO WILL TESTIFY FOR HIM. ANY PERSON WHO REFUSES TO COME INTO COURT AND TESTIFY AFTER BEING SERVED WITH A SUBPOENA CAN BE ARRESTED AND PUT IN JAIL UNTIL HE RESPONDS.

EITHER PARTY MAY INSIST ON A JURY TRIAL. A SIX OR TWELVE MAN JURY CAN BE SELECTED BY THE CIRCUIT JUDGE BUT EACH PARTY TO THE CASE CAN HAVE ANY JUROR DISQUALIFIED IF HE SHOWS THAT HE IS PREJUDICED OR THAT FOR ANY OTHER REASON HE WOULD NOT BE FAIR. AFTER THE JURY IS SELECTED AND SWORN IN (SWEARING TO DO THEIR DUTY) THE PLAINTIFF PRESENTS HIS EVIDENCE BY THE TESTIMONY OF WITNESSES, OR INTRODUCING DOCUMENTS, ETC. THEN THE DEFENDANT PRESENT HIS COUNTER-EVIDENCE. THE CIRCUIT JUDGE RULES ON WHETHER ANY TESTIMONY IS ADMISSIBLE OR NOT IF OBJECTION IS MADE TO IT. THEN EACH PARTY ARGUES TO THE JURY OR TO THE JUDGE IF THERE IS NO JURY. AFTER THE ARGUMENTS THE JUDGE CHARGES THE JURY BY TELLING THEM THAT THEY ARE THE FINAL JUDGES OF THE FACTS BUT THAT THEY MUST APPLY THE FACTS TO THE LAW WHICH HE EXPLAINS TO THEM. THE JURY THEN CONSIDERS THE CASE AND WHEN THEY ALL AGREE ONE WAY OR THE OTHER, THEY RETURN TO THE COURT AND ANNOUNCE THE VERDICT, OR IF THERE IS NO JURY THE JUDGE GIVES HIS DECISION IMMEDIATELY AFTER THE ARGUMENTS.

(B) CRIMINAL PROCEDURE:

SHERIFFS, POLICE OFFICERS OR ANY CITIZEN MAY SIGN A COMPLAINT IF HE SEES A CRIME COMMITTED BY ANY OTHER PERSON. THIS COMPLAINT IS MADE TO THE PROSECUTING ATTORNEY OF THE COUNTY, WHO WILL AUTHORIZE ISSUANCE OF A WARRANT FOR THE ARREST OF THAT PERSON IF HE BELIEVES A CRIME HAS BEEN COMMITTED. THE SHERIFF WILL SERVE THE WARRANT ON THE PERSON AND ARREST HIM AND BRING HIM BEFORE THE JUDGE FOR ARRAIGNMENT. WHEN THE TIME FOR TRIAL ARRIVES A JURY WILL BE SELECTED IN THE SAME MANNER AS IN CIVIL CASES

UNLESS THE ACCUSED PERSON DECIDES NOT TO HAVE A JURY TRIAL AND AGREES TO LET THE JUDGE TRY THE CASE. UNDER THE CONSTITUTION THE ACCUSED PERSON IS ENTITLED TO A LAWYER TO REPRESENT HIM; HE CAN'T BE FORCED TO TESTIFY AGAINST HIMSELF AND IS GUARANTEED A SPEEDY AND IMPARTIAL TRIAL. BY A JURY.

- III. PROPER LEGAL FORMS MAY BE SECURED BY THE COUNTY CLERK, WHO IS ALSO CLERK OF THE CIRCUIT COURT, FROM THE CLERK OF THE SUPREME COURT, WHO HAS CUSTODY OF ALL BOYS STATE LEGAL FORMS.